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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOSSELLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 2, 2002.

I hereby appoint the Honorable VITO FOSSELLA to act as Speaker pro tempore on this day.

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

PRAYER

Rabbi Gerald M. Kane, Temple Beth El, Las Cruces, New Mexico, offered the following prayer:

Dear God, Author of life, Creator of all:

As we gather today in this history-packed, awesome Chamber, we ask Your blessing on our esteemed Representatives as they continue to help chart a course for our Nation and its citizens.

Although the times in which we are blessed to live provide them with many legislative challenges, may they, guided by Your wisdom, seek the very best ways to keep our country free from prejudice, oppression and strife.

In these days of turbulence in our world, keep them steady in their deliberations. Inspire them to continue in their quest, not just for us, but for all citizens of this planet, to promote the values upon which this great Nation was founded: justice, liberty, equality, freedom and peace.

Let Your blessing rest upon them and be near to them. Grant them strength of body, of health, of mind.

Lift up Your countenance upon us all, and grant us Your most precious of blessings, the gift of shalom—balance and peace. Amen.

THE JOURNAL

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

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. MCNULTY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one 1-minute speech at this point.

WELCOMING RABBI GERALD KANE

(Mr. SKEEN asked and was given permission to address the House for 1 minute.)

Mr. SKEEN. Mr. Speaker, it is my pleasure to welcome our guest chaplain, Rabbi Gerald Kane, the rabbi of Temple Beth El in Las Cruces, New Mexico. Jewish pioneers have played an important role in the development of New Mexico for almost 200 years. Since the establishment of the first synagogue in 1883, New Mexico has benefited from the wisdom of many learned Jewish leaders. Rabbi Kane has continued that proud tradition. He grew up in New Jersey and graduated from the University of Buffalo. He was ordained from Hebrew Union College in 1970. For his long record of distinguished service, he received a doctor of divinity from Hebrew Union College in 1995. Rabbi Kane has helped guide many outstanding organizations around the United States. He has worked tirelessly for education and interfaith cooperation throughout our communities. He created programs to stop violence toward women and children and for supporting the battle on mental health. Southern New Mexico has also benefited from his love of the theater and his commitment to bring the arts to students everywhere. I welcome Rabbi Kane to the House of Representatives and thank him for his opening prayer this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will put the question on approving the Journal and on motions to suspend the rules on which further proceedings were postponed on Tuesday, October 1, in the order in which that motion was entertained.

Votes will be taken in the following order:

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Approving the Journal, de novo;

House Concurrent Resolution 476, by the yeas and nays;

H.R. 2357, by the yeas and nays.

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

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 55, answered ''present'' 1, not voting 32, as follows:

[Roll No. 427]

YEAS—343

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

NAYS—55

Aderholt
Baird
Baldwin
Borski
Brady (PA)
Capuano
Condit
Costello
DeFazio
English
Etheridge
Ferguson
Filner
Ford
Green (TX)
Gutierrez
Gutknecht
Hefley
Hilliard
Hinchey
Holt
Hooley
Hulshof
Kennedy (MN)
Larsen (WA)
Latham
Lee
LoBiondo
Markey
McGovern
McNulty
Moore
Nussle
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Ramstad
Sabo
Schaffer
Schakowsky
Sherman
Slaughter
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—32

Barton
Bereuter
Blunt
Bonior
Brown (OH)
Clay
Conyers
Cooksey
Cox
Crane
Davis (FL)
Deal
Deutsch
Ehrlich
Gephardt
Gillmor
Hastings (FL)
Hilleary
Hyde
Johnson, Sam
Levin
Mascara
McDermott
McKinney
Meek (FL)
Platts
Roukema
Sanchez
Schrock
Stump
Tanner
Young (AK)

□ 1029

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COX. Mr. Speaker, on the rollcall votes scheduled for Tuesday evening and Wednesday morning, October 1 and 2, I was unable to vote in consequence of travel outside of Washington, DC.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). 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.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 476.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 476, 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 407, nays 0, not voting 24, as follows:

[Roll No. 428]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson

Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—24

Bereuter
Bonior
Brown (OH)
Burr
Clay
Conyers
Cox
Davis (FL)
Deal
Deutsch
Ehrlich
Hastings (FL)
Hilleary
Larson (CT)
Levin
Mascara
McDermott
Roukema
Ryun (KS)
Sanchez
Schrock
Stump
Tanner
Young (AK)

□ 1037

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 428, had I been present, I would have voted "yea."

Mr. RYUN of Kansas. Mr. Speaker, on rollcall No. 428, I was inadvertently detained. Had I been present, I would have voted "yea."

HOUSE OF WORSHIP POLITICAL SPEECH PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2357.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2357, 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 178, nays 239, not voting 14, as follows:

[Roll No. 429]

YEAS—178

Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bilirakis
Blunt
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gibbons
Gillmor
Goode
Goodlatte
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
LaHood
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Otter
Oxley
Paul
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Portman
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sununu
Tancredo
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—239

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Ganske
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gutierrez
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skeen
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton

Velazquez	Watt (NC)	Woolsey
Visclosky	Waxman	Wu
Walden	Weiner	Wynn
Waters	Wexler	
Watson (CA)	Wilson (NM)	

NOT VOTING—14

Clay	Hastings (FL)	Sanchez
Cox	Hilleary	Schrock
Deal	Hunter	Stump
Deutsch	Mascara	Tanner
Ehrlich	Roukema	

□ 1047

Mrs. BONO and Ms. MCKINNEY changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. GEKAS. Mr. Speaker, this morning during rollcall vote No. 429 on H.R. 2357, I inadvertently cast a vote in the negative. H.R. 2357, The House of Worship Political Protection Act would not have passed had I voted in the affirmative, however, as a principled and strong supporter of the measure, I would like the CONGRESSIONAL RECORD to reflect that is was my intention to vote for the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). The Chair will entertain 15 1-minutes.

AMERICA HAS LOST ONE OF ITS GREATEST SUPPORTERS OF EDUCATION, AMBASSADOR WALTER ANNENBERG

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

Mr. DREIER. Mr. Speaker, yesterday the United States lost a true patriot. Ambassador Walter Annenberg, who represented America to the Court of St. James, was a brilliant business and political leader, patron of the arts, and one of our Nation's greatest supporters of education.

He touched this institution recently as his foundation was among the first to volunteer support for the U.S. Capitol Visitor's Center. Just last month, he underwrote our important trip to New York to memorialize September 11.

I will never forget, 2 years ago at her birthday dinner, when he said that the most important thing he did was to marry Lee. This past Sunday, Lee and Walter Annenberg celebrated their 51st wedding anniversary.

I shall miss his advice, counsel, and encouragement, and I know, Mr. Speaker, that I speak for everyone in this great body when, with appreciation for all that Walter did, I extend our thoughts and prayers to the Annenberg family.

INTRODUCTION OF DIGITAL CHOICE AND FREEDOM ACT OF 2002

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

Ms. LOFGREN. Mr. Speaker, today I introduced the Digital Choice and Freedom Act of 2002. Copyright laws have always sought to strike a fair balance between copyright holders and society. Copyright protection encourages and rewards authors; but, as the Supreme Court stated in Twentieth Century Music Corp. versus Aiken, ''Private motivation must ultimately serve the cause of promoting broad public availability. . . .''

To maintain the balance in the digital age, we must find ways to prevent digital pirates without treating every consumer as one. Yes, digital allows perfect copies to be distributed over the Internet, but digital technology also lets copyright holders control how consumers enjoy the books, music, and movies they buy.

Online publishers do not just set the price, they can control where, when and for how long buyers use and enjoy what they bought, contrary to the intent of Congress and the DMCA.

My bill restores the balance by letting buyers enjoy what they bought in their home, car, or in mobile devices.

The bill also helps copyright holders by promoting digital alternatives that are affordable, reliable, secure, and respectful of consumers. Providing room for technological innovation will also spur economic growth and lead to more jobs.

AMBASSADOR WELCH

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

Mr. PITTS. Mr. Speaker, the U.S. Ambassador to Egypt, David Welch, recently published an op ed in an Egyptian newspaper encouraging newspaper editors to be more careful about vetting articles before publishing them. There has been an upsurge of hate speech and commentary in that region suggesting that al-Qaeda was not responsible for the attack on 9/11. Ambassador Welch rightly pointed out that there is overwhelming and conclusive proof that al-Qaeda planned and executed the attack, including al-Qaeda's own admission.

Newspapers have a responsibility to report the truth, and not to repeat lies and ridiculous rumors. Now our Ambassador has a bunch of Egyptian columnists, writers, and cartoonists angry with him. They issued a statement that he should go back to his country, and accused him of only seeing the region through Israeli eyes.

Egypt is a friend and ally of the United States, but I think it would be appropriate for that country's journalists to treat Ambassador Welch with more respect and to report the truth, just as Ambassador Welch has suggested.

DOMESTIC VIOLENCE AWARENESS MONTH

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

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of National Domestic Violence Awareness Month.

Family violence is an epidemic affecting 25 percent of the population, and women account for 85 percent of the victims of domestic violence; but only half of female victims of violence report an injury, and of those, only 20 percent seek medical assistance.

Mr. Speaker, along with many of my colleagues, I have been working to address and combat the prevalence of domestic violence in our society. For example, the gentleman from Ohio (Mr. LATOURETTE) and I authored legislation to provide women over 18 with the opportunity for domestic violence screening and treatment services.

In addition, the gentleman from Ohio (Mr. LATOURETTE) and I have introduced a bill to establish an Office of Family Violence at the Department of Health and Human Services. This new office would facilitate coordination between the health sector, the justice system, and social services in the prevention of family violence.

This month, let us remember the importance of the national campaign to raise domestic violence awareness. This campaign is critical to eliminating all forms of violence perpetrated against women, children, and men. We must stop the cycle of violence.

INTRODUCTION OF HOUSE RESOLUTION 567, COMMENDING IMPORTANCE OF SURFACE TRANSPORTATION INFRASTRUCTURE COMMUNITY

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, last night I introduced House Resolution 567, commending the importance of the surface transportation infrastructure community. This integral aspect of our economy has continually provided and maintained a system of transportation that facilitates commerce and provides consistent modes of transit for the traveling public.

House Resolution 567 recognizes the construction industry, which has continually provided us with a safe and efficient system of roadways; the trucking and rail industry, which ensures that each town and city in America is promptly provided with the goods and services it needs; and our system of public transportation, for providing us with a safe and viable means of travel.

I also would like to thank the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for supporting this bill.

URGING CONGRESS TO COMPLETE LEGISLATION AUTHORIZING DEPARTMENT OF HOMELAND SECURITY

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

Mr. PENCE. Mr. Speaker, America is about to go to war. One of the fundamental principles of war is that before we project force, we secure our base of operations and supply lines.

In July of this year, the House of Representatives labored mightily for hours and days and weeks to craft legislation creating a new Department of Homeland Security. We passed legislation to secure our base and ensure lines of communication between those who ensure our domestic tranquility.

As we prepare to engage an enemy capable of attacking our Nation and our homeland, I rise today to urge my colleagues in the other body to act. This Congress must not adjourn before the elections until we create a Department of Homeland Security, and prepare this Nation for the realities and the dangers that lie ahead.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will be reminded not to urge action from the other body.

RECOMMENDING PASSAGE OF A COMPREHENSIVE AND BALANCED ENERGY PLAN

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

Mr. REHBERG. Mr. Speaker, another week has passed without a comprehensive and balanced energy plan. In the first 6 months of this year, we paid terrorists an average of $13 million a day for their oil. This must end. Because America does not have a comprehensive energy plan, we continue to purchase oil from the Middle East; but there is a balanced plan, and it does include increasing domestic oil production.

More domestic oil will give us a stable supply and allow us to diminish our dependence on foreign oil. From January to June, we paid $2.3 billion to the countries that give suicide bombers thousands of dollars to threaten the very existence of democracy.

Total reliance on energy resources from nations that harbor animosity towards America and our allies must become a thing of the past. Mr. Speaker, we need to unify as Americans and pass a comprehensive and balanced energy plan. The security of our Nation depends on eliminating our dependence on foreign oil.

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

Mr. WELLER. Mr. Speaker, pursuant to House Resolution 547, I call up the resolution (H. Res. 543) expressing the sense of the House that Congress should complete action on H.R. 4019, making marriage tax relief permanent, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of H. Res. 543 is as follows:

H. RES. 543

Whereas there are more than 36,000,000 American working couples that are affected by the unfair marriage tax penalty;

Whereas this unfair tax punishes our society's most basic institution by discouraging couples from getting married;

Whereas this burdensome tax forces married couples to pay higher taxes than they would if they were single;

Whereas a bipartisan majority of the House of Representatives passed H.R. 4019 on June 13, 2002, permanently extending the marriage penalty relief provided by the Economic Growth and Tax Relief Reconciliation Act of 2001;

Whereas failure to enact permanent marriage tax relief will reimpose the unfair marriage tax penalty after 2010 on more than 36,000,000 married working couples;

Whereas permanent marriage tax penalty relief will encourage and promote the values of marriage, family and hard work; and

Whereas the Senate has not passed H.R. 4019 or equivalent legislation: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Congress should complete action on H.R. 4019 and the Congress should present it to the President prior to adjournment of the 107th Congress so that 36,000,000 married couples can benefit from permanent marriage penalty tax relief.

The SPEAKER pro tempore. Pursuant to House Resolution 547, the gentleman from Illinois (Mr. WELLER) and the gentleman from California (Mr. MATSUI) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER).

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

Mr. Speaker, I appreciate the opportunity to bring House Resolution 543, expressing the sense of the House that Congress should complete action on H.R. 4019, before the House today.

H.R. 4019, which passed the House on June 13, 2002 by an overwhelming bipartisan vote of 271 to 142, makes the marriage tax penalty relief provisions of the Economic Growth and Tax Relief Act of 2001 permanent.

There are 42 million American working families, 42 million American working couples, that are impacted by the unfair marriage tax penalty and who would benefit from this legislation.

My colleagues and I have often asked ourselves, is it right, is it fair, that under the Tax Code, that 42 million married working couples pay on average higher taxes, almost $1,700 more, just because they are married. Is that right? Is it fair that we punish society's most basic institution? We need to permanently eliminate the marriage tax penalty.

□ 1100

Last year's tax legislation, which we nicknamed the Bush tax cut, included efforts to eliminate the marriage tax penalty. It was signed into law by President Bush on June 6, 2001. Unfortunately, that legislation was temporary and expires in just a few short years.

We helped married couples in a number of ways by eliminating the marriage tax penalty. First, we doubled the standard deduction to twice that of singles, helping families that do not itemize their income taxes. It is estimated that 21 million American families will be affected by provisions relating to the standard deduction each year.

Second, we help those who itemize such as home owners and those who give to their church, charity or synagogue by widening the 15 percent tax bracket. And it is estimated that 20 million American couples benefit from the widening of the 15 percent tax bracket to twice that of singles.

Third, we also help the working poor by eliminating the marriage tax penalty which existed in the earned income credit. This is currently helping 4 million low-income working couples annually, many who have children.

Since 1969 our tax laws punished married couples when both the husband and wife were in the workforce. For no other reason than to be joined in holy matrimony 42 million married working couples who are both in the workforce pay higher taxes, what we call the marriage tax penalty, each year. They pay more in taxes than if they just lived together as two singles.

Not only is the marriage tax penalty unfair, it is just plain wrong that our Tax Code has punished society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and also on lower-income couples with children, all the more reason to make this legislation permanent.

Many are familiar with a young couple from the district that I represent, Shad and Michelle Hallihan and how they suffered the unfair marriage tax penalty. And I have also recently introduced another couple from my district, Jose and Magdalena Castillo of Joliet, Illinois. And Jose and Magdalena Castillo have a combined salary of almost $82,000 a year. Jose earns $57,000 and Magdalena earns $25,000. They suffer on average a $1,125 marriage tax penalty. They have two children, Eduardo and Carolina. And as a result of the tax law passed last year, their marriage tax penalty will be reduced under the Bush tax cut under the marriage tax penalty provisions by $1,125; and that is real money in Joliet, Illinois. This represents a 12 percent overall tax cut for the Castillo family.

Imagine the opportunities that this creates for the Castillo family and millions of other middle-income working families benefiting from our efforts to eliminate the marriage tax penalty. With that $1,125 the Castillos can start saving for their children's college education, save for their retirement, or put a small down payment on a new home. The bottom line is the marriage tax penalty of $1,125 or the average marriage tax penalty of $1,700 is real money to real American working families.

Overall, in my home State of Illinois 1,149,196 couples will receive a total of $2 billion in marriage tax relief because of tax law changes that we have passed into law this past year.

What Congress must do now is to make sure that American families know that this much deserved tax relief will not be taken away. Think about that. Married couples are now threatened with higher taxes unless we make our efforts to eliminate the marriage tax penalty permanent. We must make marriage tax penalty relief permanent for 42 million American working couples. That is 84 million taxpayers that benefited from our legislation.

As unfair as the marriage tax penalty is, it seems even more unfair to consider telling couples like Shad and Michelle Hallihan or Jose and Magdalena Castillo that in a few years they must bear the burden of higher taxes, and in Jose and Magdalena's case it will be $1,125 in higher taxes if we fail to make our efforts permanent and permanently eliminate the marriage tax penalty.

As my colleagues already know, the House has passed our legislation, overwhelmingly passed this legislation with an overwhelming bipartisan vote. Almost 60 Democrats joined with every House Republican in voting to eliminate the marriage tax penalty permanently. But the Senate has not yet acted.

Mr. Speaker, H. Res. 543 expresses the sense of the House that H.R. 4019 should become law. H.R. 4019 is a good bill that encourages and rewards the values that we most hold dear: marriage, family, and hard work. I encourage and ask my colleagues in this House to vote for H. Res. 543, making marriage tax penalty relief a permanent part of our Tax Code. Let us not raise taxes on working families. Let us keep this marriage tax penalty relief permanent and prevent that tax increase.

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

Mr. MATSUI. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, just so everyone understands exactly what we have before us on the floor of the House today, this is a resolution. And this resolution basically asks the Senate to consider a bill that we passed some months ago and sent to the Senate. And what is somewhat interesting about this resolution is that when one sends a bill to the United States Senate, one expects the Senate to understand that since the majority of Members sent it over there, that we support it as a body and, therefore, we request that they take action on it.

And so what we are doing today basically is meaningless. It has no relevancy. And it is just basically taking up a lot of our time because the other body knows that we want a piece of legislation that was sent over there to be passed. We do not have to tell them again.

And if some people feel anxious about this, which obviously some people do, the best thing to do is walk over there. It takes about 5 minutes to walk to the other body and suggest to the other body that they take it up. And if the other body says, I do not want to take it up, then ask why, and then you can begin a dialogue. But to send over a resolution that is meaningless, that has no relevance, again, is wasting our time.

Now, I have to say that there are three issues that we have to decide before we adjourn in another week or 2 weeks. One, obviously, is the issue of Iraq, a very important issue and one that we all have an obligation to address.

The second issue, obviously, is our war against terrorism. And hopefully we will be able to take action on that in terms of the Homeland Security Department and others over the next couple of weeks.

The third, obviously, is our national economy. And that means we have an obligation to the American public, to those people that are working so hard in the Federal Government, to pass the 13 appropriations bills and get them to the President of the United States so that he can sign them. And what is interesting is the fact that as of October 1 we have started a new fiscal year, but we have not yet sent one appropriations bill to the President.

Now, I believe we have passed five in this body and we have sent them over to the other body. But we have eight more that we have not taken up yet. In fact, some are very ready to go because they have passed the subcommittee and Committee on Appropriations, but they are still not brought up. And this all relates and pertains to the economy, Mr. Speaker.

The economy in this country today has major problems. And for us to be talking about a marriage penalty, by the way, which, incidentally, even if we were bringing up the legislation and not a resolution today, this bill that the gentleman from Illinois (Mr. WELLER) is talking about really will not take effect until the year 2010, 8 years from now, 2010. And so what we are doing is not only not relevant, but, secondly, it is not relevant for at least 8 more years or the year 2010. And so what we really should be doing is focusing on our national economy.

Just this last week there were over 400,000, 400,000 claims for new unemployment benefits in this country. The stock market since President Bush has taken the oath of office in January 2001 has gone down 4,000 points, about 38 percent. The average American and many pension funds have lost in excess of $17 trillion, $17 trillion because of the 4,000-point drop in the stock market.

And as a result of that, we should be taking up issues that the American public will be helped by, that will become relevant to the American public, not issues that are 8 years off, not issues that are somewhat meaningless in terms of the individual problems that people have at this particular time. We should be taking up issues, frankly, that have meaning to this economy, the average American, and to those many Americans who have lost their health insurance benefits and also their unemployments benefits.

We have that obligation. That is why we were sent here, to represent the American public on issues that are long term, not marriage penalty that will come into effect in the year 2010, but long-term problems such as Iraq, such as the homeland security issue, and also problems facing the average American today like our national economy.

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

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

Mr. Speaker, I would note to my good friend from California (Mr. MATSUI) that there are 48,251 married couples who will see higher taxes in the fifth district of California unless we make permanent the elimination of the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of H. Res. 543 and want to commend the gentleman from Illinois (Mr. WELLER) for his leadership on this issue.

Throughout the history of civilization, marriage has been a fundamental building block of society. If it were not for strong families, I think it is safe to say our country would not be the great country that it is today. But this government for far too long has been actually punishing families for staying together and punishing couples for getting married in the first place.

Now, the Welfare Reform Law of 1996 went a long way to reversing this. Unfortunately, some in this Congress want to roll back those reforms, and the authorization bill still has not passed the other body. But the Tax Code itself penalizes couples for getting married. That is absolutely wrong. We had fixed it last year, but it was only a temporary fix. This year, we in the House have passed a bill to make that fix permanent, as it should be. Unfortunately, the other body has not seen fit to bring it up for a vote so that it cannot go to the President and become law.

Mr. Speaker, this is very important legislation. I hope on behalf of every American couple that we can make repeal of the marriage penalty permanent this year. I thank, again, the gentleman for his leadership on the issue.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to myself.

Mr. Speaker, since the gentleman from the State of Illinois (Mr. WELLER) was kind enough to advise me of the amount of marriage penalty relief in the year 2010 and beyond that Californians will receive, I thought it would be important just to reciprocate and advise the gentleman from Illinois (Mr. WELLER) that in the State of Illinois 169,000 unemployed people would be benefited just by extending the unemployed benefit insurance program by a few months. And it would seem to me that that is what we should be doing now, taking care of those people that are unemployed so they can begin to spend money and maybe jump-start our economy and create a little more consumer purchasing power.

Second, I might just point out too, and we do not need to get into the substance of this issue but perhaps it does make some sense, we are predicting deficits as far as the eye can see. And a vote in favor of this resolution, just as a vote we took some months ago on extending the marriage penalty beyond 2010, will invade the Social Security trust fund, thereby further jeopardizing Social Security recipients that are currently receiving benefits. And I think that the American public should be aware of that.

Mr. Speaker, I yield 3 minutes to the gentleman from the State of Michigan (Mr. LEVIN), a member of the Committee on Ways and Means and the ranking Democrat on the Subcommittee on Trade.

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

Mr. LEVIN. Mr. Speaker, I wanted to pick up the theme of the gentleman from California (Mr. MATSUI), actually both themes.

One of the issues is fiscal irresponsibility, and what the gentleman from Illinois (Mr. WELLER) and others are suggesting is we have a deep hole, so dig it deeper. And as the gentleman from California (Mr. MATSUI) has pointed out, what you are digging out are Social Security monies. These are monies that people pay in taxes for Social Security; and that is the height of fiscal irresponsibility.

But I want to comment on the second theme about unemployment compensation. It is disgraceful that the majority intends to leave here without raising one little finger to help people who are unemployed through no fault of their own in this country. We passed earlier a temporary emergency unemployment compensation program. It terminates on December 28, 2002; but you have not done a darn thing to try to extend it or improve it.

□ 1115

So here are the numbers and the gentleman from California (Mr. MATSUI) mentioned Illinois, but what is true of Illinois is true throughout this country as unemployment stays high; 860,000 workers whose benefits ran out by the end of September and who remain unemployed. This is through no fault of their own or they would not be receiving this money. Add to that 610,000 who are going to, this is an estimate, exhaust their benefits, UC benefits in the final three months of this year.

So we are now up to what, a million and a half people, most of them with families, and then we have another 820,000 unemployed workers who will have their TEUC benefits cut off at the end of December when the program ends. Then added to that, an estimated 800,000 who are going to exhaust their regular benefits for unemployment in January and February. The numbers are staggering.

These are human beings, most of whom have worked all of their working lives and my colleagues come forth here, not having done anything to address their needs, and they want to pass a bill about 2011. What about 2002? What about October, November, December of 2002, not 2011? What about January, February, March of 2003?

This shows the difference between these two parties.

Mr. WELLER. Mr. Speaker, how much time remains, if I might inquire, on each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Illinois (Mr. WELLER) has 22 minutes remaining and the gentleman from California (Mr. MATSUI) has 21 minutes remaining.

Mr. WELLER. Mr. Speaker, as I prepare to yield to the gentleman from California, I have a note to my good friend of Michigan, that there are 61,086 married couples. So if we multiply that by two, that is 122,000 taxpayers in the 12th District of Michigan who will pay higher taxes, just because they are married, if we fail to make elimination of the marriage tax penalty permanent.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

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

Mr. CUNNINGHAM. Mr. Speaker, I know the other side of the aisle talks that we have not passed any appropriations bills. The Senate, the other body, has only sent the House two bills. I am very careful, I am not going to bad mouth the Senate. I am just making a fact. They have only sent us two appropriations bills, Defense and MILCON which we are going to act upon.

We have sent them 54 bills that the Senate has not acted upon. Some of those are critical. The marriage penalty is the issue, but some of these bills my colleagues talk about like workmen's comp corporate accountability, the energy bill that is critical for California, we have seen the brownouts and the blackouts that we had in the State of California.

Look at the home land security bill. I do not think we ought to leave this body in the House until the Senate has acted on homeland security and leave America vulnerable. We should pass that particular bill but let us just say that since the other body has only sent us two bills, and I cannot talk about what the Senate is doing on the floor, let us take any other body out there, anybody, not the Senate, but let us just say that the House has a budget and this other body has not passed a budget.

Let us say that we have acted in a fiscally responsible way, but yet whatever this other body is, it has no budget, on every bill that they just propose that they add $1 trillion for prescription drugs. They propose that we add $278 billion more in Labor HHS. They propose that we do all these things, knowing that there is no way that when we come to conference, we can do that without bankrupting the country. Yet that other body wants to beat up on Republicans because they will not do their appropriations bills and play the game of politics for the election.

We are not going to play that game. We are going to pass the bills. We are going to do it responsibly. And we will pass a continuing resolution.

I would tell my friends on the marriage penalty, it is wrong. We should give incentive for people getting married, not penalize them. It is not a tax break for the rich. If a person gets married, I want to tell my colleagues, to start off today in a household, my daughter is getting married this next summer. I can tell my colleagues, her husband is a teacher. She is going to be a librarian. They will not make a whole lot of money, and tax relief for getting married will help my daughter and her husband get along. Needless to say, we are going to have to help them get into that first house, and I think many of my colleagues have children for whom they do the same thing.

So it is not a tax break for the rich. It is just wrong to penalize married couples, and let us make this permanent so that millions of Americans will receive the benefit of the marriage penalty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. While the Chair would congratulate the gentleman from California on being skillful, under our constitutional scheme, the other body he is referring to could only be one other body, and all Members are reminded to avoid characterizations to actions or inactions taken in the Senate.

Mr. MATSUI. Mr. Speaker, I yield myself 1 minute just to make an observation to the gentleman from California (Mr. CUNNINGHAM) who I have a deep amount of respect for and is really a wonderful colleague of mine.

I might just point out that he had said his son was getting married in a

few months. My son got married three months ago, but I do not think it makes him feel any better if I tell him that we just passed a resolution to instruct the Senate to take action on a bill that will not take effect until 2011. I do not think that makes him feel he is anymore richer or anymore secure in terms of his economic well-being.

That is what we are talking about: doing something that is irrelevant at a time when in California, I might also point out to the gentleman who just spoke, we have 404,000 Californians that have lost their unemployment benefits; in addition to that, their health insurance benefits. And so unless we take action to extend these unemployment benefits, it is going to be catastrophic to many of these people.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Maryland (Mr. CARDIN), a member of the House Committee on Ways and Means, a member also of the subcommittee that has jurisdiction over welfare reform.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me this time.

Mr. Speaker, this resolution we are going to be spending our time working productively on in this body, but it does give us a chance to talk about the economic program that the Republicans have brought forward, an economic program that has cost this Nation 2 million jobs since March of last year, hardworking people who cannot find employment, people, through no fault of their own, who are now drawing unemployment insurance or who have exhausted their unemployment insurance, people who are trying to maintain their dignity and their mortgage, but instead of addressing their concerns and extending unemployment compensation for the millions of people who have exhausted or will exhaust their unemployment insurance, we are talking about a resolution that has no impact for a long time if it were acted upon by the other body.

Two point seven people seek a job for every job that is open in this country. We do not have enough employment opportunity. We need to have a safety net for those people who are unemployed. Since we debated the resolution last week on this floor, 50,000 more Americans have exhausted their unemployment insurance, and yet this body does nothing to deal with that.

1.5 million Americans are long-term unemployed. 8.1 million Americans are unemployed today. That is as high as it was in March of this year when we acted on an unemployment extended benefit program. The problem is that if we do not act again, the next time we will have a chance to do this will be 5 months from now, and in that 5-month period, 3 million Americans will either lose or exhaust their unemployment insurance.

Mr. Speaker, in 1992, the last recession that we had, this body, the Congress of the United States, enacted 26 weeks of extended benefits on top of the regular unemployment insurance. In this recession, we have done only half as well, 13 weeks. In the last recession, we extended it for 2½ years. We have only done it for 9 months, 9½ months during this recession. It is just not right, Mr. Speaker.

We should be using the time on this floor today to act for the people who need our help today and not on a resolution that has no impact. I think the American people should be outraged that we are not taking the time available to do what is right for this Nation and protect the people who, for no fault of their own, have lost their jobs. We have always done it in the past in a bipartisan way. Democrats and Republicans have come together through every recession in the modern history of this Nation to protect those people who are unemployed, but somehow we do not have time for that in this Congress. Shame on the Republican leadership.

Mr. WELLER. Mr. Speaker, before I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM) to respond to his colleague's comments, I do want to point out that in the 3rd District of Maryland that there are 66,851 married couples who will suffer higher taxes if we fail to make permanent the elimination of the marriage tax penalty. That is why we are here today, to talk about elimination of the marriage tax penalty.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, first of all, I tell my colleague, I have got a daughter, not a son, and I have an adopted son, but I am speaking about my daughter.

I would also, when you look at jobs lost in the State of California, Governor Davis frittered away billions of dollars, but now because of energy crisis Buck Knives is moving to Idaho, they save a half a million dollars a month. When my colleague wants to look at loss of jobs and lack of leadership of our governor, take a look at that and how it has affected every job in California.

We have the highest workmen's comp of any of the States in the Nation in the State of California, but if we take a look, a lot of our businesses are leaving because of Gray Davis.

Mr. MATSUI. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from the State of Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, I am coming to this side of the aisle this morning so my remarks can be heard by my Republican colleagues, especially the gentleman from Illinois (Mr. WELLER).

What are we doing here today? We have before us a resolution which tells the Senate to take up legislation to make the marriage tax repeal permanent. Are they going to get this resolution and take it up? No, because they are debating homeland security. They are going to start debating the President's resolution to provide a preemptive strike on the country of Iraq, and so they have other things that they are doing. So let us see what we are doing.

We are passing a resolution today to ask the Senate to take up a bill that we passed some time ago. What is not being really told here today is that the repeal of the marriage penalty is already law. The President signed that bill last year, and so we are being told by the gentleman from Illinois (Mr. WELLER) that this family from his District, the Castillos, are going to suffer the loss of this marriage penalty which benefits them some $1,125 unless we make this repeal permanent.

Mr. Speaker, the problem is that the Castillos have received nothing from repeal of the marriage penalty. The reason is it does not start to phase out until the year 2005. So the Congress, with the gentleman from Illinois' (Mr. WELLER) support repealed the marriage penalty beginning in 2005 and phasing it to total repeal in 2010. Then what they did in 2011, it comes back into being.

The point I am trying to make is he says that the Castillos are going to get $1,100 and they can do such things as day care for their children.

□ 1130

They can start saving for education for their children, their retirement, or the downpayment on a new home. That is all nonsense. The Castillos in 2002 are going to get zero, in 2003 they are going to get zero, in 2004 they are going to get zero, and in 2005, when we start the phaseout, they will get a total of about $223. So what we are doing here is sheer and utter nonsense.

If my colleague wants to tell the Senate to take action on this bill or any other bill, he can call his two Senators. The taxpayers gave us a phone in the office. Call them.

So the things we are hearing today are just total nonsense. And why are we doing this debate? Well, because the House does not want to take up the appropriation bills. We have passed five of 13 appropriation bills. The Federal fiscal year started yesterday. Eight bills are sitting there waiting for action, and the Republicans in the House of Representatives want to go on telling the Senators what to do. Well, if I were a Senator, I would call the House and say, Do not tell me what to do; I will tell you what to do: take up the other eight appropriation bills. Or, let us start talking on this floor about the shabby state of the economy.

Thousands of jobs have been lost since this President took over. The market has gone down by some 38 percent, meaning millions of Americans have lost trillions of dollars in their retirement accounts. Unemployment has gone up. Yet what are the Republicans talking about in the House of Representatives? Telling the Senate what

to do. Let us talk about the economy. Let us debate how we are going to get this ship back on course. The administration is not doing it. They are incensed with starting a war with the country of Iraq and every day their arguments keep shifting.

And if in fact we do that ill-fated deed, that will cost $9 billion a day, adding to the deficit. When this President took over, we had a surplus as far as the eye could see. My colleagues, today we have a $165 billion deficit, and it is growing.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to note that besides the 548,859 married couples in Wisconsin that will suffer higher taxes if we fail to make permanent the elimination of the marriage tax penalty, the left wing policy gurus for the Democratic party, like Stanley Greenberg, James Carville, Robert Shrum of the Democracy Corps noted in their strategy memo to the Democrats earlier this year that they really need to get behind some of their own initiatives on tax cuts. And making permanent the abolition of the marriage penalty is something that the left wingers even recommend. And I would note that 60 Democrats did vote with us earlier this year to make permanent the elimination of the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), a leader in helping working families.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of House Resolution 543, calling upon Congress to make marriage penalty relief permanent.

I can think of fewer provisions in the Tax Code that are more offensive than the marriage penalty tax. Why we would continue to punish dual-wage earning families in this regard is absolutely obscene. Congress did the right thing in providing significant relief for over 35 million low- and middle-income married couples when it passed the Economic Growth and Tax Relief Reconciliation Act last year.

Unfortunately, the law with it, the marriage penalty relief provisions, will expire in the year 2011. What happens if the law expires? First, the standard deduction for 21 million married couples will be reduced, forcing an increase in their taxes. Second, the 15 percent tax bracket for married couples will be reduced, thus increasing taxes for 20 million married couples. Overall, we will be looking at a $25 billion tax increase on married couples by 2012.

The time to act is now. Delaying action will, under our scoring rules, only increase the revenue needed to make the current provisions in the Tax Code permanent. This is not a Republican issue or a Democrat issue; it is a families issue. In that regard, I hope we can amass a broad bipartisan vote on this resolution and send a signal to all Americans that we will resolve this issue soon.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in a little over three months, my wife, Libby, and I will celebrate our 34th wedding anniversary. But I recognize that not every family in this country and every individual in this country has been as fortunate as we have. Some have had their marriages cut short by war. Indeed, the very disparity in the Tax Code that is currently called the marriage penalty originated when a World War II widow, who had lost her husband in the defense of our country during the great victory in World War II, came to Congress and said: ''I lost my husband. Why should I have to pay higher taxes than those who did not lose their husband and remain married?'' She said, ''This constitutes discrimination against widows.'' In response, the Congress tried, though not with great perfection, to correct that penalty.

This is not a debate about the marriage penalty. I have yet to meet a Member of this Congress, in any of the several sessions we have taken up this measure, that has not voted in one form or another to correct the marriage penalty. This is totally about distraction from the ineptness of this Congress.

Now, the specific proposal that the gentleman from Illinois (Mr. WELLER) is advocating is very relevant to our current time. Because, clearly, since Americans will have to do almost all the dying in the war that the Administration wants to start against Saddam Hussein, we will have more war widows in this country. And under the proposal of the gentleman from Illinois, he proposes that those war widows and widowers will have to pay higher taxes than married couples in the same situation.

Additionally, if a woman leaves her husband because she has been battered, she will have to pay higher taxes than a similar woman in the same situation who remains married. If one chooses to be single for whatever reason that individual also will have to pay higher taxes than those in a similar situation who choose to be married.

This is a single person's discrimination act. It does not maintain neutrality without regard to marriage, as it should. That neutrality concept is the one that I favor for our tax code.

There is one aspect of this tax program that has been completely effective, and I think credit is due to the gentleman from Illinois, the Republicans, and the Administration for its effectiveness. If you are an investor and you are getting your third quarter statement about now, you show only losses, no gains. These folks have given you a 100 percent tax cut with this Bush stock market because you do not have any investment income on which to pay taxes. So that aspect of their program has been very effective in cutting taxes.

If you are one of the more than 2 million people who have lost their job since the beginning of last year, you have no earnings to report. Republicans have provided a 100 percent tax cut for you.

This economy and the whole legislative process related to it, have been very effective in reducing the taxes for some Americans. Unfortunately, because Republicans, through this and related resolutions, focus on what might happen in 2011 instead of what is happening in 2002, this has left many Americans behind; many Americans with empty pockets. So these Americans will not be paying any taxes, but they will not have any income either.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to note, in response to my colleague's claims that somehow single people would pay higher taxes under the legislation signed into law last year, that that is absolutely false. The marriage tax elimination legislation actually makes the Tax Code neutral. So that two single people living together or two married people living together, who are all in the workforce, do not pay higher taxes. So whether you are single or married, we make the Tax Code neutral so that married couples do not pay higher taxes just because they are married.

And let us remember that 58,612 married couples suffer the marriage tax penalty. We want to eliminate it personally. We need bipartisan support in both bodies to achieve that.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I urge my colleagues to consider the consequences that the marriage tax penalty holds for married couples and for those considering marriage. The American people are asking why couples should be penalized $1,400 just for saying ''I do.''

Those who choose marriage as a way of life to raise their children in America today deserve to be rewarded and not penalized. The marriage tax penalty discourages couples from entering the sacred institution of marriage. Married couples with stay-at-home mothers often have to seek out employment while trying to raise a family just to pay their taxes.

While our recent tax cuts began the process of alleviating the tax burden on married couples, one simple truth remains. The marriage tax penalty will be back in full force by the year 2011, when the scheduled cuts will expire and the penalty will be reinstated.

I urge each of us to consider the negative consequences that await us if the marriage tax penalty is not permanently removed. Let us end this regressive tax once and for all.

Mr. MATSUI. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from the State of Indiana (Mr.

VISCLOSKY), a member of the House Committee on Appropriations.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman yielding me this time, and if I could ask my colleague from Illinois (Mr. WELLER), my good friend, a question before I begin my remarks, I would appreciate that opportunity.

At the end of most of my colleagues' comments, the gentleman from Illinois has pointed out his assertion as to how many couples, working families, et al would be benefited. I am from the first district in Indiana. I thought perhaps we could begin my discussion with those figures now instead of ending with those.

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

Mr. VISCLOSKY. I yield to the gentleman from Illinois.

MR. WELLER. What is the gentleman's question again?

Mr. VISCLOSKY. Would the gentleman have an assertion as to how many working families in the First Congressional District he would assert are benefited because of the resolution on the floor today?

Mr. WELLER. If the gentleman will continue to yield, and, of course, I am on the gentleman's time, I would note that the only people who suffer——

Mr. VISCLOSKY. Does the gentleman have a number?

Mr. WELLER. The only people who suffer the marriage tax penalty——

Mr. VISCLOSKY. Do you have a number?

Mr. WELLER. The only people who suffer the marriage tax penalty——

Mr. VISCLOSKY. Well, I will reclaim my time if you do not have a number.

Mr. WELLER. Are those who are working. And there are 54,601 married couples in your district, sir, since you asked——

Mr. VISCLOSKY. Mr. Speaker, I reclaim my time.

Mr. WELLER. Who are working and suffer the marriage tax penalty benefit under this legislation.

Mr. VISCLOSKY. I take my time back, Mr. Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The time has been reclaimed by the gentleman from Indiana. The Chair would appreciate the courtesy of all Members in only speaking when yielded time.

Mr. VISCLOSKY. Mr. Speaker, reclaiming my time, I also have a statistic. There used to be 6,700 working families in the First Congressional District. They are not going to be benefited by this resolution, and not because of the reasons that the gentleman from California (Mr. MATSUI) stated, that this is meaningless for the next 8 years. It is because they have lost their job since George Bush became President and the 107th Congress began; 6,700 people do not have a paycheck. They do not have to worry about this resolution.

I must tell my colleagues that last week, under similar circumstances, I suggested I was tired. Today, I am surprised, with the record of the majority over the last 2 years of getting things done. My Republican colleagues have turned a surplus of $237 billion into a deficit of $165 billion; they have turned economic growth into a recession.

The Dow Jones Industrial Average was at 10,646 at the beginning of this Congress. Under Republican leadership, yesterday it closed at 7,863. My colleagues have also been able to turn median household income around. It has declined. It has declined from $43,100 to $42,200. Maybe they do not quite need as much help.

The resolution today talks about making permanent a tax change. Hopefully, by 2010, these aberrant facts will have changed. But two things have become permanent under my colleagues' leadership. I have people who have permanently lost their jobs in the domestic steel industry, and they are never going back. Many of those people permanently lost their health insurance. They are never getting it back. Many of those people at LTD, who permanently lost their job, permanently lost their health care, permanently, forever, the rest of their lives, lost part of their pension.

We ought to be voting on 4646 to provide people who used to have a job with some real health care protection. That is what we ought to be doing today.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to remind my colleague from Indiana, who is a friend, that there are 606,024 married working couples who suffer the marriage tax penalty and will face higher taxes unless we make permanent our efforts to eliminate the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), who has been a real leader in efforts to help working families.

□ 1145

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate the gentleman on being persistent on this issue over the years.

There are not many issues we agree on in this Chamber, particularly as we come up to an election, but this is one where I think we have a consensus, which is that just by the act of getting married, one should not have to pay higher taxes. Married people should not pay higher taxes than those who might be living together, but not in marriage as individuals. That is the principle behind this legislation.

Because of a Senate procedural quirk, the legislation which passed this House on a bipartisan basis was not able to be permanent. It had to be a 10 year, now because we are 2 years later, 8.5 year piece of legislation so that this marriage penalty relief that this House agrees on on a bipartisan basis expires in 8 short years. If we do not make this permanent, what will happen? It means that $17 billion will be increased in terms of taxes in 2011, and there will be a $25 billion tax increase in 2012 to primarily middle-income married couples who otherwise would benefit from the marriage penalty relief which passed this House.

All we are saying today is let us make this permanent. We heard my colleague talking about the economy, and I could not agree with the gentleman more. We have a serious economic problem that started in the spring of 2000, as any economist knows, during the Clinton administration. The downturn got pretty deep over the next several months, and hopefully we are now coming out of it based on all the economic data. But my colleague was suggesting that because we are in an economic downturn, although hopefully we are coming out of it, that somehow we should not make the marriage tax penalty permanent.

I guess I would ask the gentleman, going back to the philosophical basis here, should people who are married pay significantly more taxes than if they were single living together? The philosophy here is one that there seems to be a consensus on in this House, and the question is should we make this a tax law change, which is to say, we change the code on a permanent basis. Congress can always come back and revisit any of our tax law legislation; or should we have an absurd situation where it is going to be in place for the next 8 years, and then it will suddenly expire and we will go back to previous law where again 36 million low and middle income married couples will end up paying higher taxes to the tune of $17 billion in 2011, and $25 billion in the year 2012. That does not seem to make sense.

This resolution, I think, is important just to shine light on this issue. This is one issue that we could resolve on a bipartisan basis. Admittedly, it is unlikely the Senate will act, but it is possible. If the Senate were to act, I think it would be a strong bipartisan vote on the floor of the Senate, and the House would eagerly take up the legislation, get it to the President who would happily sign it and enact it into law. I thank the gentleman for raising it today. I hope this is one issue we can resolve.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a distinguished member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. Time and time again this year, rather than being in a posture to work with the other side of the aisle on issues that really matter, the budget, the economy, Social Security, health care, corporate responsibility, growing unemployment, education, instead of working on those issues, we find ourselves again debating imprudent and ill-timed public policy.

Why imprudent? Well, we were told by President Bush upon his assumption

of office that we would have massive surpluses so we could afford tax cuts which are weighted towards the wealthy. Today we are in deficits just 2 years into this presidency.

Persistent recession, we were told last year this will only last a few months, we will be out of this. But we continue to be mired in recession.

Regarding homeland security needs, 2 years ago when the President assumed office, he could not have expected that we would need to devote so many of our resources to protect the homeland and to deal with terrorist threats abroad.

Education, we have a President who is reneging on his promise to fund education, even under his own bill which he calls the No Child Left Behind Act.

On health care, we all know the stories of seniors having to make decisions between their rent or their prescription drugs. Ill-timed and ill-conceived. The timing could not be worse. We are talking about the possibility of this country engaging in war which will cost tens of billions of dollars. We are talking about an uncertain future for a country that has got a stock market that is plunging. And we talk about Americans who, today and every day, are losing their jobs because we have a government leadership that is not focusing on putting people back to work.

Mr. Speaker, it seems evident that the priorities of my friends on the other side of the aisle, above all else, and at the expense of addressing the growing unemployment in this country, above all else and at the expense of providing money for our schools, above all else and at the expense of dealing with our growing health care crisis, that their priority is to ensure that upper-income Americans are ensured tax cuts a decade from now because this policy does not affect today or tomorrow or the day after. It is a decade from now.

We have got sight of Iraq and Saddam Hussein now, and we are talking about debating, after we should have finished a budget for the Federal Government and we have not, we are talking about doing something 10 years from now for people whom we do not know what circumstances they will be in.

Mr. Speaker, unemployment is increasing. More than 2.5 million people are unemployed today versus when President Bush took office. Two years ago, there was growing job creation. 1.7 million jobs were created 2 years ago. In 2000, 1.7 million jobs were created. In 2 years, we have lost virtually every single one of those jobs.

Poverty is on the rise for the first time in more than 8 years. We have seen the ranks of the poor increase by over 1 million people. Incomes are falling for the first time since 1991. Hundreds of thousands of people are filing for bankruptcy. Almost 800,000 Americans filed for bankruptcy in the first half of the year 2002. Mortgage foreclosures are at a record high. The Federal budget deficit has increased.

Mr. Speaker, we have work to do, and it is now, today, not in 10 years. It is for all Americans, not just wealthy Americans. Let us move on from here and do the real work of the Congress.

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

Mr. Speaker, I would note to the gentleman who spoke in opposition to eliminating the marriage tax penalty that there are 2,752,159 married working couples in California, and 44,685 married working couples in the 30th Congressional District of California who will face higher taxes unless we make permanent the elimination of the marriage tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time.

The statement that we just heard from the gentleman on the other side of the aisle was essentially aimed at one point, and that is because Saddam Hussein is in Iraq, the worry about the economy and so on, we ought to raise taxes on everyone; and we ought to do so on schedule, a little less than 10 years from now.

At once I heard that is so far off from now, why are we worried about it? And on the other hand, if we do not have that tax increase a few years from now, then all hell is going to break lose.

The truth is that 36 million married taxpayers, low and middle income taxpayers, deserve to be treated fairly. Americans should not be taxed more because they are a working woman. When a woman goes to work, her husband goes to work, she ought to be treated the same as every other American. But, we have a penalty right now if married couples work, and they do not pay taxes the same way as two Americans would if they were two men sharing an apartment. They do not pay taxes the same way that they would if they were a man and woman who were not married. It is discrimination, plain and simple, against working families, against working couples. It is wrong. That is why we want to get rid of the marriage tax penalty. It is unfair. It is immoral for the United States to do this.

We did, in fact, pass a law here that has been signed by President Bush to repeal the marriage tax penalty, but in the Senate, which we are now privileged to call it on the House floor, because of their arcane budget rules, they put in this poison pill which had a time bomb that will blow up in 2011 and then hike taxes on 36 million married people. That is wrong. This says let us fix it, and we shall.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair reminds all Members that characterizations of the rules of the Senate or of the Senate are not appropriate.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means, to close.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, there is an easy way to clear up these budget differences we have today. I propose formally that every letter in this institution submitted to an appropriator be published, requesting the expenditure of the public purse. The most egregious violators of budget discipline here tend to be those who pontificate in the well of the House about spending regularly.

We have talked about the marriage penalty. In light of the fact that President Bush has requested $48 billion more for defense, $38 billion more for homeland security, measure that against the fact that the stock market has lost almost 3,000 points in the last year and a half, we have no enthusiasm in this institution, it seems to me, for going after those who have perpetuated the hoax of seizing pension benefits from regular employees at the same time that they would not allow those employees to sell Enron stock. Where is the enthusiasm we have for taking that up today?

Instead, we go over and over the simplicity of the message: Let us cut taxes. Why do we not have the time after we have discussed this marriage penalty bill time and again in this institution, why do we not have time to bring up the Bermuda tax loophole or get a vote on the issue of Bermuda?

These corporations have gone to Bermuda in the time of a war that the Nation is preparing for, for one purpose, to escape taxes. And what is the answer from the other side? The majority leader said that is like going to North Carolina or Florida. I guess they think Bermuda is the 51st State.

I am amazed that we can discuss the marriage penalty relief, anything that says lower taxes to get us through this election cycle, but we cannot talk about Bermuda. The reason that we do not talk about Bermuda on this House floor is very simple: Because 350 Members of this House will vote to do something about it rather than trying to sneak through this election cycle.

These companies leave in the dark of night. Name them. Stanley came to their senses because they finally wanted to help us do things right. We watched this parade out of country, and they preach patriotism to all of us. We deserve a vote on the Bermuda bill in this House, and let us send a message to the American people about fairness and equity in our lives.

□ 1200

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

Mr. Speaker, we have had a lot of interesting arguments on the other side of the aisle. I would note that every one of them tries to distract from the issue that is before us today. The issue

that is before us today is do we permanently eliminate the marriage tax penalty for 42 million married working couples who benefit from the Bush tax cut. Unfortunately because of a rule in the Senate, it had to be temporary.

We have often asked in this House of Representatives whether or not it is right, it is fair, to punish a married working couple where the husband and wife are both in the workforce, that we should punish them with higher taxes just because they are married. In the House this year, we have passed legislation to permanently eliminate the marriage tax penalty. I would note that 271 Members of this House, a bipartisan majority, voted to eliminate the marriage tax penalty. Even those who all spoke against this, I would note, all voted ''no'' on eliminating the marriage tax penalty, so it is understandable why they would continue to oppose eliminating the marriage tax penalty, that there were still 60 Democrats who joined with us. They saw the merit in making the Tax Code neutral when it comes to marriage, so that a married working couple does not pay $1,700 more on average just because they are married.

My friends and colleagues on the other side of the aisle say that eliminating the marriage tax penalty somehow just benefits rich people. The average or typical married couple suffering the marriage tax penalty makes 60, $70,000. They are middle class, they are both in the workforce, on average they have kids, they have a mortgage, and they pay higher taxes just because they are married.

I have an example of a couple here from the district that I represent in the south suburbs of Chicago, Jose and Magdalena Castillo, a typical couple in Joliet, Illinois, who work hard and are raising a family, little Eduardo and Carolina, have hopes and dreams, have a home, want to send their kids on to college. Thanks to the Bush tax cut, they are seeing their marriage tax penalty eliminated. For Jose and Magdalena Castillo, their marriage tax penalty was about $1,125. My colleagues who have argued against permanently eliminating the marriage tax penalty for Jose and Magdalena Castillo of Joliet, Illinois, are the same ones who have called for repeal of the Bush tax cut, essentially saying, let us pull it out from under the Castillos, let them pay that marriage tax penalty because we need the money here in Washington because we could spend it better here than Jose and Magdalena Castillo can spend it back in Joliet, Illinois.

The marriage tax penalty, $1,125 for the Castillos, is real money. It is money they can set aside for college for little Eduardo and Carolina. It is money they can use to make several months' worth of car payments or several months' worth of day care. It is real money.

We worked when we passed into law the Bush tax cut, which was signed into law in June of last year to help every married couple who suffers the marriage tax penalty. We helped them in a number of ways. We doubled the standard deduction for those who do not itemize so that a married couple has a standard deduction twice that when they file jointly compared to a single. That benefits 21 million married working couples. They would see their taxes increased if this fails to be made permanent. For those who do itemize, homeowners, those who give to their church or institutions of faith and charity, their synagogue, to help the itemizers, we widen the 15 percent tax bracket so that those filing jointly, married couples, can earn twice as much in the 15 percent bracket as a single and not pay higher taxes just because they are married. Also, we help poor people, the working poor. Those who utilize the earned income tax credit, 4 million married working couples, low-income working couples who suffer the marriage tax penalty saw their marriage tax penalty eliminated because of the Bush tax cut. Of course, those low-income working couples will pay higher taxes if we fail to make marriage tax penalty elimination permanent.

I noted earlier that we had overwhelming bipartisan support of the effort to eliminate the marriage tax penalty when this bill passed the House. As you know, the Senate has not yet acted. Our hope is that we can work in a bipartisan way and do the right thing and, that is, to permanently eliminate the marriage tax penalty so that no married couple has to look forward to the threat of higher taxes just because some people in Washington would rather spend their money in Washington rather than allowing them to take care of their family's needs.

Mr. Speaker, this really is a vote on do we impose higher taxes on married couples. We have worked to make the marriage tax penalty eliminated. We have worked to make the Tax Code neutral so that a married couple, both in the workforce, pay no more in taxes than an identical couple who happen to be not married who are all in the workforce. That is the right thing to do. We can eliminate the marriage tax penalty.

As I noted earlier in debate, even the left-wing policy guru James Carville has suggested that Democrats probably really ought to get on board and support permanently eliminating the marriage tax penalty because the true beneficiaries of eliminating the marriage tax penalty are the middle-class and low-income families. As I noted here with Jose and Magdalena Castillo, their combined income, they are construction workers, is about $85,000. There are some on the other side who probably think that Jose and Magdalena are rich because they make $85,000 a year. In the south suburbs of Chicago, that is a middle-class family. Before the Bush tax cut, they suffered $1,125 in higher taxes just because they were married. We want to permanently eliminate and prevent that tax burden from being restored and reimposed on Jose and Magdalena Castillo and the other 42 million married working couples who benefit from the elimination of the marriage tax penalty. That is what this debate is all about.

We have heard so much from the other side of the aisle who want to confuse the debate, who want to change the subject when the issue before us is a basic one, and, that is, it is an issue of fairness. Should a middle-class couple who are both in the workforce pay higher taxes just because they are married? We answered that question last year when we passed as part of the Bush tax cut our legislation to eliminate the marriage tax penalty. Unfortunately because of a rule in the other body, it had to be temporary. It should be an overall bipartisan goal to treat working families fairly. My hope is that more than 60 Democrats will vote with every Republican today to permanently eliminate the marriage tax penalty because that is the vote that is before us. If Members vote ''no,'' they are really voting to raise taxes on 42 million married working couples. They are voting to raise taxes on married working couples such as Jose and Magdalena Castillo.

As I have noted, the House has passed this overwhelmingly. The Senate has not yet acted. Let us vote to ensure that Congress gets it done this year. I ask for a bipartisan ''aye'' vote.

Mr. SMITH of Texas. Mr. Speaker, I urge my colleagues to support permanent repeal of the marriage tax penalty. The unfair marriage tax adversely affects more than 21 million married couples. It forces couples to pay more in income taxes than they would pay if filing individually. It is a tax on marriage and a tax on starting families. If anything, we ought to give newly married working couples a tax break.

Several months ago this House voted to permanently repeal the marriage tax. The House has acted; the Senate has not. In my Texas district, over 65,000 married couples would benefit from the permanent repeal of the marriage tax penalty. The tax code is unfair and ought to be changed.

It is time to say ''I do'' to relief from the marriage tax penalty.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 547, the resolution is considered read for amendment and the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. WELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of House Resolution 543.

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

There was no objection.

EXPEDITED SPECIAL ELECTIONS

Mr. NEY. Mr. Speaker, pursuant to the order of the House of Thursday, September 26, 2002, I call up the resolution (H. Res. 559) expressing the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 559 is as follows:

H. RES. 559

Whereas the death or disability of hundreds of Members of Congress would deprive millions of Americans of representation in Congress, possibly for a period of months until special elections to fill the vacancies could be conducted;

Whereas such a catastrophe would severely impair the functioning of the House and effectively disrupt the legislative branch for an extended period;

Whereas the only method prescribed by the Constitution to fill a vacant seat in the House of Representatives is through election by the people;

Whereas article I, section 4 of the Constitution of the United States provides that ''The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.'';

Whereas section 26 of the Revised Statutes of the United States (2 U.S.C. 8) provides that ''The time for holding elections in any State, District or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively;''; and

Whereas it is in the interest of each State to ensure that the people maintain their full rights to representation in the House: Now therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion; and

(2) the Clerk of the House shall send a copy of this resolution to the chief executive official of each State.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, September 26, 2002, the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. FROST) each will control 22½ minutes.

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

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this resolution.

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

There was no objection.

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

Mr. Speaker, in May of this year, the Speaker and minority leader formed the Continuity of Congress Bipartisan Working Group to study government continuity issues. The working group is cochaired by House Policy Committee Chairman CHRISTOPHER COX and Democratic Caucus Chairman MARTIN FROST. I want to thank both gentlemen for their efforts on this very important piece of work, as well as all participants in the working group on both sides of the aisle and the cosponsors of this resolution.

The purpose of the working group is to study ways to ensure that the U.S. House of Representatives continues to function in the event of a terrorist attack or other catastrophe that kills or incapacitates a large number of Members and, when appropriate, to make recommendations to the leadership on ways to resolve these issues. I know we do not really particularly want to talk about the demise of a lot of Members, but it is something that has to be spoken about on the floor in order to continue to have our energetic give and take of public debate in the freest body on planet Earth. That is why we are here.

On September 26, 2002, Chairmen COX and FROST, joined by all members of the working group as well as 98 other Members of the Congress, including Majority Whip TOM DELAY and Minority Leader RICHARD GEPHARDT, introduced this resolution calling upon States to study their existing special election statutes and procedures to ensure that if a large number of Members of Congress were unable to serve as a result of a catastrophic event, the States could quickly elect Members to their congressional delegations through expedited special elections.

The problems the House would encounter in the face of such an attack are unique. In the Senate, Governors would quickly fill vacancies by appointment, but in the House it could take months, perhaps up to half a year, for some States to hold special elections to elect Members to their congressional delegations.

Because article 1, section 4 of the Constitution prescribes that the States control the times, places and manner of holding elections, this resolution is a critically important step toward getting the States to focus on what would be their critical role in replenishing the Federal legislature by ensuring that special elections are held as quickly as possible.

In conclusion, I want to thank our ranking member, the gentleman from Maryland (Mr. HOYER), and all the members of the Committee on House Administration. We have dealt with a series of more than unique issues that have affected the body of this floor and also affected the staff of the U.S. House and the other body in the sense of anthrax, how to deal with issues we never even really thought of before. I want to thank the gentleman from Maryland for the working relationship we have had on that and just say this is another piece and component, I think, to making sure that those who want to hurt us will not infringe upon our democracy.

Mr. Speaker, I urge support of this resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. COX) control the balance of my time.

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

There was no objection.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this resolution, which was developed by the Committee on House Administration and the Bipartisan Working Group on Continuity of Government led by the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST). It urges the States to examine their laws regarding the conduct of special elections to the House.

The purpose of the resolution as has been said, is to ensure that in the event of a catastrophe, the States will conduct special elections as expeditiously as possible. The two cochairmen of the bipartisan working group, the gentleman from California and the gentleman from Texas, introduced the measure currently before us. H. Res. 559 was referred to the committee which has jurisdiction over congressional elections, the Committee on House Administration.

Mr. Speaker, article 1, section 2 of the Constitution provides: ''The House of Representatives shall be composed of Members chosen every second year by people of the several States.''

That is, of course, the only way to become a Member of this body. That requirement of popular election may be unusual in a leglislative body, because most legislatures can have appointed Members, at least for a time.

A variety of distinguished former Members of the House and scholarly observers of the Congress have proposed other ideas, ranging from filling vacancies through gubernatorial appointment to choosing replacement

Members from lists submitted in advance by sitting Members. Without discussing the merits of either of these ideas, it suffices to say that they are clearly unconstitutional.

□ 1215

It would require a constitutional amendment to fill a House seat in any manner other than by direct election. The resolution before us today is intended to facilitate the use of the existing constitutional framework. We must make the special election process work better, and work faster.

H. Res. 559 would request the States to re-examine their laws governing the conduct of special elections to the House. It does not require them to do so. It does not force them to change their laws, but it is intended to remind them of the potential disadvantages of their failure to do so—the loss of representation in the House for an extended period of time in the event of a future national catastrophe.

Special elections to the House are normally conducted pursuant to provisions of State law and regulations. We have not made uniform statutory requirements for special elections, preferring to leave it to the States to choose methods which reflect their unique politics and culture. One size does not necessarily fit all.

However, the preamble of H. Res. 559 notes the ultimate constitutional authority of the Congress over the conduct of all congressional elections. The provisions of article 1, section 4 state that '' . . . the Congress may at any time by law make or alter such regulations.''

Congress does have the power to pass a national statute governing the conduct of special elections. Such a statute would not be easy to draft, however, and might be opposed by States which prefer to use their own approaches. We would like to avoid this option, if possible, but it remains on the table.

Congress also has the power to pass and send to the States for ratification a constitutional amendment providing for some different method of filling vacancies. The problem with this approach is that it is extremely difficult and time-consuming and could take years, and there is no consensus on which method of filling vacancies to use in any such amendment.

While special elections are conducted by States, this is clearly a national problem and challenge. If enough States fail to elect new Representatives quickly, the House might find itself controlled for a time by a much smaller group of Members, unrepresentative perhaps geographically or ideologically of the American people.

The disruption to the legitimacy of the Congress and to the political and legislative process would be extraordinary.

The average time for the filling of a vacant House seat in the event of a Member's death, according to the Commission on Continuity in Government of the Brookings Institution and the American Enterprise Institute, is approximately 125 days. In my own case, having been elected to the House in a special election in 1981, it was 89 days. In some States the process of replacing a deceased or resigned Member can take as long as 6 months.

In the event of a catastrophe resulting in the deaths of many Members of House, it will be essential to replenish this body as soon as practicable to ensure that the House remains a body representative of, and responsive to, the American people. We simply cannot wait for States to react using existing laws which have not been seriously examined in decades, and which, of course, were never intended to be used in a time of emergency. The result of such laws will be that some States will remain unrepresented as the House, the Senate, the President, and the country take necessary actions to respond to, and to move beyond, such a future crisis.

So, Mr. Speaker, it is clearly in the interest of the States to ensure their full and continued representation as quickly as possible, just as it is in the interest of the House to move as quickly as possible back to a full complement of Members deliberating once again with the broadest possible range of views.

I believe that it would be appropriate for the committee with jurisdiction over congressional elections, the House Administration Committee, to hold hearings on this subject during the next Congress.

We can then evaluate any actions taken by the States in response to the 9/11 crisis, and to this resolution, and get a broader picture of the actual mechanics involved in conducting such elections.

We need to remind ourselves that, in the event special elections occur in large numbers, whether under current laws or new ones, that they may not be occurring under ideal circumstances at some future time.

There may be problems printing the ballots, setting up the polls, or completing many other steps incident to the proper conduct of an election which are complicated enough during normal times, as we have seen yet again recently in the state of Florida.

Mr. Speaker, this resolution sounds an alarm to the States that they have a pivotal role to play in ensuring the stability of our constitutional system. I urge all Members to support it, and all States to respond favorably to it.

I congratulate the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their leadership on this issue. I believe that the States will be responsive and will come up with ideas that hopefully will accomplish the objective of ensuring that in the event of a catastrophe we can replace Members of the House lost in such a catastrophe so that the people's business can be done in this, the people's House.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from Texas (Mr. FROST) may control the remainder of the time allotted to me, and that he may yield time.

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

There was no objection.

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

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

Mr. COX. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, because as I turned around, I saw the gentleman from Washington State (Mr. BAIRD), and it was an oversight that I did not mention his extraordinary leadership in bringing this matter to not only the attention of all the Members and pressing for attention of this matter, but also to the country. And I want to congratulate the gentleman from Washington (Mr. BAIRD) for his singular focus on this critical issue.

Mr. COX. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for raising the point, because it is a good one. I want to thank the gentleman from Washington (Mr. BAIRD) for his foresight and quick action on this problem as well.

It is appropriate at the outset of this discussion to explain to our colleagues why our thanks are in order for the hard work that is being done, because the hard work is being done behind closed doors for good reason. This is a grizzly topic, number one. Nobody likes to think about the destruction of the Capitol and the loss of hundreds of Members of Congress, Senators and Representatives, in some horrible catastrophe. Second, the work is very detailed, involved, legalistic and consequential. So a good job has to be done, a careful job has to be done, a thoughtful job has to be done, but there is not much profit in laying it out before the House every day.

We are necessarily here on the floor today because we are going to ask in the most formal way that we possess, through a resolution of this body, the cooperation of the States in this effort. We are made up of elected Representatives from States whose election laws interweave with our own Federal rules for eligibility and service in the United States House of Representatives. Some of the rules and procedures are House rules and are Federal rules. Some of them are State rules. In particular, the rules governing elections within the several States under our constitutional system are State rules.

The resolution we are bringing forward today respects that aspect of our federalism, but urgently asks every Governor and every State legislator to examine their election laws and amend them with a view toward solving a very serious problem that we have in the House, and that is if many Members are killed, there is no quick way to reconstitute the Congress of the United

States. A special election is required. Only election under our Constitution is prescribed as the means of filling a vacancy, and as a result, where the Senate can have its Members appointed by Governors, replacement Members, and be reconstituted, there would be no House, no functioning House, perhaps no majority, no quorum and thus no Senate, because we are a bicameral body, and they could produce no legislation on their own, thus no legislative branch in time of urgent crisis by definition in the United States.

When after an attack on our Nation, the Commander in Chief, whoever that might be, because the attack might kill simultaneously the President, Vice President, Secretary of State perhaps, as well as the Speaker of the House, who is third in line, we do not even know who the President would be in that circumstance. So the operation of our legislative check and balance against executive power would be of vital importance. We might lack it. And something as workaday and ordinary and mechanical in procedure, therefore, as the State election laws becomes of vital importance, and we are asking in this resolution for the States to address that problem.

This is one and only one of several issues that have arisen as a result of a study by the working group established by the Speaker of House, the gentleman from Illinois (Mr. HASTERT); and the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, the minority leader. Both Speaker HASTERT and the gentleman from Missouri (Mr. GEPHARDT) have shown extraordinary leadership by putting together a high-level leadership task force that has as its contributors not only the chairman and the ranking member of the House Committee on Rules, the gentleman from Texas (Mr. FROST), who is also the chairman of the Democratic Caucus, my cochairman of this working group; but also, as we have seen, the chairman and ranking member of the Committee on House Administration, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), who were just here on the floor; and also the chairman and ranking member of the House Committee on the Judiciary and the Subcommittee on the Constitution, which is very involved in these issues.

The members of the working group include, besides myself and the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. DREIER); the gentleman from Ohio (Mr. CHABOT), who is the subcommittee chairman on the Committee on the Judiciary responsible for the Constitution; the gentleman from New York (Mr. NADLER), the ranking member on that subcommittee; the gentleman from Ohio (Mr. NEY); and the gentleman from Maryland (Mr. HOYER); the gentleman from Washington (Mr. BAIRD), to whom we just referred for his efforts; the gentleman from Louisiana (Mr. VITTER), who is the chairman of the policy subcommittee on reform; the gentlewoman from Texas (Ms. JACKSON-LEE); and the gentleman from Rhode Island (Mr. LANGEVIN).

Throughout several months and nearly a score of meetings, we have covered the waterfront on these issues.

I will return to further discussion on the specifics of this resolution, but I have several speakers on our side who wish to be recognized.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. Mr. Speaker, I thank my friend from California (Mr. COX) for yielding me this time, and I congratulate him and the gentleman from Texas and others who bring this very important bill forward.

Ours is the oldest written Constitution in the world. The Founding Fathers with great wisdom crafted a government of enduring stability, with the flexibility to survive the shocks and strains of 226 years. It would have been impossible for them to foresee the events of last September with passenger jets full of fuel smashing into skyscrapers. It was simply impossible in their day for so much to be destroyed by so few so quickly. And so the prospect of a large number of seats in the House of Representatives becoming simultaneously vacant was probably not one they entertained.

And yet in their wisdom the Founders provided us with all we need to confront such a possibility. Article 1, section 4 of the Constitution gives the States the power to govern the times, place, and manner of holding elections for the House. This recognizes the appropriateness of the people deciding through their State governments how best to choose the representatives in this House. However, the Constitution also allows Congress at any time by law to make or alter such regulations except as to the place of choosing Senators. This recognizes the right of Congress to ensure that the States live up to their responsibility to ensure that their citizens are represented in the Federal Government.

This resolution is in perfect keeping with the Constitution and the Founders' intent. It preserves the rights of the States to determine their own interests in determining procedures for electing representatives. It also reminds the States that this House will continue to take an interest in ensuring that these procedures are sufficient to ensure the survival of this body and the welfare of our Republic in the event of a major attack on the Capitol.

Mr. COX. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this resolution sponsored by my friends and colleagues, the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) which expresses a sense of the U.S. House of Representatives that all 50 States should examine their laws governing special elections to fill vacancies in the House with an eye toward developing expedited procedures for such elections in the case of such a catastrophe.

Mr. Speaker, the United States of America learned many lessons about need for enhanced homeland security from the tragic events of September 11, 2001. Given that it is widely believed that the United Airlines Flight 93 was headed for the U.S. Capitol that Tuesday morning, we can only imagine the damage that would have been done to the legislative branch of our Federal Government but for the truly remarkable bravery of Flight 93's passengers.

Their heroic actions have, however, given us a chance to make contingency plans for the future. In the case of another attempt to disrupt or destroy our democratic system of government, we should be prepared, and that is why a prompt and overwhelming passage of H. Res. 559 is so important today. The U.S. House of Representatives is urging the States to take whatever steps they deem appropriate to modify, change, or update their laws governing special elections to fill vacancies in the House such that a catastrophic event would not unduly hinder the ability of the U.S. Congress to conduct its business in the future.

I am pleased to serve as the Chairman of the Subcommittee on Technology and the House of the Committee on Rules. Among the matters under my subcommittee's jurisdiction are the rules of the House.

□ 1230

As has been noted by some, the House rules do not speak to how this institution would conduct its business in the event of a catastrophic disaster, and that is an issue that I fully expect we will explore in the 108th Congress next year.

In the meantime, I know that my colleagues, the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST), are currently chairing a commission of distinguished individuals, including former House Speakers Gingrich and Foley, who are looking into this matter in greater detail with the hope of bringing forward other recommendations for how best to deal with the myriad of questions involving ensuring the continuity of Congress. In this respect, I look forward to working closely with the Cox-Frost Commission and other Members of the House on both sides of the aisle in the next congressional session. Nothing less than the future stability of the U.S. Congress, the Federal Government's legislative branch, and the rule of law are at stake.

Mr. Speaker, in closing, I urge my colleagues to support this bill.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume. I think it

is important to add to the list of people whom it is necessary to thank for their efforts on this thus far: the Parliamentarian and his office and his staff, Charles Johnson, who has contributed extraordinary expertise and hard work on this initiative; also, the American Enterprise Institute and the Brookings Institution who, in addition to their scholarly studies on these subjects, have convened a commission on the continuity of government, which has been an extraordinary resource to this Congress.

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

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

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

Mr. FROST. Mr. Speaker, over the past several months, Democrats and Republicans on the Bipartisan Working Group on the Continuity of Congress have worked together to think the unthinkable: to consider how Congress would function in the aftermath of a terrorist attack.

This is not an idle question, Mr. Speaker.

September 11 made clear once and for all just how vulnerable the U.S. Congress is to such an attack. For the past year, many of us in Washington have believed that if not for the courage of the passengers of United Flight 93, the fourth hijacked plane may well have hit the U.S. Capitol. Well, just weeks ago, our suspicions may have been confirmed by an al-Jazeera interview with the man suspected to be the twentieth September 11 hijacker, who said that Flight 93 was indeed headed for the Capitol, code-named ''The Faculty of Law.''

Obviously, Mr. Speaker, if Flight 93 had reached the Capitol on September 11, countless lives would have been lost. Additionally, the legislative branch of the United States Congress would have been crippled.

This is a very dangerous possibility, Mr. Speaker; and I am glad the Committee on House Administration, the Capitol Police, and others have worked so hard since September 11 to increase the security of all of the staff and Members who work here in the Capitol complex.

But the Congress is the branch of government closest to the people; and all of us, I believe, want it to remain as open as possible. For that reason, the Congress will always be somewhat vulnerable to those who might wish to strike at the United States through the Capitol, the symbol and the seat of our democracy.

That means that we have to prepare for what used to be unthinkable and we have to answer the question, How would the House function in the aftermath of such an attack?

Personally, Mr. Speaker, I believe that it would be critical for the American public to have secure representation in Congress in a time of national emergency. But this is a weighty matter, one that gets to the heart of representative democracy in this country. On the one hand, we want to ensure the stability of the legislative branch in the aftermath of a catastrophe. On the other hand, we all understand the importance of preserving the unique function of the House of Representatives that it has served in the American system of government for more than 200 years.

This bipartisan working group was formed to study the very important, very complicated, and very difficult series of questions raised by this situation.

We have benefited, and are still enjoying, the tremendous expertise of all of the members who have participated. We have received tremendous assistance from the committees of jurisdiction and their staff; and as the gentleman from California (Chairman Cox) mentioned, I want to personally recognize the Parliamentarian, Charlie Johnson, as well as his staff. After serving on the House Committee on Rules for more than 20 years, I have known for a long time what fine professionals they are.

This process could have never started without the support of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Missouri (Mr. GEPHARDT), our Democratic leader. Most importantly, Mr. Speaker, I want to recognize my colleagues on the working group, the gentleman from California (Mr. DREIER), the gentleman from Ohio (Mr. NEY), and the gentleman from Ohio (Mr. CHABOT), as well as the gentleman from Maryland (Mr. HOYER) and the gentleman from New York (Mr. NADLER), and the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Washington (Mr. BAIRD), the gentleman from Rhode Island (Mr. LANGEVIN), and the gentleman from Louisiana (Mr. VITTER). Of course, the gentleman from California (Mr. COX) and his staff have been a pleasure to work with on this project.

Mr. Speaker, the working group is examining proposed changes to the House Rules regarding quorum requirements and succession of House officers, amendments to the Presidential Succession Act of 1947, and constitutional amendments. But our primary goal has been to examine the law to ensure that Congress can function in the event of an attack or a catastrophe.

That is what House Resolution 559 addresses today. It encourages the States to examine their existing statutes, practices, and procedures governing special elections; and it urges Governors and State representatives to amend their election laws so that in the event of a catastrophe, vacancies in the House of Representatives could be filled in a timely fashion.

As we can see, Mr. Speaker, this is an ongoing process, and the resolution on the floor today does not solve all of the problems we face; but it takes a sensible, bipartisan step toward addressing one of them. So I urge my colleagues to join the bipartisan working group and passing it overwhelmingly.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD), the Member of the House who really first raised this issue.

Mr. BAIRD. Mr. Speaker, I thank my good friend and colleague, and I want to thank also the gentleman from California (Mr. COX) for his outstanding leadership. In the time I have been privileged to serve here, I have never had such great satisfaction from working with a group of talented, bright, dedicated individuals. The Parliamentarian, the staff of the Committee on the Judiciary have been outstanding. Hopefully, we will never need this legislation; but if it is ever needed, it may be one of the most important things we will ever do in our lifetime and during our service to this Congress.

This is a start. This is an effort to say to the States that you too need to think about what we have come to have to face on a daily basis, almost: the prospect that some terrorist organization could strike suddenly, without warning, and eliminate this body that we hold so dear; and we must have preparations to replace us in the event that that should happen.

I also want to thank the gentleman from Rhode Island (Mr. LANGEVIN), as well as the gentleman from Louisiana (Mr. VITTER) and the gentleman from Arkansas (Mr. SNYDER), for their valuable and invaluable contributions to this process.

Mr. Speaker, this is the start in working with the States to make sure that they have a mechanism for replacing us if the time arises, but we also have other tasks before us. We are addressing some ambiguities in the Presidential succession law that are important to close certain ambiguities there. We are looking at the House rules, particularly what would constitute a quorum and how this body would reconvene in the event of a catastrophe. We are also looking at mechanisms for possibly replacing Members in the short term, pending the outcome of special elections. Every one of us in this body holds very dear and proud the tradition of direct elections, but we also hold dear and proud to the principle of election and representation by our States in this great body, and the principle of checks and balances on the executive. So we are working on a host of fronts.

A year or so ago, my father passed away. Before he died, he sat my sister and brother and I down and walked through all of his files. He said, Son and daughter, when I die, this is what you need to know about, how to carry on the finances, how to deal with my estate, et cetera. Because of his forethought, his death, regardless of how tremendously painful it was, was nevertheless handled in a manner that allowed us to go on, taking care of his affairs responsibly and in an efficient manner.

We owe it to this Nation to show no less forethought. We owe it to this Nation to make sure that if something horrific happens to us, the business of this great Republic will carry on, uninterrupted, unimpeded. We need to tell our adversaries that even if they destroy us and kill every one of us, others will rise up, carry that torch of liberty forward, and the Republic will stand and will persevere.

Mr. Speaker, I thank again the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their leadership.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding me this time.

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

Mr. LANGEVIN. Mr. Speaker, as a member of the Cox-Frost Continuity of Congress Working Group and an original cosponsor of this legislation, I strongly urge my colleagues to support House Resolution 559 to address problems with our method of filling vacancies in the House of Representatives.

The Constitution declares that Members of the House must be popularly elected. However, the specter of terrorism, notably, reports that the Capitol was a targeted Capitol on September 11, reminds us that mass casualties in Washington or elsewhere could have a detrimental effect on the representative nature of the House and its ability to fulfill its duties. As a former Secretary of State, I know that States have vastly different methods and time lines for filling vacant House seats, which could pose a serious problem in the event of a catastrophe. For example, Rhode Island general laws state simply: ''The Governor shall immediately issue a writ of election ordering a new election as early as possible.'' Today's resolution would address such problems by encouraging States to review their special elections procedures to fill House vacancies as expeditiously as possible.

This resolution is the first recommendation of the Continuity of Congress Working Group, which has been tackling the complicated issues of how government would function in the wake of a catastrophe. I would like to thank my good friend and colleague, the gentleman from Washington (Mr. BAIRD), who has helped raise the profile and understanding of these complex problems while leading the effort to find solutions. I also commend the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for devoting so much of their time and effort to this topic and making it a priority for Congress.

Another area I feel worthy of discussion is the ability of Congress to communicate and possibly even conduct legislative operations remotely in the event of a major disruption. The Committee on House Administration has held hearings on the feasibility of establishing an e-Congress for emergency situations, and I have introduced legislation to study this matter. At this time I would like to commend and recognize the efforts of the distinguished chairman of the Committee on House Administration, the gentleman from Ohio (Mr. NEY), and also my colleague, the ranking member, the gentleman from Maryland (Mr. HOYER), for their outstanding efforts and leadership on this issue.

While several of my colleagues have expressed discomfort with this and other related topics, it is our duty to prepare the legislative branch for any kind of disaster. We must never allow the people's business to be interrupted.

Today's resolution is an important first step in addressing complex questions about our government's ability to function in the age of terrorism, and I encourage my colleagues to support this legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I heard a commentator make the statement that somehow Congress is dragging their feet on these issues because we cannot face the possibility of our own demise. I do not agree with that statement at all. I think that Members of Congress are very much aware of the potential risks and threats out there, but that it is a complicated topic. One of the complications is that we work in a Federal system with both State responsibilities and Federal responsibilities.

To me, the number one issue is how in all of this do we protect the essence of democracy; and to me, the essence of democracy is the right of a free people to be governed, to be governed by those whom they elect and have the right to vote on. We summarize that by calling this ''The People's House,'' and I do not think in any way should we be supportive of any kind of constitutional amendment that would turn the people's House into the ''Appointeds' House.'' That would be a very tragic outcome to September 11.

The Federal issue here is that elections are State responsibilities, and we know that there is a tremendous amount of variety from State to State and also that there is too much time in an emergency situation in some, in a lot, of the State laws. Patsy Mink has been referred to, our colleague who tragically passed away over the weekend; and it is my understanding that it may take three special elections to finally replace her. Also, Oregon does their elections by mail, and every State deals with the issue of absentee ballots overseas and locally differently. There is a lot of complexity to this.

Our message to the States today is please look at your election laws and figure out a way that you can be responsive should this terrible tragedy occur.

To me, there are two scenarios that States ought to look at. The first one is what has been talked about today by the gentleman from California (Mr. COX) and others: What if we had a massive loss of life of Members of the U.S. House here? That is what has driven this issue. But there also is a second issue that States ought to look at. In Arkansas, we have four House Members and two Senators, and it is not uncommon for us to be all in the same place or on the same plane. States ought to look at what should happen if an individual State lost its entire congressional delegation, should that trigger some kind of expedited special elections process. These are not easy questions; they are complicated questions. But they fall under the area of State responsibility, and the resolution today is sending a message to the States that we will be glad to work with you and hope that you will work on these very important issues of expediting special elections at a time of massive loss of life in the U.S. House.

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. VITTER), the chairman of the Subcommittee on Policy and Election Reform.

□ 1245

Mr. VITTER. Mr. Speaker, as a Member of the Working Group on Continuity of Congress, I rise in strong support of this resolution. As has been said, it is a simple, straightforward, bipartisan, but very important measure to urge all of the States, with the utmost seriousness and focus, to look at their election laws and ensure that special elections would happen as expeditiously as possible, particularly in the event of a disaster that killed many House Members at once.

Of course, this resolution today highlights one of the many issues that our working group has been focused on, and, in fact, the central one, which is how do we replenish the House of Representatives quickly in such a horrible catastrophe.

As has been said, the U.S. Constitution is very clear: House vacancies can only be filled, under the present constitutional terms, by an election. Sometimes, as has also been said, in different States where State law applies, that can take a very long time, maybe up to 6 months; so we want all of the State legislatures, all of the Governors, to look at their State law very clearly, in a very focused way, and move as quickly as possible to make sure their State law makes that happen as quickly as possible, particularly in the event of mass deaths.

In considering this, I ask all of my colleagues and, in fact, all of the State legislators and Governors around the country to think of all of the work we had to do, and I believe we did do, after September 11: The Committee on the Judiciary moved to protect us here and abroad; the Committee on Appropriations addressed critical emergency funding; the Committee on Armed Services examined our military response.

All of that was actually done in a matter of just a couple of weeks beginning with September 11. Nearly every House committee did significant work on the war that was at its infancy planning stage then, or homeland security, or related issues.

If we also remember Flight 93 downed in Pennsylvania, brought about by brave passengers, all of that work may have only been possible because of their bravery and the luxury we were afforded by not having an attack on the Capitol.

Of course, all of us hope there is never a next time. All of us pray that there will not be a next time. But if there is, we may not be so lucky; so all of that work we did in the very few weeks after September 11, and the specter of Flight 93, makes it clear why we need to think about this issue, and why State legislatures need to act to make sure that the House is replenished as quickly as possible.

In closing, I want to say that this is a very important step, but I hope it is a first step, because our working group is thinking about other key issues, quorum issues, incapacity issues, that can be dealt with under rules. These issues are very significant, which I believe can be addressed under our House rules. There are Presidential succession issues, which are significant and related to this, which could clearly be addressed under statute.

And, yes, although it would be very difficult politically, I also think we need to debate and think carefully about proposed constitutional amendments.

So I think this is a very important, very responsible step, but I am hopeful it will be a first step. I know the working group is continuing its work in a very focused, careful way.

I want to particularly thank the chairman of that, the gentleman from California (Mr. COX), and also the co-chairman, the gentleman from Texas (Mr. FROST), for all of their work; the other Members of the working group; the House Parliamentarians; the CRS researchers; other staff who have given us invaluable information in our deliberations.

Mr. Speaker, I strongly urge all of our colleagues to vote for this resolution.

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

Mr. Speaker, the gentleman from Louisiana makes a fine point in commending the Congressional Research Service, and I was remiss in not mentioning this earlier. Walter Oleszek and others from CRS have been an enormous and very, very professional resource for us in our work.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I neglected to mention two people who were tremendously helpful: the Pierce County auditor Cathy Pearsall-Stipek, and the Cowlitz County auditor Chris Swanstron. These folks helped us understand that even in optimal circumstances, a special election would probably take at least 60 days, or more like 90.

In Washington State, for example, we mail our ballots out 3 weeks before the election. If we are going to get an election done in 2 months, we have essentially got about a week to run for office, and then the ballots would have to be printed, distributed, counted, there would be one more week to run for office after the primary, and then we would have to have the special election.

I want to follow up on something my colleague, the gentleman from Louisiana, said. He has offered such great, thoughtful insights to this. This is a first step, but we need to make sure, I believe, that there is a mechanism for quick replacement in some fashion to occupy the position in the House of Representatives and get the body's work done in the interim while these special elections are conducted. We simply cannot say that there will be no House of Representatives for the period of 60 days or more while special elections take place.

Declarations of war, appropriations of funds, approval of Vice-Presidential nominees, election of the Speaker of the House and a host of other tasks must be accomplished, and we must have the representation of the States in that process, and we must have the constitutional checks and balances which are so critical.

In a time of catastrophe, it is indeed, I believe, likely that the Presidential position would be occupied by a Cabinet member who was never elected; which is fine, that is under the Succession Act, and we accept that; but for an unelected Cabinet member to serve as the President of the United States with no checks and balances by the legislative branch as represented through the House of Representatives I believe imperils a fundamental principle of the Constitution.

So while I absolutely and unequivocally urge strong sponsoring of this legislation and recognize its importance, it is indeed a first step, and we must move forward, as the working group will do, and as I hope and trust all my colleagues will do, to consider further mechanisms to make sure this great body and the Constitution it represents will continue to function.

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to commend my colleagues, particularly the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. FROST), for their leadership on this very important issue. I strongly urge all of my colleagues to support House Resolution 559.

In the event of an emergency that leaves large numbers of seats of the House vacant, the House of Representatives will have lost much of its representative character. There are, however, statutory solutions to this problem. The Constitution leaves it to the States in the first instance to enact such solutions.

Article 1, section 1, clause 1 of the United States Constitution states that: ''The Times, Places, and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations. . . .''

While Congress has the constitutional authority to make or alter State special election laws, Congress extends great deference to State solutions to the problem of vacant House seats in times of emergency. This congressional deference to State action is codified in 2 U.S.C. Section 8, which provides that ''The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.''

Article 1, section 2, clause 4 of the Constitution further provides that ''When vacancies happen in the Representation from any State, the Executive Authority thereof (the Governor) shall issue Writs of Election to fill such vacancies,'' and such elections will be held in accordance with the State law, absent congressional action otherwise.

This resolution constitutes congressional due diligence by putting the States on formal notice that it is within their constitutional power, and also their constitutional duty, to revise State laws to allow for the conducting of expedited special elections in cases of emergency in which the seats of district representation are suddenly left vacant, and constituents are suddenly left without a voice in the House of Representatives.

The uninterrupted House tradition is that only duly elected representatives should have the final say in legislation passed by the House. This resolution expresses Congress's strong support for States' efforts to strengthen that tradition by providing for the filling of vacant House seats quickly, fairly, and efficiently in emergency circumstances.

I urge strong bipartisan passage of this common-sense resolution.

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

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

Mr. Speaker, what we have heard thus far this afternoon should be very sobering to all of us. We are asking the States in this resolution to join in a thorough examination of their role, what they can do to help us with these problems.

But the problems are manifold. It is not simply a question of solving the special election problem, it is not simply a question of solving the Presidential succession problem; we have other equally serious problems, and, in combination, they multiply into virtual paralysis of our government at a time when we would need our government to be functioning at its peak efficiency: a time of crisis.

Mr. Speaker, we are here, of course, because of September 11. In working with my colleagues and our expert staff in this working group over several months, we have all been heartened to draw upon such a long and rich tradition in our Congress, in our democracy. There is barely a question that can come before us about the governance of this House or about the election of Members or about the relationship of the States to the Federal Government that has not been considered in other contexts; so we are not without precedent, far from it.

Yet there is something unprecedented to what we are doing here. Were it not for September 11, I do not think any of us doubts we would not be here today, because on September 11 we were forced to confront a different kind of danger, qualitatively different, and we hope not quantitatively different than what we have seen thus far: a disastrous, horrible, apocalyptic future in which the unthinkable becomes reality.

None of us here wishes that ever to occur. We are taking every national security step elsewhere, separate from this measure, to stave that off, to avoid it, to make our world and the rest of the world safe. But if these things happen, if loose nukes become a threat to our domestic security, if chemical warfare or the spread of biological toxins become our future, and if these attacks are directed against the Capitol, then we simply have to imagine that contingency. So that is what the gentleman from Texas (Chairman FROST) and I and our working group have been focused upon.

The fact that, according to al-Jazeera Television, we now know that Flight 93 was directed towards the United States Capitol makes this all too real. Had Flight 93 hit the Capitol, many Members of Congress, we do not know how many, would have been killed. Had a joint session been attacked, the worst case, we can imagine not only a heavy toll, a nearly complete toll among Members of the House and Senate, but also the executive branch, including the President and the Vice President.

The remaining Members of the House of Representatives would have had to try to muster a quorum. If none of them objected on the ground that a quorum was not present, then even 10 Members could have kept the House going. If, on the other hand, someone objected, then there would have to be somehow a quorum.

□ 1300

And a quorum of 435 Members being 218, if more Members than that were killed or injured and unable to function in the attack, then Congress itself would be unable to function and unable to get a quorum. We are working in this working group on rules changes to address this, but ultimately we have got to have Members of Congress back in this body, real live Members. Because even if we can, through changing the rules or through unanimous consent of those remaining 10 Members, get those 10 Members to function as the House of Representatives, who would not question the legitimacy of Congress in those circumstances? Indeed, there might be court challenges.

If the President of the United States, no longer the President that we elected but some replacement under the Presidential Succession Act is now acting in the teeth of an attack on our Nation so severe that the Congress itself has been wasted in that attack, is that not the time when the legislative branch should be operating in full force as a check against excess of executive power because the Nation itself would be tempted at that point to all manner of revenge, some of it perhaps not coolheaded, not wise, not in our national security interest? The checks and balances system itself would not be functioning.

As has been mentioned several times, because of the historical evolution of United States Senate from an appointed body originally in the Constitution, members were not elected in the Senate, and then subsequently by Constitutional amendment, we got direct election of Senators. Still a vestige of that earlier appointment regime is that vacancies in the Senate are filled even in the 21st century by appointment, not so for the House. We have got to have the cooperation of the States to at least speed up special elections so that the time during which Congress cannot function is not needlessly protracted.

This resolution, as has been mentioned, is serious. It is also very short and to the point. It has only one purpose and that is to provoke action in the State legislatures. The resolution is an important first step, as my colleague, the gentleman from Washington (Mr. BAIRD), has described it, toward focusing the attention of the States on what is their critical role in replenishing the Federal legislature by ensuring that special elections are held as expeditiously as possible.

Article one, section four of the Constitution, with which many Americans became familiar during our last electoral crisis, if we can call it that, sets forth the authority of the States to determine the time, places and manner for holding elections for Congress. This creates a symbiotic relationship between the States, who the founders believed and who we still believe today were the sovereigns in their own right; a symbiotic relationship between the States, on the one hand, and the Republic in total, on the other hand, ultimately supreme over the States in all matters encompassed by the Constitution. That is the supremacy clause. And, of course, Congress as the institution representing that sovereignty, that Federal sovereignty, must remain strong and invulnerable.

Our strength is drawn from every Member representing every State in the Union. This is something about which all of the Members of our working group agree. Some are focused on a constitutional amendment to try and ensure that we can get Members back here from the States. Others are focused on the absolute necessity of ensuring that the device for returning Members from the States is some form of election. But at essence, the very important thing is we have Members back here and we not have a distinct minority abnormally representing only portions of the country and disproportionately representing certain interests against other interests, defiling the whole basis of our governance by the people.

Our strength is drawn from every Member representing every State in the Union who daily appears in this Chamber to conduct America's business on behalf of each of our States and each of our constituents.

Our vulnerability is a result of the independence that each of our States has in deciding how and when it will hold elections. So quite simply, as an institution, we are designed as an instrument of the people of each State and ultimately they, not us, control our fate.

The proper place, of course, to discuss this and debate it is on the floor of House; but the proper place to solve this problem is in the legislatures of the various States.

This is, as my colleague, the gentleman from Arkansas (Mr. SNYDER), said a moment ago, the people's House. And it is my opinion it is totally appropriate for the people working through their respective States to decide how best to populate this House with their representatives.

The founders in their profound wisdom in perhaps glimpsing into the future, as they seem to have done so many times, did not leave us without recourse. Where the first clause of the first paragraph of article one, section four gives the States the power to govern every aspect of electing their Federal representatives, there is a second clause. If Congress so decides, Congress has the ultimate authority to take that power away from the States. The second clause in article one, section four reads as follows: The Congress may at any time by law make or alter

such regulations, that is the regulations of the States, except as to the places of choosing Senators.

So this Congress could, as any Congress before it could have, preempt every State election law, every State election law in the country governing the election of Representatives either in times of catastrophe or any other time for that matter. But of course just because we have the power to do these things does not mean we should exercise this power, and in this resolution we have chosen a different course. We are going to the States and asking them to act.

What we are doing today is precisely what we ought to be doing, no more, no less. It is the measured response that continues to respect the rights of the States to govern their own elections but highlights to them their critical role in our Federal legislature and emphasizes their responsibility to ensure that their representation in Congress is never long diminished. It is, after all, in the best interest of each State to ensure that it can quickly replenish its congressional delegation, lest it be left out, unrepresented during what could be one of the most crucial moments in our Nation's history.

Therefore, we should, before we do anything more, give the States the opportunity to act in their best interest and in a way that suits each State's own unique needs, and that is precisely what this resolution does.

Our working group has also been examining possible amendments to the Presidential Succession Act of 1947 because the Speaker of the House stands third in line to the Presidency; and any attack on this body that decimates it, that deprives of it of Members, could take away the Speaker as well, indeed, take away other potential successor Speakers. We want to be sure that the line of Presidential succession is clear and uninterrupted.

Virtually ever proposed solution to every issue the working group has addressed, including this one over the past four months, whether it be a change in the rules of the House, passing a new law, amending an old one, or changing our Constitution by altering its language, presents very serious legal issues requiring careful thought and deliberation.

We are not the first to grapple with these issues. The very first Congress, meeting at the site where Federal Hall in New York stands today and where this Congress gathered just a few weeks ago, grappled with the issue of Presidential succession. One can hardly image a Congress more in touch with the sentiments and intentions of the founders than that very first Congress; and one can hardly imagine a government more tentative and fragile and in need of the stability a well-defined and certain line of Presidential succession would provide. Yet the first Congress was unable to agree on a Presidential succession law, and they went without one.

It was left to the second Congress to finally pass the first Presidential Succession Act in 1792. This act stated that in the event of a vacancy in the office of President and Vice President, succession will pass first to the President pro tem of the Senate and second to the Speaker of the House.

The act has been amended in all of the years intervening since 1792 only twice since then: first following the assassination of President James Garfield in 1881 and the death of Vice President Thomas Hendrix in 1886, when concerns were raised because at the time of their deaths Congress had not yet convened, leaving the office of President pro tem and Speaker of the House vacant. As a result, in 1886 Congress removed the Speaker and the President pro tem from the line of Presidential succession.

Fast forward to 1945. President Truman urged Congress to restore the Speaker and President pro tem to the line of Presidential succession. Two years later in 1947, Congress did so. This time putting the Speaker first and then the President pro tem of the Senate second. This brief history demonstrates the time and deliberation that have gone into the very few changes that have been made to our Presidential succession laws since the inception of the Republic. Therefore, those of us on this working group tasked with finding a solution to these problems of congressional continuity, of the line of Presidential succession should take comfort in a history where thoughtful deliberations has been the rule, not the exception.

Mr. Speaker, it is exactly that kind of deliberation, thoughtful and measured, that has gone into the proposals that the working group has put forward to the Committee on the Judiciary on statutory changes, for example, to the Presidential Succession Act, put forward to the Committee on Rules, changes to our quorum requirements in the manner of recognizing the death of a Member, particularly when mass death occurs, and on this question of the special election of Members after a death of a Member.

This resolution is the first step towards ensuring that this body will endure no matter what, no matter what our enemies do to us. I encourage every Member to join the 11 Members of the bipartisan working group in supporting this resolution, this important first step to ensuring the continuity of this great institution.

Mr. Speaker, I want to conclude by thanking in particular the gentleman from Texas (Mr. FROST) and his superb staff for the time, energy and effort they have put into these matters. We have much work ahead of us. We cannot congratulate ourselves too much for work half done, but we will be after this year and next year. And as I mentioned, given this long history, we cannot be concerned that we are not moving too precipitously fast. We are moving very fast, I think. We have gotten a lot done, but we will have sometime before us. So I look forward toward to working further with the gentleman from Texas (Mr. FROST).

Mr. Speaker, I thank the Members who have spoken on this very important topic today. I apologize to those who were concerned with raising such grizzly topics. Now, Mr. Speaker, I hope we can put ourselves and our minds back to other workday matters more important to we, the living, than this horrible-to-contemplate future contingency. I urge the adoption of this resolution by all the Members of this House, and I urge action of the States in furtherance of this resolution, Mr. Speaker.

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

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to the order of the House of Thursday, September 26, 2002, the resolution is considered read for amendment and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. COX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 559.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mrs. MEEK of Florida. Mr. Speaker, I offer a motion to instruct conferees on the Help America Vote Act.

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

The Clerk read as follows:

Mrs. MEEK of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate—

(1) to convene a public meeting of the managers on the part of the House and the managers on the part of the Senate; and

(2) to ensure that a conference report is filed on the bill prior to October 4, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Florida (Mrs. MEEK) and the gentleman from Ohio (Mr. NEY) each will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs the conferees on H.R. 3295, the election reform legislation, to complete their work and file a conference report prior to October 4, 2002. I speak with a sense of urgency, Mr. Speaker. It has been almost 2 years since the 2000 Presidential election, an election that created a crisis of confidence in our Nation's election system. Last month we had a primary election in Florida that reinforced the need for immediate action on election reform, as it confirmed that many problems that plagued the 2000 Presidential election in Florida are continuing, Mr. Speaker.

□ 1315

Mr. Speaker, it has been more than 9 months since the House of Representatives passed the Help America Vote Act, H.R. 3295. It has been more than 5 months since the Senate passed their version of election reform legislation, Senate bill 765, the Martin Luther King, Jr., Equal Protection of Voting Rights Act of 2002. The Senate passed it by a vote of 99 to 1, yet the conferees still have not completed this. There is a sense of urgency, I repeat.

Two weeks ago I spoke on the floor here in support of the motion to instruct the election reform conferees offered by the gentlewoman from California (Ms. WATERS) instructing the conferees to file a conference report by October 1, 2002. Everyone said the right thing about the need to produce an election reform conference report by October 1, 2002, and yet no conference report was filed. The clock is still ticking, Mr. Speaker.

At that time, the gentleman from Ohio (Mr. NEY) remarked,

> I believe that the conferees, Mr. Speaker, on the election reform bill are within sight of an agreement that will bring critically needed aid and assistance to improve elections in the United States, and I believe this motion to instruct will have a positive effect of reminding the conferees on both sides of the aisle that reasonable negotiations are critical to getting this conference report done in the very near future.

The Chairman also observed,

> There is much work left to be done, and I know we are running out of time, but I believe we can meet that challenge. I look forward to being on the floor in the near future and enacting a bill with broad bipartisan support, a bill that makes it easier to vote and harder to cheat, a bill that would demonstrate to all Americans that this Congress can put aside partisanship and improve the election process for all of our citizens.

Last week I returned to the floor, Mr. Speaker, to speak in strong support of this motion to instruct the election reform conferees offered by my good friend the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), again directing the election reform conferees to produce a conference report before October 1, 2002. Once again, everyone said that the right thing at that time was the need for the conferees to conclude their work, and yet, once again, an election reform conference report has yet to be filed.

Mr. Speaker, I know that the gentleman from Ohio (Mr. NEY), the chairman, and the gentleman from Maryland (Mr. HOYER), the ranking member, and Senators DODD, MCCONNELL, SCHUMER, BOND, the gentleman from Michigan (Mr. CONYERS), the gentlewoman from California (Ms. WATERS), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentleman from Florida (Mr. HASTINGS), the gentleman from Rhode Island (Mr. LANGEVIN), and the gentleman from Missouri (Mr. BLUNT) have worked very hard on the issue of election reform, and I thank all of them for their efforts. Yet, Mr. Speaker, as the Washington Post observed in an excellent editorial yesterday, it is long past the time for conferees to work out their differences.

As the Post observed,

> The negotiators see eye to eye on most aspects of the legislation. Both sides agree that Federal grants should support State election-reform efforts. They have agreed on the size of this support: $3.5 billion over 5 years. They agree that Federal standards should guarantee the basic quality of elections: There should be accurate registers of voters in each State; voters should get a chance to correct their votes if they mess up their ballot first time around; there should be access to the polls for voters with disabilities. Both sides also agree that the goal of encouraging participation in elections needs to be balanced by vigilance against fraudulent participation.
>
> The sticking points are modest by comparison.
>
> How these issues get resolved matters less than whether they get resolved: The worst of all outcomes is that the legislation dies for lack of negotiating energy. A dozen States have passed election-reform plans,

including my State of Florida,

> that will be implemented only if Federal funding is available; if these plans are left to languish, more disputed elections lie in the future. At a time when the Nation's political balance, both in the House and in the Senate, is so nearly even, the importance of accurate vote counting ought to be obvious. And at a time when voter turnout is at an all-time low, bolstering public confidence in the machinery of democracy is especially urgent.

Mr. Speaker, the Washington Post has it right. We need action on election reform, and we need it now. I repeat, we need this now. This is an urgent situation. Thus I am compelled to return to the floor today to offer this motion instructing the conferees to complete their work and file a conference report prior to October 4, 2002.

Mr. Speaker, need I say it again? Election reform is long overdue. Wherever I travel, my constituents and many other Americans ask what is going to be done about election reform; what are we going to do to correct these problems in the election system? The confidence of the Nation is being certainly inhibited by the lack of election reform. How many more election day catastrophes, like last month's voting in Florida, will be required for this Congress to get the message that our people need a real election reform bill, and they need it now?

Mr. Speaker, we must protect the right to vote. Too many have sacrificed too much to secure this right for any of us to shrink from our responsibility to protect it. Equal protection of voting rights laws requires an electoral system in which all Americans are able to register as voters, remain on the rolls once registered, and vote free from harassment. Ballots must not be misleading, and, again, every vote must count. Every voter must count equally, and every vote must count.

I have read these newspapers over and over again, and I have read the indication that election reform conferees have not yet been able to work out their differences and suggesting that election reform, therefore, may be dead this session. Election reform should not be dead this session. As I noted last week, this outcome is absolutely unacceptable to say that election reform is dead for this session. We should be able to pass a strong election reform conference report and send it to the President for his signature before this session ends.

Mr. Speaker, I do not question the conferees' good intentions. In fact, I presume their good faith. But the time for words has passed. It is time for action. It is time for the conferees to act. We need to get this conference report done and report it out. I am here to remind all of the conference members and the conferees of the gentleman from Ohio's (Mr. NEY) comments that I quoted and encourage them to act on it.

Mr. Speaker, we must not forget the lessons of the 2000 election and last month's Florida fiasco. The most fundamental issue facing all of us during this Congress is restoring the public's faith in democracy. It appears that many of us have forgotten that, but it is extremely important that we keep this in front of the American public. To restore that faith in democracy, we must make sure that every vote cast is counted. None of us can rest until we ensure that every vote counts and is counted.

I urge all of my colleagues to support my motion to instruct election reform conferees to file a conference report prior to October 4, 2002.

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

Mr. NEY. Mr. Speaker, I yield myself as much time as I may consume.

Let me just say I appreciate the gentlewoman's motion to instruct. We are going to agree with the motion to instruct. In fact, I just want to present this in the correct way. We are speaking, as we are speaking, so, therefore, I am going to have to actually yield back the balance of my time so we can go on and get this product done.

I am working with our colleague the gentleman from Maryland (Mr. HOYER) and the other members of the conference. We need a product. We want to have a product. We want something that works. We do not want an issue; none of us want that. We all want something that is going to help the American people.

I appreciate the gentlewoman pushing in the correct way on this conference committee motion.

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

Mrs. MEEK of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

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

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

Let me begin by recognizing the outstanding leadership of the gentlewoman from Florida. I am not objecting. She is a close friend. She is a close friend. I am a strong admirer. She has had an extraordinary career in this House, State senate, in the Legislature of Florida and her community. The cause of election reform has no greater advocate. She has been motivated not just by a conviction that it is good public policy, but also by firsthand experience of the indignities a voter can face.

When registration rolls are improperly maintained, when provisional ballots are inadequate and voting equipment is so obsolete it fails to register duly cast votes, indeed, Mr. Speaker, I can think of few Members of this body, perhaps the gentlewoman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. HASTINGS) come to mind, but few Members who are as qualified to speak on election reform in uniquely moral, constitutional and American terms than my friend the gentlewoman from Florida (Mrs. MEEK).

Mr. Speaker, in less than 4 weeks this Nation will hold its first Federal elections since the November 2000 debacle. Mr. Speaker, I will include the balance of my remarks, but I want to say this. I want to say it to all the Members of this House, Mr. Speaker. We took a historic step last year in December and passed overwhelmingly election reform. Over 350 Members of this body voted for that. Some 5 months, 6 months later, the United States Senate passed a bill 99 to 1, passed it in April. April has come and gone. May has come and gone, June, July, August, September. Now we are in October. We are in a new fiscal year.

The 107th Congress is about to end, and, Mr. Speaker, we have yet to pass election reform. We have yet to pass the bill that arguably had the greatest impetus coming out of the 2000 election of any issue in this land, and that was ensuring that every American not only had the right to vote, but would be facilitated in making that vote, and that their vote would be accurately counted.

Mr. Speaker, I have had a lot of optimism that we are going to pass this bill. I continue to have optimism, but the hour is late. This motion is absolutely appropriate, and I thank the gentlewoman from Florida for making it. We have been working in private, difficult sessions, tried to iron out differences. The good news is, Mr. Speaker, from my perspective, we have agreement on 90 percent of this bill's major points.

Mr. Speaker, it would be tragic, but more than that, it would be disgraceful, if this House and the Senate adjourned sine die without passing this particular piece of legislation.

Mr. Speaker, since September 5, I suppose, when we reconvened here, maybe it was the 4th, we have done little. We have not passed any appropriation bills. The end of the fiscal year came on September 30 and went. We passed a continuing resolution to keep the government funded. We are going to pass another continuing resolution tomorrow, but we have not done anything of substance, Mr. Speaker. Neither this body nor the other body has passed any legislation of significance in the past 25 days.

□ 1330

Mr. Speaker, we will debate next week the issue of war and peace. We will debate how we extend the blessings of democracy and protect people from those who would visit terror and death and destruction upon them, their families, and their countries. Mr. Speaker, as we do so, let us hope that we also pass a piece of legislation which will say that in the world's greatest democracy that believes that all men and women are created equal and that in this Nation every one of them is entitled to have their voice heard and that in a democracy, that that voice is heard through the ballot box.

Mr. Speaker, I hope that you, I hope that I, I know that the gentlewoman from Florida (Mrs. MEEK) will work as tenaciously and vigorously as we know how to ensure that we will vindicate that right in legislation; in legislation which will extend to the States resources to give us the best technology possible, resources to provide training for those who administer our elections, resources to educate our voters, and requirements that we have a statewide registration system so that a voter does not come to the polls and hear, oh, I am sorry, we cannot find you on the list; and by the way, we cannot get through to the central office on our phone.

I hope this will be legislation which will ensure that everybody, irrespective of the disability with which they are challenged, will be able to cast their vote and cast their vote in secret; legislation which will say that that person that comes to the poll will get a provisional ballot; and legislation which will say and guarantee that election officials will be able to say to individuals, if the technology permits and an individual makes a mistake and that vote may not be counted, do you want to correct it? Do you want to correct it so that your voice in this democracy will be heard?

I thank the gentlewoman for yielding me this time; but much, much more importantly, I thank her for the courage, the conviction, and the time that she has spent through more than 5 decades of public service to make this a better country.

Mr. Speaker, let me begin by recognizing the outstanding leadership of the gentlewoman from Florida, for whom the cause of election reform has been motivated not just by a conviction that it is good public policy, but also by firsthand experience of the indignities a voter can face when registration rolls are improperly maintained, when provisional ballots are not available, and when voting equipment is so obsolete it fails to register duly cast votes.

Indeed, Mr. Speaker, I can think of few Members of this body—Representative BROWN and Representative HASTINGS come to mind—who are as qualified to speak of election reform in uniquely moral terms as Representative MEEK.

Mr. Speaker, in less than 4 weeks, this Nation will hold its first Federal elections since the November 2000 debacle.

Nobody can predict with certainty how smoothly those elections will go.

After almost 2 years studying what went wrong in November 2000, I am convinced that confidence in this Nation's election system will not be restored until this Congress enacts meaningful national standards, and offers State and local authorities the resources to improve their election infrastructure.

I am pleased to report that Congress is on the threshold of doing just that.

Thanks in large measure to my colleague and good friend from Ohio, Chairman BOB NEY, we are closer than ever to enacting the most comprehensive package of voting reforms since the Voting Rights Act of 1965:

Reform that will require States to offer provisional ballots to all voters whose registration materials have been mishandled by election officials.

Reform that will require States to maintain statewide, computerized registration lists to ensure the most accurate, up-to-date rolls and minimize the number of voters who are incorrectly removed from the voter rolls.

Reform that will reward States for retiring obsolete voting machines—especially the notorious punch cards machines and their dangling chads—that prompted this Congress to act in the first place.

Reform that will require voting systems to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, and allow them to vote privately and independently.

Reform that allows voters to review and correct their ballots before they are cast.

Reform that does not weaken any existing voting rights laws, includes meaningful enforcement, and ensures that every vote counts.

Mr. Speaker, this motion is intended to ensure that we on the Conference Committee complete our work prior to October 1, 2002.

Given the extraordinary progress the Conference Committee has made in the past 14

days, there is no legitimate reason we cannot meet that deadline.

Indeed, given the larger context in which we operate, I would submit that this congress has a moral obligation to enact election reform before we adjourn:

Mr. Speaker, over the last year this country has committed vast resources to ridding the world of those who would employ the tools of terror to destroy systems of government that derive their legitimacy from the ballot box.

In just the past few weeks we in Congress have been challenged to contemplate the use of overwhelming military might to bring to heal one of the great despots of the past 50 years, a figure whose utter contempt for democracy and the people he rules is the only reason he has held power for so long.

As we consider such profound measures to extend democracy where it does not now exist and strengthen it where it is fragile, we have an urgent responsibility to do the same at home.

Mr. Speaker, I urge my colleagues to pass this motion.

Mrs. MEEK of Florida. Mr. Speaker, I yield myself the balance of my time, and I wish to thank the gentleman from Maryland (Mr. HOYER), my friend, who has been steadfast in his support and building a rationale in this country for election reform. He did not need to be asked. He rose to the occasion. He worked extremely hard in this Congress. He held hands with the gentleman from Ohio (Mr. NEY). This has been a bipartisan push, and it has to happen.

It is very difficult for me to understand why it has not happened. The gentleman from Maryland (Mr. HOYER) has laid out here a history of what has happened. I am a part of that history. I make history every day, and the people I represent make history because we are being misrepresented when the vote is not counted. We may go throughout the highways and byways of this country and get people to go to the polls and vote; but if their votes are not counted, it undermines a system which we are so proud of.

We are proud of this country. We know what it can do. We know what it has done. And we are saying over and over again we cannot accept the fact that many people, over 22,000 of them in Broward and Dade County, were overlooked, even more than that in Duvall County. The gentlewoman from Florida (Ms. BROWN) has nightmares of what happened in Duvall County. The gentleman from Florida (Mr. HASTINGS) and I have nightmares of what happened in Dade and Broward. But now it is beginning to happen to all citizens.

Not many people got alarmed when it happened to the people I represent. I came to this Congress, and I talked about it. I represent those people who are underrepresented. But now it is beginning to happen to the American populace. It happened when Janet Reno ran for Governor in Florida. People who wanted to vote for her could not. People who thought they had voted for her had not.

It is extremely important, Mr. Speaker; and I again appeal to this Congress, with the conscience I know my colleagues have, to stand up for America and see that the conferees get their work done, get it done immediately, and report it and the President pass it. Otherwise, the talking is cheap. Only their confidence, only their good will, only action will prove that every vote will count.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of the Motion to Instruct Conferees on H.R. 3295, introduced by the gentlewoman from Florida, Mrs. MEEK.

Mr. Speaker, it is time for the Members of Conference Committee to convene a public meeting, finish their work on this legislation, and report it out.

It is time to have a final election reform bill on the floor of the House of Representatives. We've waited long enough.

For the past three weeks now, I have joined a number of Members at this podium and recounted how allegations of voter intimidation, inaccurate voter registration lists, arbitrary ballot counting standards and antiquated machinery deprived so many citizens of their right to vote during the 2000 election.

Just last week, we called for the House-Senate Conference Committee to complete their work by no later than October 1st.

Unfortunately, yet another week has come and gone, and still we have no election reform bill.

How can we go home to our Districts and look our constituents in the eye if we fail to enact legislation to protect this most sacred right, a right that is the cornerstone of our democracy?

Recent primary elections in Florida and elsewhere have only confirmed that the problems of the 2000 elections will still haunt us until we pass legislation to enact meaningful election reform standards. We in Congress have legislation almost within our grasp that will take giant strides to remedy the disenfranchisement of the last election.

We must pass this bill, and we must send it to the President for his signature before another day passes.

Now, it has taken a substantial amount of work to get us where we are today. I believe all Members of the Conference Committee deserve our gratitude for their work on this difficult issue.

I would also like to salute my colleagues in the Congressional Black Caucus for fighting to make ''every vote count''.

But while I recognize these individuals for their hard work, I want to remind all of them that our work will be for naught if we fail to pass this legislation.

In just 34 days, Americans across the country will go to the polls to cast ballots for their elected representatives.

Congress must act immediately to ensure that every American has the right to vote and to have their vote counted. Time is running out for the 107th Congress.

We've come so close to compromise, and the price for not passing election reform is far too high. It's time to quit wasting time.

I call on the Conference Committee finish its hard work, convene a public meeting, and come to an agreement before October 4, 2002. We cannot afford to let this opportunity slip away.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Florida (Mrs. MEEK).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MEEK of Florida. 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, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 37 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1406

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUINN) at 2 o'clock and 6 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

H. Res. 543, de novo;

H. Res. 559, de novo;

Motion to instruct conferees on H.R. 3295, by the yeas and nays.

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

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 4019, PERMANENT MARRIAGE PENALTY RELIEF ACT OF 2002

The SPEAKER pro tempore. The pending business is the question de novo on the resolution, House Resolution 543.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 285, nays 130, not voting 16, as follows:

[Roll No. 430]

YEAS—285

Abercrombie
Aderholt
Akin
Allen
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—130

Ackerman
Andrews
Baca
Baldwin
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hill
Hilliard
Hinchey
Hoeffel
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Turner
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—16

Cooksey
Deal
Ehrlich
Gilman
Hastings (FL)
Herger
Hilleary
Johnson, Sam
Lampson
Mascara
Pitts
Rahall
Roukema
Sanchez
Stump
Tanner

□ 1430

Messrs. SCOTT, INSLEE, KUCINICH, LARSON of Connecticut, PAYNE, PALLONE, WAXMAN, EVANS, SPRATT, FILNER, WATT of North Carolina, BONIOR, FARR of California, and Ms. McCOLLUM changed their vote from ''yea'' to ''nay.''

Mr. REYNOLDS changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1430

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

EXPEDITED SPECIAL ELECTIONS

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the resolution, House Resolution 559.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 431]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler

Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Clayton
Cooksey
Deal
Ehrlich
Hastings (FL)
Herger
Hilleary
Houghton
Johnson, Sam
Lampson
Mascara
Pitts
Rahall
Roukema
Sanchez
Stump
Tanner

□ 1440

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of agreeing to the motion to instruct conferees on H.R. 3295 offered by the gentlewoman from Florida (Mrs. MEEK) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Florida (Mrs. MEEK).

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 14, not voting 17, as follows:

[Roll No. 432]

YEAS—400

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

NAYS—14

Barr
Bonilla
Collins
Culberson
Everett
Flake
Goode
Hostettler
Kerns
Kingston
Miller, Jeff
Paul
Thornberry
Toomey

NOT VOTING—17

Bass
Clayton
Cooksey
Deal
Ehrlich
Hastings (FL)
Herger
Hilleary
Houghton
Johnson, Sam
Lampson
Mascara
Pitts
Roukema
Sanchez
Stump
Tanner

□ 1450

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 5521, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2003

Mr. KNOLLENBERG, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–716) on

the bill (H.R. 5521) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. THORNBERRY). All points of order are reserved on the bill.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Mr. VISCLOSKY. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, offer a privileged resolution that I noticed, and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, due to the severe under funding of Education within the President's Fiscal Year (FY) 2003 Budget.

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of programs and operations of the Federal government.

Whereas to date the House has only considered five Appropriations bills.

Whereas as President, George W. Bush has been persistent in resonating public concern for better schools. He dedicated significant amounts of time and public dialogue during his first year in office to the passage of H.R. 1, the ''Leave No Child Behind'' Act, not only implying he favored more help to schools from the federal treasury but specifically authorizing large increases in a number of key program areas.

Whereas within weeks of signing H.R. 1, Public Law No: 107–110, the ''No Child Left Behind'' Act, the President submitted a budget that stopped six years of steady progress in federal support to local schools dead in its tracks.

Whereas instead of the strong and consistent growth in support to local schools that the federal government has provided for more than a decade, the President's FY 2003 Budget holds aid to local schools virtually flat. Furthermore, his Budget Director now insists that if Congress exceeds the budget request by even the smallest amount, the President will veto entire appropriation bills.

Whereas the future of our labor force and our economy is heavily dependent on elevating the education and skills of all future workers.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of being left behind. The achievement gap between these students and the rest of the student population remains large and has failed to close.

Whereas of the 53.6 million children currently enrolled in elementary and secondary schools in this country, 9.8 million, or nearly 20 percent, are from households defined by the Commerce Department as being in poverty.

Whereas the House is faced with the choice of supporting schools or supporting the President and his effort to reverse the trend of expanding federal support for local schools.

Whereas the Congress has provided states with an unfunded mandate by approving the ''No Child Left Behind'' Act without the necessary financial resources to fund it. Now, therefore, be it

Resolved that it is the sense of the House of Representatives that the Congress should provide states with the resources they need to fully implement the ''No Child Left Behind'' Act as it promised less than a year ago, by completing action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations.

The SPEAKER pro tempore. The Chair will hear briefly from the proponent of the resolution as to whether the resolution constitutes a question of the privileges of the House under rule IX.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the recognition to speak on the resolution.

Article 1, section 9 of the Constitution states that ''No money shall be drawn from the Treasury, but in consequence of appropriations made by law.''

It is the fiscal duty of the Congress to appropriate the money necessary to provide the funds needed to support the execution of programs and operations of the Federal Government. To date, only five of these important measures have been considered.

The failure of this unrealistic budget resolution is especially true in respect to the fiscal year 2003 Labor, Health and Human Services, Education and Related Agencies appropriations bill in its funding for education. This inaction has hampered this body's constitutional duty.

□ 1500

Mr. Speaker, this inaction has hampered this body's constitutional duty and impinged its integrity. President Bush dedicated significant amounts of time and public dialogue during his first months in office to the passage of H.R. 1, the Leave No Child Behind Act. It specifically authorized large increases in a number of key educational programs. However, within weeks of signing the bill, the President submitted a budget that stopped 6 years of steady progress. His budget director now insists that if Congress exceeds the budget request by even the smallest amount, the President will veto the entire appropriations bill.

Mr. Speaker, section 702 of House rule IX, entitled ''The General Principles,'' concluded that certain matters of business arising under the Constitution mandatory in nature for the House have been held to have a privilege which supersedes the rules establishing the order of business. The powers of raising revenue and appropriating funds is the question of the House's constitutional authority and is therefore privileged in nature, especially given the importance of this funding to the future of our Nation.

The future of our labor force and our economy is heavily dependent on elevating the education and skills of future workers. The achievement gap between students who are at risk and the rest of the student population remains large and has failed to close.

It is not only the prerogative of this Chamber but its constitutional duty for the House to take action on the Labor, Health and Human Services and Labor bill. The Congress has provided States with an unfunded mandate by approving H.R. 1 without the necessary financial resources to fund it. The majority of this body voted for H.R. 1, and we should deserve to be heard.

Mr. Speaker, my question of privilege regards the integrity of our proceedings as a House as prescribed by the Constitution. The U.S. Constitution conveys upon this body the power to originate appropriation measures. It is not only our responsibility, it is our duty and obligation to reinstate this message and this legislation about the importance of education. And I do believe the resolution that I have introduced is privileged in the House.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair is prepared to rule on whether the resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) constitutes a question of privileges of the House under rule IX.

The resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) expresses the sense of the House that the Congress should complete action on a legislative measure. Specifically, the resolution calls upon the Congress to provide the States with additional education resources by completing action on a general appropriation bill.

The Chair has most recently ruled on November 4, 1999, consistent with the principal enunciated by Speaker Gillett in his landmark ruling of May 6, 1921, that a resolution expressing a legislative sentiment ordinarily does not give rise to a question of privileges of the House under rule IX. Specifically, the Chair held on that occasion that legislative sentiment that the President should take specified action to achieve a desired policy end did not present a question affecting the rights of the House collectively, its safety, its dignity or the integrity of its proceedings as required under rule IX.

In the opinion of the Chair, the instant resolution expressing the sentiment that Congress should act on a specified measure also falls short of the standards of rule IX.

The Chair would quote from the landmark Gillett ruling: ''No one Member ought to have the right to determine when it should have come in preference to the regular rules of the House.''

To permit a question of privileges of the House either urging or requiring congressional action or inaction on education funding would permit any Member to advance virtually any legislative proposal as a question of privileges of the House.

As the Chair ruled on December 22, 1995, the mere invocation of the general legislative power of the purse provided in the Constitution, coupled with a fiscal policy end, does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) does not constitute a question of privileges of the House under rule IX and may not be considered at this time.

Mr. VISCLOSKY. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. JEFF MILLER OF FLORIDA

Mr. JEFF MILLER of Florida. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 210, nays 200, not voting 21, as follows:

[Roll No. 433]

YEAS—210

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Abercrombie
Barr
Callahan
Cooksey
Davis, Tom
Deal
Ehrlich
Ganske
Gutierrez
Hastings (FL)
Hilleary
LaFalce
Lampson
Mascara
McKinney
Pitts
Roukema
Sanchez
Stump
Tanner
Watkins (OK)

□ 1524

Mr. EDWARDS and Mr. HINOJOSA changed their vote from ''yea'' to ''nay.''

Mr. HEFLEY and Mr. WELDON of Florida changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Mr. BROWN of Ohio. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution, that I noticed yesterday pursuant to rule IX, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the resolution.

The Clerk read as follows:

Whereas Article I, Section VIII, of the Constitution states Congress shall have Power to promote the progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Whereas such protections on Writings and Discoveries have been promulgated by patent, copyright, and other laws, including Public Law 98–417, affording Authors and Inventors the exclusive Right to their respective Writings and Discoveries for a limited period of time;

Whereas Public Law 98–417 breaches this constitutional requirement by failing to impose such limitation on the protection of certain medical inventions;

Whereas provisions of Public Law 98–417 imbue the Food and Drug Administration with the authority to secure for limited time for Inventors the exclusive Right to their respective Medical Inventions;

Whereas public Laws 98–417 fails to provide the Food and Drug Administariton the authority to refrain form securing this exclusive right for inventors if the conditions for such exclusivity are not met;

Whereas due to the failure of Congress to provide the Food and Drug Administration with the proper authority to fulfill obligations under the Act, certain medical inventions have received the exclusive Right to their respective Inventions without limitation;

Whereas the unlimited exercise of exclusivity by prescription drug manufacturers subjects healthcare consumers and third party payers to no-competitive prices and results in significantly higher prescription drug costs for purchasers;

Whereas health care costs increased by 5% in 2001, 3.7 times faster than overall inflation rate;

Whereas prescription drug cost spending is the fastest growing component of heath care costs, and rose 17% in 2001;

Whereas health insurance premiums rose by 11% in 2001, driven largely by the increased cost of prescription drugs;

Whereas state Medicaid spending increased by 11% in Fiscal year 2002, driven primarily by increased prescription drug spending and enrollment growth;

Whereas the number of individuals with health insurance declined by 1.4 million in 2001, a function of the faltering economy, rapid health inflation, and a growing number of states in which public insurance programs are outpacing budgets;

Whereas prescription drugs are prescribed by licensed healthcare professionals to consumers as a non-discretionary purchase essential to their welfare;

Whereas it is in the public interest to grant a limited period of exclusivity to inventors of prescription drugs, but extending that exclusivity places an inappropriate fiscal burden on consumers, insurers, and public sector payers;

Whereas generic drugs are sold as alternatives to medical inventions for which exclusivity is no longer available;

Whereas generic drugs have the same dosage, safety, strength, quality, and performance as the medical inventions for which they serve as substitutes, according to the Food and Drug Administration;

Whereas limitations on exclusivity have allowed prescription drug prices to drop 40–80 percent when generic drugs enter the market;

Whereas limitations allowing generic drugs to enter the market saved consumers $8–$10 billion in 1994 alone, according to the Congressional Budget Office;

Whereas the failure to apply limitations to the Exclusive rights granted under Public Law 98–622 has afforded widely used medicines, including Prilosec and Paxil, an indefinite period of exclusivity;

Whereas Prilosec and Pxil were among the 50 medicines seniors used most in 2001;

Whereas the Senate has passed S. 812, which amends Public Law 98–417 to restore constitutionally mandated limitation on medical inventions;

Whereas the House has not considered Legislation to amend Public Law 98–417 to restore constitutionally mandated limitations in medical inventions;

Whereas it is the obligation of the House to consider such legislation in keeping with its constitutionally mandated obligations to secure for Limited Times to Authors and inventors the right to their writings and Inventions;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will cost consumers and other purchasers $60 billion over the next ten years, according to the Congressional Budget Office;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will leave more seniors and other Americans without access to needed medicines;

Resolved, that it is the sense of the House of Representatives that the house should consider pending legislation to amend Public Law 98–417 to restore constitutionally mandated limitations on medical inventions on behalf of American consumers, including seniors, American businesses, and tax-funded federal and state health insurance programs.

□ 1530

POINT OF ORDER

Mr. BURR of North Carolina. Mr. Speaker, I rise on a point of order. The gentleman has not presented to the House a question of privilege under rule IX of the rules of the House. As the House Practice Manual clearly states, and I quote, ''Rule IX is concerned not with the privileges of the Congress as a legislative branch but only with the privileges of the House itself.'' The mere enumeration of the legislative powers in article 1, section 8 of the U.S. Constitution, which the gentleman cites in his resolution, do not give rise to a question of privilege of the House itself. The precedents of the House are clear on this point.

Mr. Speaker, I therefore insist on the point of order.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will hear from the gentleman from Ohio on the point of order as to whether his resolution constitutes a question of privileges of the House under rule IX.

Mr. BROWN of Ohio. Mr. Speaker, this resolution goes to the question of the integrity of the House and its proceedings, and failure to act impugns the integrity of the House.

Under article 1, section 8 of the Constitution, Congress has two obligations in regard to intellectual property protection: to provide authors and inventors a period of exclusivity, and to place a defined limit on that exclusivity. Both obligations are crucial because they accommodate a delicate balance between promoting new innovation and promoting broad scale access to that new innovation.

In the case of prescription drugs, the balance is especially crucial. It is in the public interest to promote the development of new medicines. Every day, however, that competition in the drug market is delayed means fewer Americans with access to that medicine. The only thing more tragic than a life-threatening or debilitating illness is knowing that one cannot afford the medicine that would cure that illness.

In accordance with its obligations under the Constitution, Congress has enacted a number of laws intended to provide inventors and authors limited intellectual property protection: the Patent Act, the Copyright Act, the Bayh-Dole Act, the Hatch-Waxman Act, and licensing laws for atomic energy and anti-pollution devices. Unfortunately, Hatch-Waxman confers intellectual property protection without limit. This was clearly not the intention of the authors, and Congress has impugned its integrity by failing to address this constitutional breach.

Under Hatch-Waxman, drug makers can trigger an automatic 30-month period of exclusivity for their products above and beyond the 14 to 17 years of patent protection they already receive by taking two simple steps: first, the drugmaker notifies FDA that it possesses an additional patent that claims the drug, meaning that it covers an essential aspect of the drug as approved by FDA. This typically occurs at just about the time when the drugmaker's original patents on the drug are about to expire. Then, if any generic drug companies have filed on application with FDA to market a generic version of that drug, the brand-name company then sues the generic for patent infringement.

Under those circumstances, FDA is obligated to place a 2½-year stay on the approval of the generic drug application regardless of the merit of the patent, regardless of whether the drugmaker's new patent actually claims the drug. In fact, FDA has no authority under Hatch-Waxman to assess whether a patent is actually in any way relevant to the underlying drug patent. The agency must take the drug industry's word for it and award the drugmaker an additional 30 months of exclusivity.

While the Judicial Branch tries to step into the breach, the courts have repeatedly curtailed the 30-month exclusivity by ruling that a drug company's patent does not claim a drug, the courts cannot prevent drug companies from repeating this process over and over again, filing new patents with FDA, triggering 30 months of exclusivity, then enjoying that exclusivity until the courts rule against them.

The SPEAKER pro tempore. The Chair requests the gentleman confine his remarks to the question of whether the resolution constitutes a question of privileges of the House.

Mr. BROWN of Ohio. Mr. Speaker, this goes to the question of the integrity of the House and its proceedings; and by building this case, it will be clear to all Members how this in fact has happened.

The Patent and Trademark Office cannot prevent drugmakers from securing indefinite periods of exclusivity under Hatch-Waxman. It only determines whether a drugmaker should receive a patent, not whether this patent claims an existing prescription drug product. Under Hatch-Waxman, neither FDA nor any agency or branch of government can prevent intellectual property protection from being conferred over and over again, in other words, indefinitely for the same product, a violation of the Constitution.

This problem is not theoretical; it is real. Neurontin, a $1.1 billion-a-year drug, is a prescription drug for seizures. Its two main patents, one on the drug's ingredients, one on the use of the drug, expired in 1994 and 6 years later, respectively. Right before the second patent expired, the company listed two new patents, one of which was an unapproved use to treat Parkinson's. The drugmaker did not ask FDA to approve the drug for Parkinson's patients. The drugmakers did not do any research to assert whether the drug actually is effective for Parkinson's patients, but the generic drugmaker still had to go to court to argue that its product is not intended for Parkinson's patients.

When the generic and brand-name company go to court, FDA is automatically required to withhold approval of the generic for 30 months, or 2½ years. That is why this goes to the integrity of the House and its proceedings. After those 30 months, the industry filed a new patent, forcing the generic industry to go back to court, starting the 30-

month clock again. The two delays, equal to 5 years, delayed generic entry and additional patent protection illegally and unconstitutionally, costing consumers a million and a half days in potential savings.

It is our responsibility, Mr. Speaker, to restore the original intent of Hatch-Waxman and meet our constitutional obligation to limit intellectual property protection afforded to drugmakers. Our failure to act on pending legislation impugns the integrity of this House and impugns the integrity of Congress. In failing to act, we play a complicit role in a looming health care crisis. We know what that is: rising prescription drug costs fuel double-digit increases in health insurance premiums, they put State budgets in the red, and they force seniors to choose between medicine and food.

My question of privilege, Mr. Speaker, regards the integrity of our proceedings as a House as prescribed by the Constitution. The Constitution conveys upon this body the power to secure for limited, underscore limited, times to authors and inventors the exclusive rights to their writings and discoveries. Hatch-Waxman confers intellectual property protection without limit, and therefore it is our obligation to remedy this constitutional breach.

The other body has passed legislation already that fulfills this obligation bipartisanly and overwhelmingly. This House has three pieces of legislation before it, H.R. 1862, 5272, and 5311, with several sponsors from both parties, that would enable the House to meet its constitutional obligation. This resolution urges the House to take up one of these measures in keeping with our constitutional obligations and to restore the integrity of our proceedings.

I ask the Speaker to recognize any Member wishing to speak on the resolution.

The SPEAKER pro tempore. The Chair is prepared to rule.

As the Chair ruled earlier today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The mere invocation of legislative powers provided in the Constitution coupled with a desired policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Ohio does not constitute a question of the privileges of the House under rule IX, and the point of order raised by the gentleman from North Carolina is sustained.

Mr. BROWN of Ohio. Mr. Speaker, I appeal the ruling of the Chair and ask to be heard on the ruling.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. BURR OF NORTH CAROLINA

Mr. BURR of North Carolina. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 204, not voting 15, as follows:

[Roll No. 434]

YEAS—212

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Barr
Deal
Ehrlich
Ganske
Hastings (FL)
Hilleary
Lampson
Mascara
McKinney
Pitts
Roukema
Sanchez
Skelton
Stump
Tanner

□ 1604

Mrs. NORTHUP changed her vote from ''yea'' to ''nay.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.J. RES. 114, AUTHORIZING USE OF MILITARY FORCE AGAINST IRAQ

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, I rise to inform our colleagues that today we will be sending a Dear Colleague letter informing Members that the Committee on Rules is planning to meet on Monday, October 7, to grant a rule which may limit the amendment process for H.J. Res. 114, authorization for the use of military force against Iraq.

Any Member who wishes to offer an amendment to this joint resolution should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 5 p.m. this Friday, October 4, to the Committee on Rules in room H–312.

Amendments should be drafted to the text of the joint resolution as reported by the Committee on International Relations, which is expected to file probably tomorrow. The text will be available on the Web sites of both the Committee on International Relations and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PRIVILEGES OF THE HOUSE—MAKING CHAPTER 12 FAMILY FARMER BANKRUPTCY PROTECTIONS PERMANENT

Mr. HOLDEN. Mr. Speaker, I rise to a question of the privileges of the House, and offer a privileged resolution that I noticed pursuant to rule IX, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the resolution.

The Clerk read as follows:

A resolution in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and its Constitutional duty hampered by the inability of the House to bring to the floor, a clean bill permanently extending Chapter 12 of title 11 of the U.S. Code which provides bankruptcy protections to family farmers.

Whereas, Chapter 12 of the Federal bankruptcy code was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision, preventing a situation from occurring where a few bad crop years lead to the loss of the family farm; and

Whereas, in the absence of Chapter 12, farmers are forced to file for bankruptcy relief under the Bankruptcy Code's other alternatives, none of which work quite as well for farmers as Chapter 12; and

Whereas, since its creation, the Chapter 12 family farmer bankruptcy protection has been renewed regularly by Congress and has never been controversial; and

Whereas in 1997, the National Bankruptcy Review Commission recommended that Chapter 12 be made permanent; and

Whereas in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act includes a provision that permanently extends Chapter 12. And, in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act is a controversial bill whose enactment is an uncertainty; and

Whereas, for 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. For 5 years, the family farmer has been waiting to see if Congress will extend these protections for another few months until we reach the next legislative hurdle on the larger bankruptcy issues; and

Whereas right now, family farmers are making plans to borrow money based on next year's expected harvest in order to be able to buy the seeds needed to plant the crops for that harvest. As these farmers leverage themselves, they need to have the assurance that Chapter 12 family farmer bankruptcy protections are going to be there for them on a permanent basis. Sporadic and temporarily extensions to not do the job.

Now therefore, be it resolved that it is the sense of the House of Representatives that the Speaker should immediately call up for consideration by this body, H.R. 5348, the Family Farmers and Family Fishermen Protection Act of 2002, which will once and for all give family farmers the permanent bankruptcy protections they have been waiting over five years for.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I raise a point of order that the resolution is not privileged under the rules of the House and ask to be heard on the point of order.

The SPEAKER pro tempore. The gentleman may present his point of order.

Mr. SENSENBRENNER. Mr. Speaker, over the years, both Republican and Democratic Speakers have ruled that questions of privilege may not be used to criticize the legislative process, such as charges of inactivity in regard to a subject reported from committee. This precedent dates back to at least 1974 and has been renewed by Speakers of the House ever since.

The question of privilege that the gentleman from Pennsylvania (Mr. HOLDEN) raises relates to scheduling of legislation. Just yesterday, the House passed a bill on the subject of family farmer bankruptcy protection, which the gentleman from Pennsylvania supported; and I thank him for that support. But this resolution is definitely not a question of privilege. The issue has been raised with the first alleged resolution of privilege that came up. The question is identical to that on which the Speaker has already ruled and on which the House has tabled an appeal.

I would urge the Speaker to sustain the point of order.

The SPEAKER pro tempore. The Chair will hear from the gentleman from Pennsylvania on the point of order as to whether the resolution constitutes a question of privileges of the House under rule IX.

Mr. HOLDEN. Mr. Speaker, rule IX of the House Rules Manual states that questions of privilege are ''those affecting the rights, reputation, and conduct of Members, Delegates, or the Resident Commissioner, individually, in their representative capacity only.''

The rights, reputation, and conduct of this Member are negatively affected when the House cannot move legislation that the American people and the vast majority of the Members of this House overwhelmingly support. Chapter 12 of the Federal bankruptcy code was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision, preventing a situation from occurring where a few bad crop years result in the loss of the family farm.

Mr. Speaker, in 1997, the National Bankruptcy Review Commission recommended that chapter 12 be made permanent. Six times since that recommendation was made, Congress has ignored the advice of the National Bankruptcy Commission and has extended chapter 12 on a temporary basis rather than a permanent basis. I will admit that a permanent extension of chapter 12 has been included in the larger bankruptcy reform bill, but that bill is saddled with great controversy; and despite our efforts to pass it several times in the past 5 years, we still have not had success.

Mr. Speaker, for 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. Right now, family farmers in my congressional district and in other congressional districts are making plans to borrow money based on next year's expected harvest. As these farmers leverage themselves, they need to have the assurance that chapter 12 family farmer bankruptcy protections are going to be there for them on a permanent basis. Sporadic and temporary extensions do not do the job. Immediate consideration of H.R. 5348, the Family Farmers and Family Fishermen Protection Act of 2002, will give family farmers the permanent chapter 12 bankruptcy protection they have been patiently waiting for for 5 years.

Mr. Speaker, let me finish by saying I represent over 600,000 constituents, many of whom are family farmers. My rights and those of my constituents are being denied when urgent legislation that has the majority support is blocked from consideration simply because the leadership of this House will not schedule a vote for this bill. As a result, I believe this resolution meets the test of privilege.

The SPEAKER pro tempore. The Chair is prepared to rule.

As the Chair ruled earlier today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The mere invocation of legislative powers provided in the Constitution coupled with a desired policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Pennsylvania does not constitute a question of the privileges of the House under rule IX and the point of order raised by the gentleman from Wisconsin is sustained.

□ 1615

The Chair would further add that the Chair understands the gentleman from Pennsylvania (Mr. HOLDEN) purported to invoke a question of privileges of the House as opposed to a point of personal privilege.

Mr. HOLDEN. Mr. Speaker, I am appealing the ruling of the Chair and ask to be heard on the appeal.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 202, not voting 15, as follows:

[Roll No. 435]

YEAS—214

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Abercrombie
Baker
Deal
Ehrlich
Hastings (FL)
Hilleary
Hunter
Lampson
Mascara
McKinney
Pitts
Roukema
Sabo
Stump
Tanner

□ 1635

Messrs. DEFAZIO, HALL of Texas, and GEORGE MILLER of California changed their vote from ''yea'' to ''nay.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON FISCAL YEAR 2003 LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, AND SHOULD ADEQUATELY FUND THE ''LEAVE NO CHILD BEHIND ACT''

Mr. OBEY. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution, that I noticed on Monday, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the resolution.

The Clerk read as follows:

Whereas, Article I, Section IX, of the Constitution states that no money shall be drawn from the Treasury, but in consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually, by October 1st of each year, the funds needed to support the execution of programs and operations of the Federal government.

Whereas the House to date has only considered five Appropriations bills, and has failed to consider the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act which would provide funding for critical areas of national policy including pre-school, elementary and secondary education, special education, higher education and student loans.

Whereas as President, George W. Bush supported and signed into law Public Law 107–110, the ''Leave No Child Behind Act,'' which imposes substantial accountability and performance mandates on elementary and secondary schools in every state and congressional district in the United states.

Whereas the ''Leave No Child Behind Act'' included the authorization of significant additional resources to assist the states and local education agencies to provide the mandated improved educational services to America's schoolchildren.

Whereas within weeks of signing the ''Leave No Child Behind'' Act, the President submitted the FY 2003 budget provides an increase in education funding of 0.5 percent (one half of one percent) compared with an average increase of 12 percent in the six years prior to enactment of the new law.

Whereas President Bush's FY 2003 education budget request fails to provide the promised level of funding to states and local

education agencies which are required to implement significant educational reforms.

Whereas President Bush's FY 2003 budget would provide only 18 percent of the increase in compensatory education funding promise by the ''Leave No Child Behind'' Act.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of educational failure without the resources promised in the ''Leave No Child Behind'' Act.

Whereas the funding level for improving teach quality in President Bush's budget would not even keep pace with the current level of funding, let alone help promote the expanded teacher quality programs contained in the ''Leave No Child Behind'' Act.

Whereas the President's education budget also fails to provide the level of federal assistance for the Individuals with Disability Education Act that was promised to states more than 27 years ago.

Whereas by failing to appropriate the funds it has promised to pay for the new accountability requirements for students, teachers and schools, the Congress would bring discredit on itself and undermine the ability of our schools to provide the improved education services for which the House has overwhelmingly voted. Now therefore be it,

Resolved that it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations before recessing and should fund the ''Leave No Child Behind'' Act at levels commensurate with levels promised by the act less than a year ago.

The SPEAKER pro tempore. The Chair will hear from the gentleman from Wisconsin (Mr. OBEY) on whether the resolution constitutes a question of privileges of the House under rule IX.

Mr. OBEY. Mr. Speaker, rule IX of the House rules states clearly that ''questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.''

The refusal of the majority party leadership to allow the House to take up the Labor-Health appropriations bill and, thereby, to block increased education funding that is critical to the Nation's schools, and to hold hostage the remaining appropriation bills that the House has yet to consider obviously brings ridicule upon the House. The integrity and the dignity of the House are at stake. It is a clear reflection on the dignity of the House and on the integrity of its proceedings when the House has not completed its appropriations bills and then uses its rules to avoid responsibilities rather than to meet them.

It also subjects the House to ridicule when the House spends a great amount of time passing resolutions lecturing the Senate to take actions on authorization bills which are far less crucial to the operations of the government than the House's failure to act on its core responsibility, which is to pass appropriation bills, including and especially the Labor, Health and Education appropriation bill.

Funding education at a continuing-resolution level brings to a screeching halt the progress that we have made in the past 5 years in providing average increases of about 14 percent a year for education. At the same time, that continuing resolution freezes many other programs and would fund the National Institutes of Health at a level $3.8 billion below the amount that both parties have announced that they want to see it funded at. In my view, the inconsistency is glaring and again brings ridicule on the House.

The House is discredited, Mr. Speaker, not only because of the spectacular failure of the House leadership to get the education funding bill or any of the 13 appropriation bills adopted by the start of the fiscal year which began yesterday, but also because the House has abdicated its constitutional responsibilities and, in that sense, is avoiding the very accountability which we say we want to provide.

Rule IX of the House rules outlines questions of privilege relating to constitutional prerogatives. Under our Constitution, the Congress has the power to appropriate. We determine the Nation's spending priorities and, by law, must pass all 13 appropriation bills by October 1, yesterday, the beginning of the new year. Mr. Speaker, in my view, the House leadership has abrogated its constitutional responsibilities in regard to appropriations, and I would argue that their continued inaction on these urgent priorities, priorities as crucial as additional funding for education, meets the test for privileged resolutions, and I would ask for such a ruling.

□ 1645

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair is prepared to rule on the question of whether the resolution offered by the gentleman from Wisconsin (Mr. OBEY) constitutes a question of the privileges of the House under rule IX.

As the Chair has ruled previously today, a resolution expressing the sentiment that Congress should act on a specified measure does not constitute a question of privileges of the House under rule IX.

The mere invocation of legislative powers provided in the Constitution coupled with the desired policy end does not meet the requirements of rule IX, and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Wisconsin (Mr. OBEY) does not constitute a question of privileges of the House under rule IX and may not be considered at this time.

Mr. OBEY. Mr. Speaker, I regretfully appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. LAHOOD. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LAHOOD) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 202, not voting 17, as follows:

[Roll No. 436]

YEAS—212

Akin
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird

Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Aderholt
Baker
Conyers
Deal
Ehrlich
Gilman
Hastings (FL)
Hilleary
Lampson
Mascara
McKinney
Murtha
Pickering
Pitts
Roukema
Stump
Tanner

□ 1707

Mr. GORDON changed his vote from ''yea'' to ''nay.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. FARR of California. Mr. Speaker, pursuant to clause 2(a)(1) of House rule IX, I rise to give notice of my intent to present a question of privilege to the House.

The form of the resolution is as follows:

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor H.R. 854, legislation that would promote the general welfare of the nation by protecting its health care system.

Whereas President George W. Bush has urged Congress to put Medicare on a ''sustainable financial footing'' in order to assure Americans of affordable and accessible health care.

Whereas the Administration has failed to take action to protect Medicare and Medicaid programs from severe cuts that threaten basic services to persons in need of health care.

Whereas the Medicaid program is facing significant cuts through reductions in the disproportionate share hospital program, threatening the very financial viability of the nation's public hospitals.

Whereas the cuts made in order by the Balanced Budget Act were postponed until 2003 by the Benefits Improvement and Protection Act but without further congressional action cuts will be reimposed and have the potential to seriously cripple safety-net public health services in states across the nation.

Whereas, in addition to slashing payments to hospitals the Administration has also eliminated the UPL payments for hospitals, further weakening their ability to provide health care to the indigent and uninsured.

Whereas federal payments to states for this program have been reduced by approximately $700 million in FY 2002 and will be reduced further by about $900 million in FY 2003, thus severely restricting public hospitals' ability to serve persons in need of health care.

Whereas the number of uninsured persons without access to health care has risen in the last year to 41.2 million.

Whereas by failing to act Congress imposes on the states and localities an undue burden to carry health care costs as well as abrogates its responsibility to maintain the general welfare of the country, bringing discredit to this Body and threatening the very well-being of the populace.

Now, Therefore, Be It Resolved that it is the sense of the House of Representatives that the Congress should complete action on H.R. 854 or other provider reimbursement legislation before recessing and should insure that Medicare and Medicaid providers have appropriate funds to carry out their health care mandates.

The SPEAKER pro tempore (Mr. THORNBERRY). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is appropriately noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California (Mr. FARR) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at a time designated for consideration of the resolution.

Mr. FARR of California. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. CARSON of Indiana. Mr. Speaker, pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a question of privilege of the House.

The form of the resolution is as follows:

TRANSPORTATION (AMTRAK) PRIVILEGED RESOLUTION

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor the Fiscal Year 2003 Transportation Appropriations Act, due to the severe under funding of the National Passenger Rail Corporation (Amtrak) within the President's Fiscal Year (FY) 2003 Budget.

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of the programs and operations of the Federal Government.

Whereas to date the House has only considered five Appropriations bills.

Whereas President George W. Bush has ignored the requests of Amtrak for an Appropriation of $1.2 billion, and has instead proposed only $521 million in funding.

Whereas the House Appropriations Committee gutted funding for Amtrak with every Republican member on the Committee voting to cut funding, despite the dire impact this will have on their own districts.

Whereas instead of strong support and consistent growth in support for the nation's passenger rail system the President's FY 2003 Budget seeks to strangle Amtrak so that the Administration can begin to implement plans to privatize the system.

Whereas Amtrak provided a critical transportation need in the months after the terrorist attacks of September 11th, and has seen consistent growth in ridership despite continued levels of inadequate funding.

Whereas Amtrak serves more than 500 stations in 46 states and employs over 24,000 people, and Amtrak passengers on Northeast corridor trains would fill 250 planes daily or over 91,000 flights each year.

Resolved that it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year (FY) 2003 Transportation Appropriations, with an allocation of $1.2 billion for Amtrak.

□ 1715

The SPEAKER pro tempore (Mr. THORNBERRY). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Indiana will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Ms. CARSON of Indiana. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The gentlewoman will be notified of the time so designated.

SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

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

(Mr. GREEN of Texas 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 Texas (Mr. PAUL) is recognized for 5 minutes.

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

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

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

CELEBRATING THE MINNESOTA TWINS AND 3M

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

Mr. GUTKNECHT. Mr. Speaker, today we would like to talk about a couple of issues that are very important to those of us from Minnesota. One is, of course, what is happening out in Oakland right now and a tremendous story, and I would like to yield to my friend also from the State of Minnesota (Mr. KENNEDY) to talk a little bit about what is happening in Oakland and what happened this year to a Minnesota team that was not supposed to be playing baseball this year. I would yield to my friend from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Speaker, I appreciate the gentleman yielding to me.

We have some great baseball going on in Minnesota. I attract the attention of this House that it has only been about a year since Major League Baseball Commissioner Bud Selig announced their decision to contract baseball, which would have been painless for the owners, but would have been very painful for Minnesota, and here we have in that year since a team that has come forth. Not only is this a team that was on the verge of extinction, but this is a team that has a lot of young, fresh-faced players and a cumulative salary that is amongst the lowest in the league.

We have got a great team that is out there scrapping, making all Minnesotans proud. I know my two sons, daughters and our family have always enjoyed the great baseball tradition. I have got my Minnesota Twins hat here. I do not know if I am allowed to sing We Are Going to Win, Twins Are Here, but we in Minnesota are very proud of what the Twins have been doing, and we just want to congratulate them on their success and tell them that we are confident that they are going to have a great way all the way to the World Series and beyond.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, it is a Cinderella story, and 1 year ago it looked as if that team would not even exist this year, and now here they are in the playoffs. And yesterday was another great story; fell behind early, came back to win in Oakland.

Today my staff is gathered around. They rigged up a way that we can actually listen to the game in the office, and we have a feeling they are going to come back today.

We are also proud and we are here today to talk about something that we in Minnesota are proud of, and that is a Minnesota company called Minnesota Mining and Manufacturing, 3M better known, because they are celebrating 100 years of innovation, and it really is one of the most innovative companies.

Several years ago we had one of their researchers come down to Rochester, Minnesota. He gave a speech, and he said something pretty profound. He said that he is talking about basic research, and he said if we knew what we were doing, it would not be research. And there is no other company that I know of that has done so much in terms of developing new products, because many people think of 3M, and they think of Scotch tape or they think of Post-It notes, but truthfully, it started 100 years ago making sandpaper, and now they are a $1 billion pharmaceutical company.

They are involved in all kinds of things from health care to industrial products, consumer and office products, electrocommunication products and specialty material. They operate in more than 60 countries. They have 37 international companies within the operation. They have 32 laboratories, and I think last year they were awarded 501 patents. It is an amazing story of innovation, and let me just share one quote, and then I want to yield back to my colleague.

One of their first presidents was a gentleman by the name of William McKnight, and he is the one who ignited the whole notion of innovation and research, but he said, ''This higher good, people, leave them alone. If you put fences around people, you get sheep. Give people the room that they need.'' And he did and built an amazing company and also created an amazing foundation which serves the people of the Upper Midwest and the world even today.

I yield back to my colleague from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my colleague for the time, and 3M is certainly one of the jewels of Minnesota, a wonderful company that, as my colleague described, very capably innovates beyond the scale of just about any other company in the world, and they bring out new products all the time that are solving problems that people face.

I had an opportunity just on the energy issues to sit and listen to some of their ideas for how we can be more energy-efficient, whether it be transmitting energy across electric lines, whether it be making the weight of our cars lighter so they can have the same strength but still use less gas. The number of ideas and innovation that comes out of 3M has been awesome, and we are proud to have them in our State.

I am very proud that in my district I have three plants in Hutchinson and New Ulm and Fairmont. I had the opportunity to visit them. They have got great, wonderful workers, and they have got wonderful workers throughout the company. They treat their workers very well, and we are certainly proud of that.

As part of this 100-year celebration, they are going to be here tomorrow in the Cannon Caucus Room, number 345, from 8:30 to 10:00, and I am proud, to be an American enterprise showcase of their technologies, and we encourage all of our Members to come and see the great things that 3M does.

Mr. GUTKNECHT. Mr. Speaker, that is tomorrow in 345 Cannon House Office Building from 8:30 to 12:30. Snacks will be served. It will be a great time.

THE NATION'S ECONOMY

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

Ms. NORTON. Mr. Speaker, the House has taken little note of what is happening to the economy. Millions of Americans, however, are clamoring for

our attention, and our increasing economic distress, I am not surprised that the House takes little interest in the unemployed. Poor people must live on another planet, not in the United States.

But there has been a recent wake-up call that spreads deep into the middle class, and that is recently released figures on a 2-year decline in the number of uninsured after what had been some steadiness. Recent figures show a decline in health care coverage among many working Americans. I think the Washington Post says it best: There is new evidence that a weakened economy is having adverse ripple effects on ordinary people.

What we see is a drop in the proportion of people who have health benefits. That is usually working Americans who have gotten them as a result of their employment. At the same time, we are seeing a mediocre rise in health insurance costs, up 12.7 percent this year, and then, of course, there is the completely unsustainable increase in prescription drug prices at twice the rate of inflation. All of these health care indicators at the same time show the kind of distress that urgently needs our attention.

Much of the drop in health insurance costs comes from small businesses, 10 percent of it in the last 2 years, but that is where the jobs are. That is where people with health insurance are, and if we want some indication that we are now striking at the heart of our economy, we need only look at the fact that most of those who have lost their health insurance are working men.

Of course, the population that is most without health insurance in our country today are Latinos. A third of Latinos have no health insurance benefits.

What the statistics do not show, Mr. Speaker, however, is where the greatest effect is, I believe, being held, and that is the shift in health care costs from the employer to the employee. When an employer cannot sustain the cost of health benefits anymore, and he shifts to his employee, then we have what in effect is a cost in pay and a lowering of the standard of living, and we know that is what has occurred because 2 weeks ago the Census Bureau reported that the household incomes fell 2.2 percent.

We have not paid any attention in this House to the very rapid increase in unemployment because it started so low, from 3.9 percent 2 years ago to 5.7 percent today. We cannot let it continue to rise that fast. Now we see really the fatal indicator, the health insurance indicator.

This House is about to go home with token health to seniors on prescription drugs, which leaves most of them exactly where they were before that pittance of a bill passed. We have an equally dangerous indicator left on the table, left to fester, and that one is one we should have learned in the past to take note of, and that is the urgent loss of health care benefits to millions of Americans who had them this time last year, who had them this time 6 months ago, who are afraid more of the loss of health care benefits than they are of the loss of employment. We ought to be very, very careful about going home and leaving people without health insurance.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC., September 26, 2002.

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

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on September 25, 2002 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. J. RES. 112, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–718) on the resolution (H. Res. 568) providing for consideration of the joint resolution (H. J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1730

The SPEAKER pro tempore (Mr TIBERI). 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.)

ORDER OF BUSINESS

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent to take the time allocated to the gentleman from Indiana (Mr. PENCE).

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

There was no objection.

TRIBUTE TO CARL SCHULTZE

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

Mr. SHIMKUS. Mr. Speaker, I am 44 years old; and although that is a short time of life, it has been a time of enormous changes. Yet there have been few things that have been consistent. One thing that has been consistent that I have observed in my life is a friend of mine who just passed away, Carl Schultze. He was Mr. Consistency, Mr. Collinsville, Mr. Holy Cross, Mr. Public Servant, Mr. Community Leader.

The record of public service, love of God and family and community has ended with the death of Carl Schultze. Carl Willoughby Schultze, 73, of Collinsville, Illinois, was born July 31, 1929 in Collinsville. Carl started his working career as a car salesman in 1947 for Norwin Chevrolet in downtown Collinsville, Illinois, and retired in 2001 from Jack Schmitt Chevrolet in Collinsville, Illinois.

Carl was an active member of Holy Cross Lutheran Church, the church I attend. He was involved in the church choir. His booming thunderous voice, always on key, served as the foundation of a successful church choir whose sole goal was to glorify God. He was past congregation president, financial secretary, elder, member of the school board and various other boards. He was a past member of the Collinsville Jaycees, was a Collinsville Tepee Adult Board president, and a member of the Collinsville Chamber of Commerce Board of Directors and Collinsville Progress Board of Directors, having been president for 9 years.

In May 2002, Collinsville Progress renamed the Improvement of the Month Award as the Carl Schultze Improvement of the Month Award, presented by the Collinsville Progress. He was a past board member of CMT YWCA, that is Collinsville, Marysville, Troy YMCA, and a past member of the United Way board, serving as chairman in 1990.

He was on the board of directors of the Collinsville Building and Loan Association for 22 years, having been made a board member emeritus, and was a board member of the Collinsville Chorale. He was a very active and involved member of the Kiwanis, an organization that he got me to join, having served as president for two terms, past lieutenant governor of Division 34 of Kiwanis, and received the distinguished lieutenant governor pin, and was a past board member and received the Kiwanian of the Year Award, Hixon Fellow Honor, and the Amador Fellow Honor.

Carl received other awards: the CHS, Collinsville High School, Alumni Award in 2001, the Spirit of Excellence Award in 2001, and the Irvin Dillard Award by the Collinsville Lion's Club. Over the years, Carl enjoyed singing for weddings and funerals, working outside in his garden, and was a dedicated husband, father, and grandfather.

He is survived by his loving wife and high school sweetheart, Mary Lou, and three compassionate and loving daughters, daughter Belinda Schultze, Laura

Schultze, and Lisa Durham of Collinsville. Lisa is my grade school and high school classmate; and her husband, Chris, and Carl's pride and joy, his grandson, Jacob Schultze Durham.

I have split wood with Carl, I have trimmed trees, I built a swing set, sold oranges, and sold bagna calda, and I have worshipped with Carl. He has been a father figure and a mentor. If I accomplish one-half of the good deeds that Carl Schultze has done, I will leave this life a happy man.

As the Bible says, ''Well done, good and faithful servant.''

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

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

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

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

TRIBUTE TO THE HONORABLE ROMAN PUCINSKI, FORMER MEMBER OF CONGRESS, FORMER CHICAGO ALDERMAN

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 to pay tribute to the Honorable Roman Pucinski, former Member of Congress, former Chicago alderman, and a great American.

Mr. Speaker, on September 25, the Angel of Death took away the golden voice of Roman Pucinski, formerly fondly known as ''Pooch'' to those who knew him. Roman Pucinski was a Chicagoan through and through. In a city with strong ethnic ties and heritage, he was a renowned member and leader in the Polish American community.

Pucinski was a household name in Chicago. The proud son of civic leadership, Roman went on to become a reporter-journalist. And what a reporter he was for the Chicago Sun Times. The war interrupted his journalism career, and during World War II Roman was the lead bombardier in the first B–29 ''Superfortress'' raid on Tokyo in 1944. This was just one of 49 missions in which he flew as part of the Army Air Forces in the Pacific.

He returned home to Chicago and became the chief investigator for a select committee of Congress, investigating the Katyn Forest Massacre. This investigation of slain Poles eventually resulted in his appointment as Illinois division president of the Polish American Congress. Roman Pucinski was then elected to the United States House of Representatives in 1958 and distinguished himself as an advocate for education, airline safety, and the interest of Chicago. He served 7 terms.

Roman Pucinski was then called upon by his party to run for United States Senate against the very popular Charles Percy. Roman did not win that election. However, he came back the next year and ran for the Chicago City Council as alderman of the 41st Ward. He was elected and became an icon, serving for 18 years.

Roman Pucinski was an outstanding orator and a skilled debater who loved to talk, and talk he did. I served with Roman in the Chicago City Council, and though we were often pitted against each other as a result of membership in and alliances with different political forces, we became great friends and worked well together.

He leaves to cherish a great legacy of service and representation, and to mourn his passing, many friends and a devoted family, his daughter Aurelia, who was elected and served as Clerk of the Circuit Court of Cook County, a son, a brother, a sister, and three grandchildren.

Roman Pucinski encouraged me to run for Congress and would often say that he would come and speak for or against me, whichever would help the most. Roman, you were right again. Congress is indeed an interesting, exciting, and challenging place where one can help to shape the world. I say, Thanks to you, and good-bye, my friend.

42ND ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

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

Mr. PALLONE. Mr. Speaker, I am proud to come to the House floor today to mark the 42nd anniversary of the independence of the Republican of Cyprus. Despite the tragic events that have taken place during the past 4 decades, the Government of the Republic of Cyprus remains committed to the core principles enshrined in the Cyprus constitution guaranteeing the basic rights and freedoms of the people of Cyprus, Greek Cypriots and Turkish Cypriots alike.

Members of this Congress have strongly supported the Republic of Cyprus. Resolutions have been introduced in the House and Senate expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can best be achieved within the context of membership in the European Union, which will provide significant rights and obligations for all Cypriots. The legislation has strong support in the House, having been unanimously approved by the Subcommittee on Europe of the House Committee on International Relations. The Senate has also passed this legislation out of their Committee on Foreign Relations unanimously. The House version has 83 bipartisan cosponsors, and the legislation echoes longstanding U.S. policy in support of Cyprus' accession to the European Union.

Mr. Speaker, the commemoration of Cyprus' Independence Day this year, as in the past 28 years, is complicated significantly by the fact that over a third of the island nation's territory continues to be illegally occupied by the Turkish military forces, in violations of U.N. Security Council resolutions. In spite of this, Cyprus remains committed to achieving a resolution of this military problem through peaceful negotiations.

On July 20 of 1974, Turkey invaded Cyprus and to this day continues to maintain 35,000 heavily armed troops in the occupied territory. Nearly 200,000 Greek Cypriots were forcibly evicted from their homes, became refugees in their own country, and fell victim to a policy of ethnic cleansing. 1,493 Greek Cypriots, including four Americans of Cypriot descent, have been missing since 1974.

In 1983, in flagrant violation of international law and the treaties establishing the Republic of Cyprus and guaranteeing its independence and territorial integrity, Ankara promoted a ''unilateral declaration of independence'' in the area under its military occupation. The U.S. Government and the U.N. Security Council condemned the declaration and attempted secession. To date, no other country in the world, except Turkey, recognized the so-called ''Turkish Republic of Northern Cyprus.''

In 1999, the Security Council reaffirmed that ''a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded and comprising two politically equal communities.'' These parameters have been reiterated by the Security Council on several occasions.

In a landmark decision on May 10 of 2001, the European Court of Human Rights found Turkey responsible for continuing violations of human rights. The court decision emphasized that the Republic of Cyprus is the sole legitimate government of Cyprus, and pointed out Turkey is engaged in the policies and actions of the illegal occupation regime.

In the face of a short, but painful, history of the Republic of Cyprus, there has been remarkable economic growth for those individuals living in the government-controlled areas. Sadly, the people living in the occupied area continue to be mired in poverty as a result of the policies pursued by the Turkish leadership and the occupying power. These issues would be resolved if Turkey would withdraw their illegal occupation and allow the democratic government of the Republic of Cyprus to run its own affairs.

And I hope, Mr. Speaker, that we see that day soon when we see democracy and unity for all of Cyprus.

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

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

TRIBUTE TO AMERICA'S FALLEN FIREFIGHTERS

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

Mr. ETHERIDGE. Mr. Speaker, as National Firefighter Memorial Weekend approaches, I rise to pay tribute to our Nation's fallen firefighters; and I am pleased that a number of my colleagues have joined me in legislation on this and may come later in the evening to speak in favor of this bipartisan legislation that we have introduced on behalf of our fallen firefighters.

Last year, America tragically lost 442 firefighters. Each gave their lives protecting our communities from fire and other emergencies. This weekend, on October 5 and 6, we will join together as a Nation to mourn their passing and honor their sacrifices. So it is fitting that we come to this floor today to honor the memory of our fallen firefighters and say thank you to those brave folks who have served our community so well.

Mr. Speaker, firefighters truly embody the value and spirit that makes America what it is today, a great Nation. Firefighters are diverse, they represent every race and creed and culture in America, yet they are bound by a common commitment to service. Firefighters are dedicated; and when we call them, they risk their lives for each of us. They are the people our children look up to. When we ask a child the timeless question, What do you want to be when you grow up?, nowadays, more often than not, those children will say, I want to be a firefighter.

Our firefighters are truly our hometown heroes. However, all too often these heroes must give their lives in the line of duty. For the families of these brave souls, Congress created the Public Safety Officers Benefit Act. Since its inception 25 years ago, this important benefit has provided surviving families with financial assistance during their desperate time of need.

□ 1745

However, a glitch in the law prevents some families from receiving the assistance that Congress had intended. If a firefighter or public safety officer has a heart attack or stroke, then they are more likely not to get the benefit. The truth is it accounts for almost half of all firefighter fatalities, yet the families of these fallen firefighters are rarely eligible for these benefits.

For example, imagine that a house or business catches on fire, a company of firefighters tragically lose two of their members fighting this fire. One loses their life as a result of a piece of debris hitting him within the building, and the other dies of a heart attack in the parking lot when they walk out of the building.

Under current law, the family of the firefighter who suffered a fatal blow to the head received the benefit, while the firefighter who walked out in the parking lot and had a heart attack, their family gets nothing. It is wrong that these families are denied this benefit when the loved one sacrifices their life while serving our community.

A constituent of mine, Mike Williams of Bunnlevel, who works in the Office of the State Fire Marshal, alerted me to this glitch in the law after Ms. Deborah Brooks, the widow of Thomas Brooks, a firefighter from Lumberton, was denied benefits because of this technicality. Mr. Brooks, a master firefighter, tragically died of a heart attack after running several calls on the evening shift. As part of his duties with the State Fire Marshal's office, Mike helps families fill out public safety officer benefits, and he had received many of these benefit rejection letters from cardiac cases from the U.S. Department of Justice.

The rejection letter in Thomas Brooks' case was one too many, and Mike wrote to me and asked that we investigate the situation. We found out that it would take legislation to do it. As a result, the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. WELDON), who are cochairmen of the Firefighters Caucus, and the gentleman from Michigan (Mr. SMITH) along with many others, have introduced H.R. 5334, the Hometown Heroes Survivors Benefits Act. H.R. 5334 will correct this technicality in the law that has penalized so many of our firefighting families.

This bipartisan legislation will provide this benefit to the families of public safety officers who have died after a heart attack or a stroke while on duty, or within 24 hours after participating in a training exercise or responding to an emergency situation.

Mr. Speaker, H.R. 5334 is the kind of bipartisan legislation that we should be working on in this House. As of this afternoon we have 50 cosponsors, and more cosponsors on the way. I urge Members to cosponsor H.R. 5334, and I ask the House leadership to put this bill to a vote before this Congress adjourns. Our firefighters put their lives on the line where strength, heart and desire are sometimes the only thing that ensures that a piece of property or a house that is burning down can be saved. Our hometown heroes deserve our support. Let us let them know that we appreciate their bravery and heroism.

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

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

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

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

NO CHILD LEFT BEHIND

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

Mr. BACA. Mr. Speaker, I rise today to support full funding for the "No Child Left Behind" Act (H.R. 1). The new little red schoolhouse entrances to the Department of Education building are a perfect example that the Administration is "all show and no tell" when it comes to education. By building those little red schoolhouses, at a cost of $98,000, at least 160 children have already been left behind by the Administration's cuts in education funding. The Bush Administration thinks that the American people will see those schoolhouses and believe that the Nation's children are in good hands under the Bush education system.

The American people know better. Americans will notice when after school programs are no longer available for their children. Americans will notice when their special needs children cannot get extra help from their own community schools.

Americans will notice when their teachers become frustrated because they can't get the training they need to provide the best quality instruction to their students. Americans will notice when these same teachers have to leave their students because they can't get the training required to meet the Administration's new accountability standards. Americans will notice when their kids can't receive as much in student loans, and don't have access to scholarships for low-income students. And, Americans will notice when their kids who need help with their English skills are falling behind because their schools no longer provide training in English.

Since 1997, the average increase in Federal education funding has been 12 percent a year—until now.

The Bush Administration proposes to increase Federal funding by only 0.5 percent, but flaunts the "No Child Left Behind" Act as its first big accomplishment.

If leaving millions of children out in the cold when it comes to their education is an accomplishment, then dark times lay ahead.

The Bush Administration has slashed about 82 percent of the budget increase promised by the "No Child Left Behind" Act for low-income students.

The President's budget cuts the expected increase for low-income students from $5.65 billion to only $1 billion extracted from other important programs.

Low-income students can expect to lose over $664 million in badly needed funds.

English language training programs will now face a freeze in funding even though 300,000 students with limited English will enroll in school next year.

The Bush budget cuts English language training funding by almost 10 percent per child, but still requires testing of these students to determine how to bring students up to new standards.

We should be helping school districts like those in my Congressional district, which are struggling to make good on their promise to hire more bilingual teachers to help the growing number of Spanish-speaking children.

Instead, the Bush budget cuts funding for bilingual education and teacher training.

The Bush administration's budget cuts special education programs by so much that the goals set by the Individuals with Disabilities Act (IDEA) cannot be met for at least 12 more years.

Special Education is underfunded by $500 million. The ''No Child Left Behind'' Act requires that IDEA be met in 7 years, not 12.

The funds for the Teacher Quality State Grant program, which is the primary Federal program for training teachers in core academic subjects, have come to a halt.

92,000 fewer teachers will be trained than the Program currently supports. The Bush Administration's budget is $404 million below the amount promised in the ''No Child Left Behind'' for teacher training.

The Republican budget also freezes child care funding and includes only a slight increase for Head Start. This will reduce the number of children already eligible and leave millions empty-handed.

The Administration fails to fund its vital education program that claims to leave no child behind. It seems that Republicans think that simply by naming the education bill ''No Child Left Behind,'' they are keeping their promise to the American people. Americans know better! Americans deserve better!

I urge both the Administration and the Members of Congress to fully fund the ''No Child Left Behind'' Act for the sake of our children.

CHALLENGES FACING OUR FIRE DEPARTMENTS

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

Mr. SMITH of Michigan. Mr. Speaker, as a supporter of the bill of the gentleman from North Carolina (Mr. ETHERIDGE) and the effort of this Congress to be more aggressive in support of our firefighters, I very much encourage the consideration and ultimate passage of legislation that will accomplish that.

This morning we held a hearing in the Committee on Science to examine just how the Federal Government can help ensure that our Nation's fire departments are adequately equipped and staffed to perform the jobs they have been asked to do. The hearing shed light on the challenges facing our fire departments. I would like to talk about a couple of those challenges.

First, the need of the firefighting community to work together on these efforts. Our challenge and our goal is to increase support for firefighters in this country. After 9/11 of last year, I think all of America recognized that we depend a great deal on our first responders. The firefighters in New York set an example for people all over the world that it takes cooperation if we are going to protect the liberty and freedom that we have.

One concern I have is the contest that has been developing between volunteers and full-time firefighters. I think we need to do everything we can so all of our first responders, firefighters and medics work together to accomplish the goals that we need to accomplish at the Federal level.

In my home State of Michigan, the Professional Firefighters Union has been pressuring their members not to volunteer in their home communities because they might displace potential union members. The events of September 11 generated a renewed appreciation and respect for firefighters.

Two years ago, Members of the House started a program of helping fire departments around the country with equipment and with training. I think we should remind ourselves that many of these first responders are in small communities that cannot depend on a fire department that is 100 miles away. The only way a lot of these communities can survive is to have volunteers that can work in those departments. Where else do we have volunteers that are willing to go out and risk their lives to protect our property and our lives?

The grant program that we established provided direct support to fire departments around the country for basic firefighting needs. In its initial year, the program proved to be very popular with both fire services and Members of Congress. Additionally, the U.S. Fire Administration received extensive praise for an exceptional job of developing and implementing the program efficiently under challenging time constraints.

In my mind, the need-based peer-reviewed grant program is an excellent example of how the Federal Government can assist the first responders, both paid full-time people and volunteers, with the basic training and equipment they need to answer our calls.

If we lose volunteers in those very small communities, it will be a tremendous financial burden to maintain the kind of protection that we have now. This has got to be a situation where we work together.

Those of us in the Fire Caucus, while supportive of a grant program to increase terrorism preparedness, quickly recognized that the Assistance to Firefighters Grant Program was intended to provide fundamental firefighting support to departments, and should be kept separate and distinct from the FEMA counterterrorism funds that the President proposed.

Further complicating this problem has been language in the proposed Homeland Security legislation that gives the FEMA Administrator and the Secretary of the new department authority to shift funds among programs. There is a real concern now that this authority, while understandable for administrative flexibility, could eliminate the basic program that several of us thought was very important that we implement in this country.

In conclusion, let me say that firefighters around this country are there when there is a community project. In many places they hold baked good sales to make sure that they can buy the equipment to protect us in those local communities. We need local support for these firefighters, we need more State support for these firefighters, and we need more Federal support for these firefighters.

Mr. Speaker, I would like to commend the United States Fire Administration that my science research subcommittee oversees for their hard work and commitment in bringing the goals of this program to fruition. Administrator David Paulison and grants director Bryan Cowan have gone above and beyond the call of duty.

DEMOCRATS ARE WORKING TO GET OUR ECONOMY BACK ON TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on a separate point from what I wish to discuss this evening, let me acknowledge that I had an opportunity to meet with one of my firefighters from Houston, Texas, and I do want to emphasize the important role that firefighters play in homeland security and as first responders.

I hope that we will be able to address their concerns, particularly as it relates to one legislative initiative that I am supporting dealing with H.R. 3992 which addresses the question of providing the added resources and personnel to ensure that both fire trucks and fire stations are well equipped with the necessary personnel. I believe however we resolve these matters dealing with volunteer firefighters as well as our full-time firefighters, we do realize that they are, in fact, very viable and vital first responders, and we should address their concerns.

It is my sense and position to move and hope that we will move H.R. 3992 as expeditiously as we can. We had a hearing in the Committee on Science, and I hope that we will be able to do that on behalf of the American people.

Mr. Speaker, I believe there is a lot that we can do on behalf of the American people, and as I have watched the base of the economy crumble beneath us, if we really went back home and asked who is hurting or what needed to be improved or corrected, most would say that they would ask that we get the economy back on track.

It is important that the voice of those Democrats who are seeking to do so be heard. I am somewhat disturbed that the House majority has failed to address the real serious questions of the economy. In the backdrop of a very high and moral decision of whether or not this Nation goes to war, we have lost all sight of those who are hurting.

Let me just give some points that are worth noting. Household income is down for the first time since 1991. This is not household income of those who can afford to throw away a few dollars, cut out one more midwinter trip away to the islands or to some European attractive vacation spot. This is the household income of those who are trying to make ends meet, trying to send young people to college, pay their mortgages, or, like in the State of Texas, trying to scurry around to find substitute insurance to the Farmers Insurance Company that has shut down in Texas, causing 700,000 families not to have home insurance. This is real. Mr. Speaker, I have sent a letter to the Attorney General of the United States, and I am waiting for a response, for him to determine how he can be of assistance to those 700,000 families in Texas.

Poverty is up for the first time since 1993, affecting 1.3 million more families than last year; 1.8 million jobs have been lost, and unemployment is up 5.7 percent. Health care costs are soaring; and again we say to the senior citizens in our community, prescription drugs prices are five times the rate of inflation, but yet this body has not been able to pass a guaranteed Medicare prescription drug benefit. People are hurting.

□ 1800

The stock market has lost $4.5 trillion of its value, more than was lost in the Hoover administration in that collapse. All of the history books will point to the stock market crash of 1928. We have surpassed that. The market just ended its worst quarter since the crash of 1987.

Thousands of employees have seen their retirement savings evaporate. 401(k) and other defined contribution plans lost $210 billion. The index of leading economic indicators fell .2 percent this month, double the decline experts had expected. And a $5.6 trillion surplus has become a $2 trillion deficit.

We have work to do, Mr. Speaker, and we are not doing it. Thousands and thousands, I am exaggerating, of course, hundreds and hundreds, tens of tens of suspension bills going nowhere; but yet we are failing to address the pain and the hurt of those who are suffering from this economy. We have got to strengthen pensions by giving employees the same protections that executives get. We have got to allow those who are living with companies that are bankrupt, Mr. Speaker, to go into the bankruptcy court, pass a prescription drug benefit, protect Social Security, and provide jobs. I simply ask for this Congress to do its work.

GUAM'S POSITION IN LIGHT OF IRAQI SITUATION

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

Mr. UNDERWOOD. Mr. Speaker, today as we look upon the world situation and we are confronting the possibility of a renewed struggle in the Middle East and trying to deal with all the challenges that we face as a result of the activities and actions of Saddam Hussein, it is important for me as the representative of Guam to inform the House about what the impact all of this may have on communities around the country, and particularly Guam.

We are on the precipice of a new struggle, and we will have some time to review and debate that particular resolution which may authorize military activities in that part of the world next week; but the military challenges that we face and the strategic challenges that we face, even though they affect the entire Nation, they do not affect all the communities around the country in the same way; and certainly we the people of Guam will feel the effects of this in many disproportionate ways.

Guam is known primarily as a strategic area, as a place from which we can triangulate armed conflict. It is a military base for the Navy and for the Air Force. There has been recent discussion about the placement of bomber squadrons there at Anderson Air Force Base, and new submarines are going to be home-ported in Guam. All of that is welcomed by the people of Guam because, indeed, we are patriotic Americans.

In fact, today I just got an e-mail from an Air Force captain asking me for some remarks in order that he might swear in an airman. Both of them are in Kabul. The airman is going to be reenlisted there in Afghanistan. Our people are disproportionately in high numbers in armed services. We support the military. But as we look upon what the effects of this struggle might be and even though it may lead to a bump-up in military activities in Guam, we are directly economically challenged by this because our economy is based primarily on tourism and 80 percent of our visitors come from Japan and nothing is more disconcerting to Japanese tourists than the prospect of war and conflict. If the situation which occurred in Guam immediately after the Gulf War crisis or immediately after September 11 last year again exists as a result of this armed conflict, we will see a dramatic downturn in tourism. A downturn in tourism is already in effect as a result of 9–11 and is already in effect simply because of the economic malaise that continues to obtain in Japan. But more so than that, if this armed conflict comes about, even the discussion of it will lead to a reduction in numbers.

Guam will stand ready to do its part. It did its part even in the evacuation of the Kurdish refugees in 1996 under Operation Pacific Haven. They were sent to Guam. When there was no overflight authority granted to conduct bombing raids on Iraq at a couple of times in the past few years, those bombers were prepositioned in Guam and then taken directly to Iraq.

But I point this out not because the people of Guam will not be in support, but because really the people of Guam deserve additional consideration should this series of economic downturns occur as a result of any conflict or even the discussion of conflict. Immediately after the 9–11 situation, there were a couple of proposals offered for economic recovery. In that effort, the House was not receptive to inclusion of the territories in that economic recovery package. While in the other body the economic recovery package was more receptive to the inclusion of Guam and other territories, that economic package never was successful.

Indeed, at the end of the day, the economic assistance that was given directly to the territories was minimal at best. But we have a new situation that we are confronted with and the people of Guam because of their long contributions to the strategic posture of the United States and because of their contributions not only in terms of their support for the military in Guam but their own participation in Guam I think should be treated with some regard. I think the people of Guam deserve to be treated according to their contribution to national security and national defense and simply not be utilized on the basis of its value from time to time.

And so as we take a look at the world situation today and as we will go over the details of the resolution, we must be mindful that this effect, the economic effects on communities will be disproportionate around the country, and we should be mindful of those so that when we construct some initiatives that we give each community its due.

FISCAL REVERSAL

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

Mr. SPRATT. Mr. Speaker, I rise tonight along with my colleagues to address an issue of great importance which is receiving hardly any attention at all. It is about our fiscal reversal, about the tide of red ink that has overtaken our budget, about the resurgence of deficits that we thought after long, long years of trying we had finally laid to rest. Lost in the clutter, drowned by the drums of war, the deficit sinks deeper and deeper and deeper; and there is no apparent plan by this administration or this Congress to deal with the problem.

You can look at this chart here which shows graphically the deficit and

how we have grappled with it over the years and see what a difficult struggle it has been. The surpluses that we had for a brief period of time did not come easily. They did not drop like manna out of heaven upon the Earth beneath. In the Reagan-Bush years, we adopted in 1985 something called Gramm-Rudman-Hollings. It did not work, but it did help us focus attention and frame the problem and turn the attention of the Congress to deficit reduction as a top-drawer concern.

When Bill Clinton came to office in 1992, we had reached an agreement a couple of years before with President Bush I, George Herbert Walker Bush, called the budget summit agreement. It was 6 months in the making. Its effects were eclipsed by a recession. It did not appear to have succeeded, but in fact it laid the basis for the surpluses that we were to enjoy in the latter part of the 1990s.

President Clinton sent us a budget plan on February 17, less than a month after he was in office, to show the significance he attributed to the problem. And look what happened. This red ink here represents the deficits accumulated, the precipitous decline in the budget during the Reagan years. This represents the dramatic improvement. Every year from 1993 through the year 2000, every year the Clinton administration was in office as a result of the Clinton budget adopted in 1993, the budget got better, the bottom line of the budget got better, so much so that by the year 1998, the Federal Government achieved the first unified balanced budget in 29 years. Unified means all the accounts of the budget, Social Security, Medicare, all the trust funds which are in surplus, and that helped.

But in fiscal year 1999, we achieved the first balanced budget in 39 years without using the Social Security trust fund, without counting the Social Security trust fund, the first balanced budget in 39 years. Nobody would have even bet money on enormous odds that that could have been done in 1993 when the deficit was $290 billion, but we did it in 1999. And in the year 2000, the Federal Government achieved its first surplus excluding Social Security and Medicare. Backing the surplus in both of those accounts out of the budget, we had a surplus for the first time in the overall budget.

In effect, what we did then, it is hard to believe now, less than 2 years ago, this was the situation of the budget; this was the situation that we presented to President Bush, the second President Bush when he came to office on January 20, 2001. For the first time in recent history, certainly since the Great Depression, for the first time, we presented President Bush with a budget in surplus, big-time surplus. By the estimation of his Office of Management and Budget, the surplus looming over the next 10 years would accumulate altogether to a total of $5.6 trillion. In 2 years, that surplus is virtually gone.

As this next chart will show, what happened to the $5.6 trillion? This layered graph right here represents the $5.6 trillion that accumulated between 2002 and 2011, over that 10-year period of time. The little green tip at the far end, the upper layer, shows you the surplus that we presented President Bush when he came to office. It was his. An enormous advantage. He then took the estimate of $5.6 trillion and basically bet the budget on what was a blue-sky forecast. In doing so, as you can see from this top green layer, the remaining surplus, he left next to no room for errors and no room for the unexpected. And, guess what, there were estimating errors of major proportions and the unexpected, 9–11, came along.

When it came, we had no reserve, we had no cushion, we had no margin; and the consequence was the surplus that we had depended upon turned out to be about 43 percent lower than we had anticipated, 10 percent of it because the economy was overestimated, another 33 percent because we bet the budget on the assumption that the revenue growth of the 1990s would continue.

Here is the bottom line in about as stark a manner as we can possibly present it. This was the surplus in May 2001 when this body, the House of Representatives, under Republican leadership, passed the Republican budget resolution that called for about $1.4 trillion in tax cuts. In addition to that, the additional interest cost would have been about $400 billion on top of that. Here is where we are in August 2002 as a result of not allowing any margin of error or any margin for misestimation or any margin for the unexpected.

Tonight we want to address that problem and the consequences of it because what has happened is the most dramatic reversal we have seen probably since the Great Depression in the fortunes of the Federal budget. Just 2 years ago, it is hard to believe that every year for 8 years we had seen a better bottom line. Now every year the budget is in deficit for the next 10 years if you do not include the Social Security surplus, and by law we are not supposed to include the Social Security surplus. It is a trust fund surplus. The deficit this year by our best estimation will be about $315 billion, excluding the surplus in Social Security. Next year, 2003, it is barely better, $315 billion. These are estimates of the Congressional Budget Office, our mutual nonpartisan budget office that does this work for us with no axes to grind. That is their best guess, that next year the budget gets no better. Even though the economy, they assume, will get better, we still have a deficit of $315 billion.

□ 1815

The next year, 2004, it is $299 billion. Over the next 10 years, this is a baseline forecast, assuming no change in policy except enough to keep up pace with inflation, we will accumulate in the basic budget $2 trillion in deficits, and if we factor into that estimation policies that we believe will be enacted, tax cuts that we believe will be enacted, changes that we believe have a good possibility of being enacted, CBO does not include them in its baseline forecast. When we adjust this forecast for political reality, things in the pipeline and likely to be passed, we add at least another trillion dollars to that total.

So here we were 2 years ago talking about a better and better bottom line. Now we are talking about a budget with deficits as far as the eye can see. Two years ago we were talking about paying off in earnest, both parties, literally talking about paying off $3.6 trillion in national debt held by the public. Today we are talking about or looking towards, unless we do something dramatic, a national debt that actually increases over that period of time. From total payoff to an enormous increase.

Finally, just 2 years ago we were talking about taking the trust fund in Social Security and the trust fund in Medicare and locking it up in a lockbox. That metaphor is now derided, but nevertheless we were all that talking about not spending that money, using it solely to buy up the debt held by the public so we would reduce the debt, add to the net national savings of this country, and as a consequence lay the basis for the first step towards the long-run solvency of Social Security. All of that has been dashed by the budget policies of the last 2 years, and that is what we would like to address tonight.

I yield to the gentleman from North Carolina (Mr. PRICE) to pick up at this point.

Mr. PRICE of North Carolina. I thank the gentleman for yielding, and I thank him for this enlightening presentation of just how serious our budget difficulties are and how we got here. As the gentleman realizes, the consequences are evident not just in these overall budget numbers, but in the dilemma we currently face with respect to getting the Nation's business done by the start of the fiscal year and passing our appropriations bills on schedule.

If someone could prepare chart 18, I believe that would give us an indication of how our situation this year compares with past years.

Since President Bush took office in 2001, our Republican friends have held out the promise that we could have it all, that oversized Republican tax cuts would not require tapping Social Security and Medicare surpluses, and it would not require underfunding key priorities such as education and health care.

Unfortunately, however, we cannot have it all, and it is not just because of the war on terrorism, although that has had an impact on the budget, but the cushion was not there to withstand that change in the budget or the impact of Medicare and Medicaid costs. The fact is that that cushion has never

been present, and now we are in a situation where our Republican friends simply cannot get their business done. They cannot pass the appropriations bills necessary to take us into the next fiscal year.

Mr. BENTSEN. Mr. Speaker, if the gentleman from South Carolina (Mr. SPRATT) would yield, is the chart that the gentleman from North Carolina (Mr. PRICE) was talking about the chart right here that shows that from 1993 through 2002, the number of appropriations bills that have been passed by the House before the beginning of the new fiscal year, and I think down here if I can see it, it is 2002 where the House has passed only 5 of the 13 appropriations bills? Is that the chart that the gentleman is talking about?

Mr. PRICE of North Carolina. That is the chart I am talking about. I appreciate the gentleman's pointing this out. Our Republican friends last week, when we were discussing this as the new fiscal year approached, they said it is not unusual to pass continuing resolutions. We pass continuing resolutions all time. It is certainly unusual to have the entire Federal budget come crashing down and to have the entire government running on continuing resolutions for months and months into the new fiscal year, and that is exactly what we are facing today.

The Republicans in July, Republican Conservative Action Team, the group of the most conservative House Republicans, threatened to bring the Interior appropriations bill down, and they said that the price of their cooperation would be that the Labor-HHS-Education appropriations bill would be considered next, and nothing would be done on appropriations until that bill was dealt with. And I wondered, and I expect all of us wondered during the month of August when we were home, how are Republican leaders, in fact, going to pass that Labor-HHS-Education appropriations bill within the President's totally inadequate numbers? How would we get past this bill to the rest of the appropriations agenda before the new fiscal year began?

But I must say it did not occur to me, never did it cross my mind, that Republican leaders would simply disregard the start of the fiscal year and let the entire budget come crashing down all to appease the most right-wing members of their caucus.

The President and his OMB Director are apparently complicit in this strategy. Actually it is an absence of strategy. It is just a dereliction of duty, irresponsibility on a monumental scale. So what I never dreamed would happen has happened indeed, and the continuing resolution that we voted on last week did not just cover one bill or two, it covered the entire discretionary budget.

So the gentleman is correct. We passed in the House five appropriations bills, and that is a modern record, but the number of appropriations bills that have been sent to the President is exactly zero, and that, of course, is an institutional breakdown that does not just mean that this institution has failed to do its duty. It has real consequences for the people we represent.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT), the senior Democrat on the Committee on the Budget, for yielding to me, and I thank the gentleman from North Carolina (Mr. PRICE). I want to make sure that we got that, that the House has only passed 5 of the 13 appropriations bills by the end of the last fiscal year.

I want to go back to this chart because I think is terribly important. Last year when we began putting together the budget for fiscal year 2002 and really putting together the Republican economic program for the next 10 years, we were told that the unified budget surplus would be $5.6 trillion over the next 10 years after a lot of hard work by the American people, by American taxpayers, to dig us out of the years of deficits and debt that quadrupled the national debt. And, in fact, as the gentleman will remember, we had tremendous arguments about not how much more debt we were going to add, but how much debt we could pay down and how fast we could pay it down. But we were told this is the number, $5.6 trillion, even though the Congressional Budget Office told us there was a margin of error of 20 percent, good or bad, over a short period of time, that these numbers could be off, but that we should accept this number.

Lo and behold in really a year's time, we now see that the number is no longer $5.6 trillion, but rather it is $300 billion. That is a substantial error, and what that means is that rather than talking about paying down the national debt and having money left over to fix Social Security and Medicare for the long haul, what it means is we are now deep back into borrowing against Social Security and Medicare. What that means is we are not just going to argue about paying down debt, we are going to have down the road, in just 8 short years when the baby boomers retire, having to borrow trillions of dollars from the public markets in order to fund Social Security without doing one thing to extend its life. We have dug ourselves deep in the hole.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman from South Carolina (Mr. SPRATT) would yield, the gentleman may remember that a little over a year ago, the Secretary of the Treasury was expressing concern that the Nation was going to pay down the public debt too quickly. Is that a problem that we now need to worry about?

Mr. BENTSEN. No. The Republican economic program has solved that problem. There is no risk now of our paying down the national debt. In fact, if the gentleman will look here on the projections what we received from the Congressional Budget Office, last year the debt baseline was looking like it would go down, and really by 2008 we would have paid down the publicly held debt completely. What has now occurred as of this August is our baseline has the debt actually going up from where we are today.

The bigger problem goes beyond this because this is just a current service debt. This does not tell us anything about the public debt that will be required at the time that the baby boomers begin to retire in earnest and we have to convert the bonds held by the trust fund in the public debt. So not only do we not have the trillion dollars that we were told was being set aside in the Social Security Trust Fund to fix Social Security for the long haul, we, in fact, are going to have to borrow several trillion more dollars in order to, one, just to meet obligations that already exist on the books, not to mention the trillion or so more that will be necessary to ensure that every American in the Social Security System gets the benefits that this country long ago decided was something we want do.

Mr. PRICE of North Carolina. This, of course, also means that we are paying interest, far more interest in servicing that publicly held debt than was anticipated last year.

Mr. BENTSEN. In fact, that is true. We now are projected to pay three times the amount of interest over the next 10 years, almost $2 trillion, as opposed to a little more than half a trillion dollars that we were looking at last May of 2001. This is $2 trillion that goes nowhere but out the door, into the pockets of bond holders. It is good for the bond holders, but it means we are not buying any hard assets with the American people's hard-earned tax dollars, whether it is tanks, whether it is more school books, whether it is more health care, prescription drugs. All that is gone because now we are adding debt, not paying down debt.

Mr. PRICE of North Carolina. The money that we pay in this interest on the debt, money down the rat hole, one might say, each year over $200 billion. I wonder if there is anyone in this Chamber who could not think of better public and private uses for those funds than simply paying interest on the debt. And as we look forward to the retirement of the baby boomers and the reversal of the cash flow in Social Security, is it not true that to prepare, to prepare to start redeeming those bonds that the Social Security Trust Fund is holding and making good on those obligations, is there any better way we could prepare for that than to pay down the publicly held debt and get rid of this $200 billion burden around our necks every year in interest payments?

Mr. BENTSEN. There is no question.

Two things. Number one, if we were not paying this interest and we were paying down the debt, number one, we could fund a program like a universal

prescription drug program for senior citizens who are crying out for it. We could put more money in education like the President says that he wants to do. We could fund the defense buildup that many feel is necessary.

But the second thing that is terribly important, and the gentleman raises this point, the United States runs a very high current account deficit based upon cash flows which we can afford because of the strength of our economy, although it is fairly flat right now. If we run a high fiscal deficit as well at the time that we have to start selling even more debt into the future, we run the chance of driving down our currency and driving down the value in the American economy that we will pay for for many years. We see this in countries like Argentina and others. It should not happen in the United States.

So I thank the gentleman for the question.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I am most honored to be a member of the Committee on the Budget, and I want to commend the gentleman from South Carolina (Mr. SPRATT) and the other members of our committee this evening for laying out what I think is a critical message at a moment of critical importance.

I came to this Congress just about 4 years ago at a moment of what I regarded as real opportunity. I was excited about the fact that we were whittling away at the deficit and, in fact, on this upswing towards surplus. We were really paying down our national debt, and things were going in an extraordinarily hopeful direction. I viewed the moment that I came to Congress as an opportunity to start responding to some unmet challenges in this Nation. Perhaps we could call it righting the domestic wrongs that still exist.

□ 1830

Well, clearly, we are now in a very, very different time. We are now looking at deficits for as far as the eye can see and squandering an opportunity which I think has been squandered for a wide multiplicity of reasons, but a number of them have to do with ill-advised policies enacted by the majority in this last 2 years.

My constituents are worried. My constituents are very concerned about the country's economic security. They are worried about their family's financial security; they are worried about their retirement security; they are worried about their health security.

Mr. Speaker, looking at chart 8, I want to just talk about the direction that we are going in, and I think this is subtitled, what should be going down is going up, and what should be going up is going down. If my role this evening is nothing else, I know that my colleagues laid a good groundwork on the big picture. I want to really localize this issue. I want to put a face on what is happening with our economy and the stewardship that we are not seeing of it right now.

I want to focus right in on that second one on that list, the health care costs, because I cannot spend a moment in my district in Wisconsin without hearing the incredible concerns that people have. Whether it is a small businessowner who talks not about double digit increases, but sometimes 40, 50 percent health insurance increases; or a person who has just gone through a bargaining session with their employer and their entire cost-of-living increase has been wiped out by the health care costs; or whether it is one of my self-employed farmers who, at times of historic low commodity prices, can hardly afford, and many are not covering, their families any longer with health insurance because of the costs; whether it is the senior citizen who is struggling, once again, to try to figure out how to maintain their health, extend their life with a needed medication, but they cannot either afford that or maintain their other basic necessities; or whether it is the total lack of attention in this Congress on the plight of the uninsured and the underinsured. These are the people, these are the faces, these are the impacts that are being felt by the economic situation that we find ourselves in.

Mr. Speaker, I can tell my colleagues that my constituents are asking questions. They are asking, What is on the congressional agenda? Why are you spending all of your time passing senses of the House and telling the other body what they should or should not be doing when we have an economic situation here in the country that needs your attention, that needs addressing immediately? The inactivity, the inaction on the part of the majority of this House is inexcusable at this time of great stress and great tension and great anxiety in our districts, and we have to see that turn around.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I am going to just let the charts tell the story. We have seen this chart. We do not create a graph like this by accident. My colleagues will notice that the Carter administration left a deficit; Reagan and Bush came in, they passed their budget, they never suffered a veto override. President Clinton came in, passed a budget without a single Republican vote, vetoed some Republican budgets when the Republicans took over the House and the Senate, and maintained fiscal responsibility to a surplus and, in one year, we are back down to a deficit.

Now, it is interesting to say, if we could see the next chart, that we are down to where we started; and it is going to get worse before it gets better. If we look at the surplus that was inherited in the year 2000, 2001, this yellow line is Medicare. We spent all of Medicare. The red line is the Social Security surplus. By next year we will have gone through all of the Social Security surplus and then some deficit on top of that. For the rest of the Bush Presidential term, he will be spending all of Medicare, all of the Social Security surplus that we have promised to protect, and then, running up a deficit on top of that. In fact, for the next 10 years we will be dipping into Medicare and Social Security that we promised to save.

Mr. Speaker, if I could see the next chart. How did this happen? According to OMB, 40 percent of that was because of tax cuts which we will remember were mostly to benefit the upper income. What happens as a result of this? We see on the next chart, number 9, we see the economic growth, the worst we have had in 50 years. We have seen on chart number 1, we have seen the number of jobs held by Americans is down. On the next chart, number 12, unemployment is up a third. We see foreclosures, how home foreclosures are going up month after month. We have another chart showing the stock market, and I think people are familiar with what that chart would look like.

And what are we doing? Chart number 18 shows that every year for the past 10 years we have passed either all 13, 12, 12 or 13 of the appropriations bills by the first of the year. This is what the House does. Not blaming it on the Senate, the House can pass its bills. We may have an excuse that the House and Senate cannot agree. This is just what the House did in 2002, only 5 of the 13 appropriations bills have been passed. And what are the proposals? There are no proposals, other than just passing 5 of the 13.

Now, a great political philosopher once said, ''If you don't change directions, you might end up where you're headed.''

Let us see where we were headed in May of 2001. We would have paid off the entire national debt held by the public by 2008. The discussion was, What are the economic implications in paying off the debt? What will it do to the bond market? That was the discussion that we would have had, a surplus of Social Security and Medicare, so that the money would be there when the baby boomers, like myself, retire; the money would be there. But no, we passed by 2002 legislation that has resulted in a debt; essentially nothing paid off.

Mr. Speaker, it is going to get worse before it gets better, because if we look up here, if we adopt the policies of this administration, we are going to be running up even more debt. We need to change. If September 11 was the cause of this, then we need to change policies. In past years when we had a war, we sacrificed. We do not give juicy tax cuts to those that have the most, while other people are losing their jobs. We

need to change directions, and we can begin by passing responsible appropriations bills and not by passing more juicy tax cuts for the privileged few. We need to go back to the fiscally responsible years of the Clinton administration and keep the promise of protecting Social Security and Medicare surpluses so those funds will be available when needed.

Mr. Speaker, I appreciate the leadership of the gentleman from South Carolina (Mr. SPRATT) in trying to bring fiscal sanity to this budget, advocating the responsible things that need to be done and pointing out the irresponsible direction that we are headed in.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for participating, and I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, first, I would like to thank my good friend, the gentleman from South Carolina (Mr. SPRATT), for his exemplary leadership.

As the ranking member of the House Committee on the Budget, he has the almost unbearable task of trying to correct the hazardous economic course the current administration is charting. The gentleman has been trying since early last year to correct that course on this economic ship, and I salute the gentleman sincerely.

I have never seen such fiscal mismanagement in my life. None of us can quite explain it, but we do try with some consistency. We are at a point in time when critical decisions must be made. The reverberations of these decisions will be felt for generations to come.

Iraq is on the forefront of everyone's mind, and rightfully so. But as Members of Congress, we cannot focus solely on any one issue at any one time. It is our absolute duty to address every major issue that is before us, and we shall. Our budget, our economy are major, major issues. That is why we are here tonight.

We are not going to politicize this issue. I will not adhere to blind idealogy. There is no need to do that. But as Sergeant Joe Friday would say, It is just the facts, Ma'am; and that is what we are about to talk about and have been talking about.

Mr. Speaker, chart 3, right here, the surplus declines. When the administration took office, it received a benefaction unparalleled in our history. The largest budget surplus ever projected to a total of $5.6 trillion over the next 10 years. Fact: the nonpartisan Congressional Budget Office now reports that the surplus is at $336 billion over 10 years. That is a swing of $5.3 trillion in the wrong direction in 18 months. The numbers roll off our lips: trillions. The budget is now in substantial deficit. Mr. Speaker, $157 billion is projected for this year alone at this moment. Private sector forecasters believe that the budget will suffer $200 billion annual deficits as far as the eye can see.

What does this mean for you at home? Running deficits are going to drive up interest rates on car payments, mortgages, and student loans. How many of us are covered by those three issues alone?

We are back to piling up massive debt for our children and our grandchildren, and weakening Social Security and Medicare for beneficiaries today and tomorrow. Budgetary choices impact people's lives daily, not unlike elections. We should remember that the next time we hear the House leadership tout the virtues of permanent tax cuts for the wealthy, which we cannot afford.

My Republican friends have tried to shift the responsibility for the dissipation of the surplus just about anywhere. They blame the terrorist attacks, they blame the recession, they blame Bill Clinton, they blame the plague; but tonight we are dealing with just the facts. Fact: the mid-season review by the Office of Management and Budget reports that 40 percent of this dissipation of the surplus, the largest single share rests with the administration's tax cuts. I did not make it that way; I did not vote for it. All other legislation is responsible for only 17 percent, and more than half of that is normal national security spending. The economy is responsible for only 10 percent of the dissipation of the surplus. About one-third of the worsening of the budget was caused by technical errors, largely overestimates of revenues. We know about that in New Jersey, where the outgoing Governor cooked the books. It looked like we had a $1 billion surplus, and we wound up having a $6 billion deficit. That is called cooking the books. I think we invented it in New Jersey. Large overestimates of revenues, does that sound familiar of what we have been hearing on the corporate level?

□ 1845

That is why the Republican cries for even more tax cuts are nonsensical. Indeed, their claims ring hollow. Maybe that is why the administration has backed off its next batch of tax cuts.

Remember, when the economy was prosperous, they told us that the tax cuts were about returning the people's money. Then, when the economy took a downturn, we were told that tax cuts were about stimulating the economy. They want it both ways. Apparently, that is the Republican philosophy in any economic time, regardless of the situation, regardless of the circumstance.

But even blind allegiance to the ideology cannot prevent the Republicans from realizing that the 10-year $1.35 trillion tax cut was deeply involved in the greatest plunge in tax receipts since the repeal of World War II surtaxes 56 years ago. This is a disgrace. Remember, just the facts.

The budget deficit ties the hands of Congress in our efforts to alleviate the pain of all those who have become unemployed. What are we going to do for the 2 million people who have lost their jobs under this administration? The silence is deafening. Tell me, what are we going to do? Are we going to pass further tax cuts?

New claims for unemployment insurance have risen 400,000 per week in the last 5 weeks. This means that private sector job gains will remain weak at best in the immediate future. But what are we going to do? The administration is proposing many cuts in order to try to make a catch-up. We have nickeled and dimed our veterans, we have nickeled and dimed our first responders, and we talk out of both sides of our mouths.

The $270 million for our veterans, $150 million for our first responders is not a lot of money with regard to the totality of things, but we nickeled and dimed the very people who put their lives on the lines, and put them on the lines today as we speak and sit comfortably here in the House of Representatives.

Our budget in this economic situation is in disarray, I say to the gentleman from South Carolina (Mr. SPRATT). Is there any Republican willing to stand up to the administration's disjointed agenda and say, Enough. I want the facts.

Mr. SPRATT. Mr. Speaker, I thank the gentleman. I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman for allowing me to talk about something that I am very concerned about, and it is the economy.

About 15 years ago, when my husband was deciding on whether he was going to ask me out on our first date, he had never seen me, he went to one of his colleagues in the same firm who had worked with me before and he said, what about this LORETTA SANCHEZ? What is she like? And the guy said, well, you know, 2 years ago, the last time I saw her, she was a looker, but, you know, a lot can happen in 2 years; and let me tell the Members, a lot can happen in 2 years.

In 2 years, after the Clinton administration and after we worked so diligently to get surpluses to begin to pay down the debt of the United States, when people were employed, people who had creative ideas were accessing capital markets for the money they needed to put those ideas into play, everything was going right.

What has happened in 2 years? This chart shows the Bush economic record. What should be going down is going up, and what should be going up is going down.

The Republicans' failed economic agenda, or lack of an agenda, is really the problem here. This has led us into fiscal deterioration, into economic hardship, and into an erosion of Americans' retirement security, a lack of an economic agenda.

Let us just take a look at this chart here. We all know, for example, that one of the biggest costs that business is

facing right now is the cost of health care. That is why we see people unable to afford the larger premium that their employers are now charging for them to have health care insurance; or no health care insurance is being offered, something which, when it hits a family, is detrimental to their stability.

Foreclosures of homes are up. Our national debt is up. Goldman Sachs says it is going to be at least $200 billion a year for the foreseeable future; nothing close to the numbers that the White House gives us as projections, but the financial markets are understanding that it is getting worse and worse by the moment.

And, of course, right now, long-term interest rates are low; but what happens, what happens when we start going into the market to borrow more and more to finance this almost $6 trillion debt that we have on our hands as a Federal Government? Those long-term interest rates will shoot up.

The only positive light in the economic sector that we have right now are all those refinancings that people are doing on their mortgage, their 15- and 30-year mortgage rates, because long-term interest rates are down. But when we start to borrow and take money out of the system to finance this debt, this deficit that is adding to it, these higher interest costs, a bigger piece of pie to finance year after year after year, what happens? Those long-term interest rates go way up, and then that $100 or $150 extra we have because we refinanced, it is not going to be available anymore. There will be no refinancing to do. There will be no bright spot in the home market purchasing going on.

The Social Security Trust Fund, we will be raiding it and taking those monies to pay for these deficits that we are running.

Now, let us take a look at what is going down, which should really be going up. Our economic growth is down. In my area, it is actually an area that is a little buffeted right now, and we have 1 percent growth going on; but we had projected 3 percent or 4 percent or 5 percent this year, not 1 percent.

Other areas are suffering: job losses, foreclosures. People do not know what to do.

Business investment? People do not want to lend money. People are afraid of the economic conditions that we find ourselves in, and they see it getting worse. They are holding onto their money instead of investing.

The stock market? We know what has happened with the stock market, just $5.5 trillion over the last 18 months of losses in the stock market value. Trillions, what do we mean by that? It is so hard to have that concept. But just this past September, in 1 week alone we lost $420 billion of wealth in the stock market. These are real numbers. This is our wealth slipping away, our retirement accounts.

Enron, Global Crossing, all of these companies, our net worth, it is going down, down, down. The last 4 months, the consumer confidence level is down, down, down, down.

Retail sales just this month, this back-to-school month, which is an indicator of what will happen in the holiday season for retailers: down. It is an indication that the place where we make money in retail, the holiday seasons, are projected to be down, and still we cannot pass an increase in the minimum wage.

The fiscal condition of our country. For 2 years the gentleman from South Carolina (Mr. SPRATT) has been telling us that these things are happening, and somehow the Republicans and this administration do not want to talk about putting together a plan to begin to turn this around.

I am glad that the gentleman is here tonight and that the gentleman is leading this effort. It is imperative for America to get this turned around, and the way to do it is to sit down and concentrate on what is the most important piece of stability and security for an American family: the national budget.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. Speaker, I rise today to express my deep concerns about our Federal budget and its impact on our Nation's economic future. I would also like to commend my colleague, the gentleman from South Carolina (Mr. SPRATT), for organizing this special order on such an important issue.

Mr. Speaker, I stand united with the President and my colleagues on both sides of the aisle in our commitment to defeating terrorism and doing what is necessary to preserve national security, both at home and abroad. However, despite the many new security and economic challenges confronting us, our homeland protection efforts and fiscal policies should not and need not shortchange our domestic priorities. We can win the war against terrorism without raiding Social Security and Medicare, and without increasing the national debt.

Last year I joined many of my colleagues in cautioning that the administration's budget simply did not add up. Sadly, our warnings were ignored, and we were instead continually reassured that we could afford an enormous tax cut, ensure the solvency of Social Security and Medicare, pay down the national debt, fund our domestic priorities, and still have a large reserve fund for unanticipated emergencies.

As it is now very clear to us all that that budget was based on unrealistic surplus projections that never materialized, and we now face deficits and an ever-increasing national debt that stretches far beyond the temporary economic downturn or the costs of the war on terrorism.

Recent Congressional Budget Office projections confirmed the dramatic deterioration in the budget outlook since the current administration took office. Less than 2 years ago, the administration and Congress were looking covetously at a staggering $5.6 trillion cumulative surplus through 2010. Much of it I hoped would be used to pay down what was then a $4 trillion national debt. Sadly, it has become clear that the fiscally irresponsible policies of the Bush administration and the Republican-led House have squandered these opportunities. The CBO's current surplus projections now total only $366 billion.

Even worse, CBO's current projections are optimistic, as they do not reflect the cost of the likely extension of several expiring tax cuts, relief from the expanding alternative minimum tax on individuals, potential new tax breaks for businesses and investors, and an expanded war on global terrorism, or a new Department of Homeland Security. If these initiatives are all enacted, we could be faced with a $386 billion deficit over the next 10 years. When Social Security funds are not counted, the deficit could balloon to $2.7 trillion.

Mr. Speaker, the American public is already paying $1 billion on interest-only payments on the debt every day. Further, the interest payments on our debt are on a fast track to become our single largest annual expenditure. By continuing to rack up debt on the national credit card, we are saddling future generations with our poor choices, and endanger the fiscal stability of this Nation.

Our rapidly deteriorating fiscal outlook presents a serious challenge for every Member of Congress. The government is now on track to raid more than $2 trillion of the Social Security surplus over the next 10 years to cover deficits in the rest of the Federal budget. When I was elected to Congress, I promised my constituents that I would protect Social Security and the Medicare Trust Funds.

□ 1900

And I was not alone. As many of my colleagues on both sides of the aisle made this same vow, it is time to honor our commitments by acknowledging our current situation and working together to craft a budget that is fiscally responsible and protects Social Security.

Mr. Speaker, I urge my colleagues to heed this call and do the right thing.

Mr. SPRATT. Mr. Speaker, I recognize the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, in a recent column, Washington Post columnist EJ Dionne opened with a statement: ''Perhaps the White House and Congress might just take a little time away from war planning to consider what the economic downturn has been doing to poor Americans, especially the working poor.''

Mr. Speaker, we are talking about the leaders of this country and this

body who have the votes and, therefore, the responsibility. Certainly they must know that in the last year alone the number of uninsured increased more than 1.4 million; that poverty rates are up for the first time in 8 years; that 1.8 million jobs have been lost; and that thousands of people in this country have seen their retirement savings disappear.

In the health care arena, the impact is hard now and likely to be devastating as time goes by. Already 41 States are cutting Medicaid programs this year. That means that people are losing coverage and children are the hardest hit. This is happening at the worst time because with the economic downturn, 2.3 million more Americans were unemployed in August of 2002 compared with July the year before.

The saying that when the rest of the world gets a cold, minority communities and our territories get pneumonia is holding true. As of 2001, of the 41 million uninsured, 18 percent were Asian Pacific Islanders; 19 percent African American; and more than a third, 33.8 percent, were Hispanic. Thirty-eight percent of the people in my district were uninsured. The median household income of black families after rising by almost 30 percent between 1993 to 2000 fell from $30,495 in 2000 to $29,470 in 2001.

Nearly 23 percent of African Americans lived below the poverty level last year. Our unemployment rate as of August 2002 is 7.5 for African Americans and 6.5 for Hispanics. Economists have long reported that even when there is any recovery and other Americans begin to return to work, we will still have unemployment for at least a year to 18 months after.

When the President sent his tax cut to Congress last year, many of us opposed it because we knew what it would mean to funding for the needs of the poor in minority communities as well as the rest of America. After September 11, we were and we remain in full support of efforts to rescue, recover and rebuild, as well as to go after the terrorists; but our fears that the important health, education, and economic issues would be ignored have been realized.

Now that we are poised for an attack on Iraq, no matter what Congress says, economic issues are off the radar screen. But minorities, the poor, and even the middle class are suffering. As a matter of fact, the rise in the uninsured was particularly noted in people with moderate and high incomes.

Yes, we must strengthen pensions, enforce corporate reform laws, pass a prescription drug benefit, and protect Social Security; but the needs of the poor, minorities and Americans living in the offshore territories demand even more.

It is important for all of us who are here tonight to be here with our leader on the budget, the gentleman from South Carolina (Mr. SPRATT). We thank him for his leadership and for bringing us here this evening to talk about these important issues.

It is important for us to be here to say to the leadership of this House and to the administration that we are heading towards a domestic disaster. We can no longer afford to ignore the millions of families who are losing income, jobs, health coverage, and retirement pensions; and we must do more to help those who have never had any of these. So we have to get back to our priorities. The leadership needs to forget about expanding tax cuts. They need to join with us on this side of the aisle to pass sound appropriations bills to improve the lives of all Americans.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), and at risk of being somewhat repetitive of what our other colleagues have said, I just want to finish by emphasizing some really very important points.

When this Congress began, the Republicans promised, in fact, everyone promised to safeguard Social Security and Medicare. They said the trust fund surpluses would be maintained and saving those surpluses would be important for the retirement of the baby boomers. Their plan, however, was to dissipate as much of the surplus as possible, in their words, to get it out of Washington instead of paying off the debt.

The gentleman from South Carolina (Mr. SPRATT) was so diligent in pointing out again and again and again that they left no margin for error. We all said that the projected surpluses were just that. They were projections, not money in the bank; and we reminded Republicans that they needed a margin for error. The gentleman could see it. I remember when he said we did not know what unforeseen circumstances would arise. But we could be sure that natural emergencies, international crises, economic downturns or other things would arise.

Well, this dedication, this overwhelming dedication, fixation on tax cuts, no matter what the circumstances or the consequences, has run the budget into a ditch; and it now risks the livelihood of hard-working Americans. Businesses are not investing. Real business investment which had posted double digit growth in the 1990s is still declining. Scores of corporations have gone bankrupt. Consumer confidence has dropped in each of the last 4 months and is at the lowest level since November of 2001.

Why is that? Businesses understand that this is not sound fiscal policy for our Nation. They understand that we are building up a debt and the interest can crush us. An extra $1.3 trillion that will be wasted on interest expenses would have been more than enough to cover a decade's worth of cost in strengthening Social Security. May 2001, interest was $621 billion over a 10-year period, 2002 to 2011. A month or two ago it was up to $1.9 trillion.

Now, just to finish up, let me drive this home. For each American this means about $7,000 of interest, each American, child, woman, man, $7,000 to pay off, down the drain, for no productive use, no good to anyone.

I thank the ranking member of the Committee on the Budget for arranging this Special Order.

Mr. SPRATT. I thank the gentleman for his observations and participation.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I appreciate your courtesies and I also today rise to join my colleague, the gentleman from South Carolina (Mr. SPRATT). I thank him for his Special Order and for my colleagues who have joined him. I am proud of the work of my colleagues who have worked together on a bipartisan basis to balance the budget for the first time in a generation.

One of the first votes that I had the privilege of casting when I came in 1996 was to start the process of balancing the budget. That Balanced Budget Act finally stopped the flow of red ink that was piling up trillions of dollars in national debt. In fact, when we balanced the budget, we not only did it for one year, but we have put the Nation on course to generate huge budget surpluses for years to come. Those surpluses presented us with a golden opportunity to begin to pay off the national debt, shore up Social Security, strengthen Medicare with the benefit for prescription medicine for our seniors, and invest in the education of our children and our Nation's long-term economic growth.

As a former chief of my State schools in the State of North Carolina, I was hopeful Congress would make wise investments in needed reforms like school construction, teacher training, class size reduction, early childhood education, reading initiatives, science and math instruction, aid for college and other important priorities for America. Unfortunately, the Republican leadership in this Congress did not decide to do that. They have put together a budget-busting tax scheme, blew the surplus, and has hamstrung our ability to meet those urgent priorities.

Because of this scheme, Republican leadership is now severely underfunding the education budget. Despite their rhetoric in support of education and countless photo opportunities posing with children, the leadership's handling of this matter is to say one thing and do another. In each of the past 5 years, Congress has provided growth in the education budget of roughly 13 percent average and 15.9 percent last year. That was commendable at a time when student population was growing rapidly. Those healthy investments will come to a screeching halt under the Republican budget.

The budget also slashes funding for President Bush's education bill, the No Child Left Behind Act. For example, instead of the $5.65 trillion increase in

title I funding for poor children in the No Child Left Behind Act, the budget cuts 82 percent of that proposal. Despite the growth of our immigrant population, the Republican budget cuts 10 percent per child for funding to teach children to be proficient in English. Some may think that is not important. Having been a superintendent, I can tell Members that if we do not help those children, all children suffer.

The Republican budget freezes funding for education for homeless children. When you account for inflation, the budget will mean 8,000 fewer homeless children receive this help next year. They are all Americans, and they deserve our help.

We should not turn our back to fully fund special education and forestall completion of that long-time goal by at least 4 years, but this budget does that. And the Republican budget freezes funding for after-school centers, which will eliminate 50,000 children from participating in after-school programs. And I can tell Members that having been a school chief, that is critical, because so many children go home alone and stay by themselves. Despite the looming teaching shortages across the country, the budget shortchanges teacher training and denies this aid to 92,000 potential teachers who would be eligible under the No Child Left Behind Act.

The budget cuts more than 95 percent of the school library initiatives of the No Child Left Behind Act. And the budget guts school reform grants of 24 percent, or $75 million, and the list goes on. But let me talk about my home State of North Carolina.

More than $92 million from title I grants to school districts will be cut, $1.5 million from language acquisition grants, $332 million from special education, $10.2 million for the 21st Century Community Learning Centers, $462,000 for education for homeless children, $9.5 million for teacher training, and $1.7 million for comprehensive school reform.

Mr. Speaker, the list goes on and on. The bottom line is that this Republican budget is wrong for education. It is wrong for our children, and it is wrong for America. I join my fellow Democrats and urge the Republican leadership to restore these educational cuts.

CAUTION IS URGED IN STRIKE AGAINST IRAQ

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

Ms. KAPTUR. Mr. Speaker, I would like to thank the very distinguished gentleman from New York (Mr. OWENS) for allowing me the courtesy to speak this evening.

As the daughter of a family of infantrymen and Marines, I was particularly captivated by an article I read just a few days ago in USA Today's editorial page entitled ''Untested Administration Hawks Clamor For War,'' by James Bamford, who is a member of USA Today's board of contributors. I would like to read a portion of it into the RECORD and insert it in its entirety.

He says, ''Beware of war hawks who never served in the military. That, in essence, was the message of retired four star Marine Corps General Anthony Zinni, a highly decorated veteran of the Vietnam War and the White House point man on the Middle East crisis. Zinni is one of the growing number of uniform officers in and out of the Pentagon urging caution on the issue of a preemptive strike against Iraq.

''In an address recently in Florida, he warned his audience to watch out for the administration's civilian superhawks, most of whom avoided military service as best they could. 'If you ask my opinion,' said Zinni, referring to Iraq, 'General Brent Scowcroft, General Colin Powell, General Norman Schwarzkopf and General Zinni may all see this the same way.'

□ 1915

''It might be interesting to wonder why all of the generals see it the same way, and all those (who) never fired a shot in anger (and) are really hell-bent to go to war see it a different way.

'' 'That's usually the way it is in history,' he said.

''Another veteran, Senator CHUCK HAGEL . . . who served in combat in Vietnam and now sits on the Foreign Relations Committee, was even more blunt. 'It is interesting to me that many of those who want to rush this country into war and think it would be so quick and easy don't know anything about war. They come at it from an intellectual perspective versus having sat in jungles or foxholes and watched their friends get their heads blown off.' '' They have never seen that.

He talks about during the bloodiest years of the Vietnam War, Vice President CHENEY decided against wearing the uniform of his country. Instead, he used multiple deferments to avoid military service altogether. In fact, he quotes the Vice President as saying, ''I had other priorities in the '60s than military service.''

Mr. CHENEY is far from alone. ''Neither Paul Wolfowitz, the Deputy Defense Secretary, nor Richard Perle, the Chairman of the Defense Policy Board, have served in uniform, yet they are now two of the most bellicose champions of launching a bloody war in the Middle East.

''What frightens many is the arrogance, naivete and cavalier attitude toward war. 'The Army guys don't know anything,' Perle told The Nation's David Corn earlier this year,'' and debated with him whether 40,000 troops would be sufficient, when indeed most of the military say 200,000 to 250,000 would be needed, plus the support of many allies.

''Non-combatants, however, litter the top ranks of the Republican hierarchy. President Bush served peacefully in the Texas National Guard,'' and indeed was missing for 1 year of that service. ''Defense Secretary Donald Rumsfeld spent his time in a Princeton classroom as others in his age group were fighting and dying on Korean battlefields (he later joined the peacetime Navy). Another major player in the administration's war strategy, Douglas Feith, the Defense Under Secretary for Policy, has no experience in the military. Nor does Mr. CHENEY's influential Chief of Staff, Lewis Libby.

''The top congressional Republican leaders'' in both the House and Senate ''never saw military service,'' and in contrast, the gentleman from Illinois (Mr. HYDE) here in the House, ''a World War II combat veteran, has expressed skepticism about hasty U.S. action, as have some prominent Democrats'' such as the gentleman from Michigan (Mr. BONIOR), a distinguished Member who was in the military during the Vietnam War.

''What is remarkable about this administration is that so many of those who are now shouting the loudest and pushing the hardest for this generation's war are the same people who avoided combat'' themselves, ''or often even a uniform, in Vietnam,'' just simply were not there.

''Military veterans from any era tend to have more appreciation for the greater difficulty of getting out of a military action than getting in, a topic administration war hawks haven't said much about when it comes to Iraq.

''Indeed,'' the author closes, ''the Bush administration's nonveteran hawks should review the origins of the Vietnam quagmire. Along the way, they might come across a quote from still another general, this one William Westmoreland, who once directed the war in Vietnam,'' and said, The military does not start wars. Politicians start wars.

Also, he quotes Civil War General William Tecumseh Sherman, who observed, ''It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation.''

I commend this article to my colleagues. The title of it is ''Untested Administration Hawks Clamor for War.'' I ask Americans to think about it.

I will insert in the RECORD at this point the article that I mentioned previously.

[From USA Today, Sept. 17, 2002]

UNTESTED ADMINISTRATION HAWKS CLAMOR FOR WAR

(By James Bamford)

Beware of war hawks who never served in the military.

That, in essence, was the message of retired four-star Marine Corps general Anthony Zinni, a highly decorated veteran of the Vietnam War and the White House point man on the Middle East crisis. Zinni is one of a growing number of uniformed officers, in

and out of the Pentagon, urging caution on the issue of a pre-emptive strike against Iraq.

In an address recently in Florida, he warned his audience to watch out for the administration's civilian superhawks, most of whom avoided military service as best they could. ''If you ask me my opinion,'' said Zinni, referring to Iraq, ''Gen. (Brent) Scowcroft, Gen. (Colin) Powell, Gen. (Norman) Schwarzkopf and Gen. Zinni maybe all see this the same way. It might be interesting to wonder why all of the generals see it the same way, and all those (who) never fired a shot in anger (and) are really hellbent to go to war see it a different way.

''That's usually the way it is in history,'' he said.

Another veteran, Sen. Chuck Hagel, R-Neb., who served in combat in Vietnam and now sits on the Foreign Relations Committee, was even more blunt. ''It is interesting to me that many of those who want to rush this country into war and think it would be so quick and easy don't know anything about war,'' he said. ''They come at it from an intellectual perspective vs. having sat in jungles or foxholes and watched their friends get their heads blown off.''

The problem is not new. More than 100 years ago, another battle-scarred soldier, Civil War Gen. William Tecumseh Sherman, observed: ''It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation.''

Last month, Vice President Cheney emerged briefly to give several two-gun talks before veterans groups in which he spoke of ''regime change'' and a ''liberated Iraq.''

''We must take the battle to the enemy,'' he said of the war on terrorism. Cheney went on to praise the virtue of military service. ''The single most important asset we have,'' he said, ''is the man or woman who steps forward and puts on the uniform of this great nation.''

But during the bloodiest years of the Vietnam War, Cheney decided against wearing that uniform. Instead, he used multiple deferments to avoid military service altogether. ''I had other priorities in the '60s than military service,'' he once said.

Cheney is far from alone. For instance, neither Paul Wolfowitz, the deputy Defense secretary, nor Richard Perle, chairman of the Defense Policy Board, has served in uniform, yet they are now two of the most bellicose champions of launching a bloody war in the Middle East.

What frightens many is the arrogance, naïveté and cavalier attitude toward war. ''The Army guys don't know anything.'' Perle told The Nation's David Corn earlier this year. With ''40,000 troops,'' he said, the United Stats could easily take over Iraq. ''We don't need anyone else.'' But by most other estimates, a minimum of 200,000 to 250,000 troops would be needed, plus the support of many allies.

Even among Republicans, the warfare between the veterans and non-vets can be intense. ''Maybe Mr. Perle would like to be in the first wave of those who go into Baghdad,'' Hagel, who came home from Vietnam with two Purple Hearts and a Bronze Star, told The New York Times.

Secretary of State Colin Powell, a Vietnam combat veteran and former chairman of the Joint Chiefs of Staff, has often expressed anger about the class gap between those who fought in Vietnam and those who did not.

''I am angry that so many of the sons of the powerful and well-placed managed to wangle slots in Reserve and National Guard units.'' he wrote in his 1995 autobiography, My American Journey. ''Of the many tragedies of Vietnam, this raw class discrimination strikes me as the most damaging to the ideal that all Americans are created equal and owe equal allegiance to their country.''

Non-combatants, however, litter the top ranks of the Republican hierarchy. President Bush served peacefully in the Texas National Guard. Defense Secretary Donald Rumsfeld spent his time in a Princeton classroom as others in his age group were fighting and dying on Korean battlefields (he later joined the peacetime Navy) Another major player in the administrator's war strategy. Douglas Feith, the Defense undersecretary for policy, has no experience in the military. Nor does Cheney's influential chief of staff, Lewis Libby.

The top congressional Republican leaders—Senate Minority Leader Trent Lott, House Speaker Dennis Hastert, House Majority Leader Dick Armey and House Majority Whip Tom Delay—never saw military service, either; only one, Armey, has shown hesitation about invading Iraq. In contrast, House International Relations Committee Chairman Henry Hyde, R–Ill., a World War II combat veteran, has expressed skepticism about hasty U.S. action, as have some prominent Democrats—House Minority Whip David Bonior, Senate Majority Leader Tom Daschle and former vice president Al Gore—who were in the military during the Vietnam War.

No administration's senior ranks, of course, have to be packed with military veterans in order to make good military decisions. But what is remarkable about this administration is that so many of those who are now shouting the loudest and pushing the hardest for this generations's war are the same people who avoided combat, or often even a uniform, in Vietnam, their generation's war.

Military veterans from any era tend to have more appreciation for the greater difficulty of getting out of a military action than getting in—a topic administration war hawks haven't said much about when it comes to Iraq.

Indeed, the Bush administration's non-veteran hawks should review the origins of the Vietnam quagmire. Along the way, they might come across a quote from still another general, this one William Westmoreland, who once directed the war in Vietnam.

''The military don't start wars,'' he said ruefully. ''Politicians start wars.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REHBERG). The Chair must remind Members to avoid improper references to Senators.

TRIBUTE TO THE HON. PATSY MINK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin by congratulating my colleagues who provided the review of the irresponsibility of the Republican majority toward the economy and my previous speaker, the gentlewoman from Ohio, in terms of her spirit of indignation expressed about cavalier attitudes towards war.

I think the subject that I want to talk about tonight, the lady that I want to talk about, the Congresswoman I want to talk about tonight, would very much approve of what our previous colleagues have done here already tonight. I want to talk about Congresswoman Patsy Mink, who recently passed away in Hawaii.

Patsy Mink is known for many things, but I know her as a Patsy Mink who was filled with righteous indignation and anger against injustice, and my colleagues have presented tonight very intelligent presentations, well-documented presentations, but that will get all the time. I think I heard in their voices also some outrage. They were upset. They were angry about the irresponsibility of the Republican majority, and that we have all too little of here in this Congress, all too little righteous indignation and anger.

We are going to miss Patsy Mink because she was a lady with great righteous indignation against injustice. She was angry at the kind of callous approach to human welfare that was exhibited too many times on the floor of this Congress.

Yesterday we had a resolution on Patsy Mink, and many people spoke. I was not able to speak, but I did submit for the RECORD a tribute to Congresswoman Patsy Mink, and I would like to start with that tribute and make comments on it. The tribute, of course, is in its entirety in the RECORD, Tuesday, October 1.

In Tuesday's RECORD this appears in its entirety, but I would like to repeat it and comment as I go, because I heard my colleagues yesterday talk about Patsy in many ways. Most of the references were personal. I would like to focus primarily tonight on Patsy Mink as a policy manager, Patsy Mink as a champion of the poor, Patsy Mink as a champion of women, Patsy Mink who could be very intense, although she always was polite and warm, and lots of people talked about that yesterday.

Patsy Mink will be remembered with a broad array of accolades. She was a warm, compassionate colleague. She was civil and generous, even to the opponents who angered her the most. As a member of the Committee on Education and the Workforce, which when Patsy Mink first came to Congress was called the Committee on Education and Labor, as a member of that committee, in any long markup, and we could have some long markups, we always knew that Patsy would try out macadamia nuts to supply for all of us to refresh myself, and she would share my macadamia with everybody, those who were opponents as well as those who were allies.

I remember her chiding me, joking with me when I talked about how much I loved macadamia nuts. I was a macadamia nut junkie, but I said to her, Do not bring any more because I am on a diet, and these things certainly do not help anybody's diet. The next time she came with macadamia nuts, they were chocolate-covered macadamia nuts, and they are even more delicious than

regular macadamia nuts and greater calories. But that was the kind of person she was.

She was quite warm, cared very much about everybody, but she could be angry. She could be a peace of chain lightning.

For me, she will be remembered as my friend, mentor and my personal whip on the floor. Often at the door of a House Chamber, Patsy would meet me with instructions. ''We,'' she said, ''are voting no,'' or, ''We are voting yes on this one.'' I did not consider that to be intimidation at all. I considered it always an honor to have been invited to function as an ideological twin to Patsy Mink. She was not telling me or instructing me. She was making assumptions about how we would be together in our analysis of the problem, our conclusions about what to do with respect to voting. That was a great honor, and I am going to miss that.

In the Committee on Education and the Workforce, as well as on the House floor, I was always inspired by Patsy's convictions. She was always an independent spirit, and she pursued her causes with total dedication. She was not just another advocate for education or for women or for jobs for welfare mothers, not just another one. Patsy Mink was a special advocate.

She was forever a fiery and intense advocate on these issues. She frequently exuded an old-fashioned righteous indignation that seems to have become extinct in the halls of Congress. For Patsy, there were the right policies and laws which she pushed with all the zeal she could muster, and there were the wrong-headed, hypocritical, selfish and evil policies which had to be confronted, and they had to be engaged to the bitter end.

When colleagues spoke about partisan compromise negotiations, Patsy would quickly warn Democrats to beware of an ambush or a trap. I think Patsy in her encyclopedic approach to her mission, encyclopedic concern about anything that affected human beings, would have very much appreciated the presentation by my colleagues before the 1-hour presentation on the economy.

On the Committee on Education and Labor where Patsy served and I have served for the 20 years that I have been here in Congress, we used to have hearings and testimony from economists, because this committee was charged and is still charged with overall responsibility with respect to the economy as it impacts on working families and working men and women, and as the human resources interact with the other factors in our economy. So we used to have many economists come, and our approach was certainly not a tunnel-vision approach.

She would have been concerned and has been concerned all year long about the fact that the economy has been deteriorating, the fact that unemployment is increasing. The unemployment rate averaged 4.1 percent in the year 2000 and reached a 30-year low of 3.9 percent in October of 2000; but today the unemployment rate has increased to 5.7 percent nationwide. We have presently 8.1 million unemployed Americans, an increase of 2.5 million compared to the year 2000. The number of Americans experiencing long-term unemployment over 27 weeks has almost doubled in the last year.

Some of this my colleagues heard from my previous colleagues who spoke on the economy. I think this is summarized very well by my colleague the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform. Job creation has reversed.

In the year 2000, the year before President Bush took office, the economy created 1.7 million new jobs. This trend has been reversed, and the economy has lost almost 1.5 million jobs since President Bush took office in January 2001. Poverty is increasing. After decreasing for 8 straight years, decreasing for 8 straight years and reaching its lowest level in 25 years, the poverty rate increased from 11.3 percent in 2000 to 11.7 percent in 2001. In the first year of the Bush administration, 1.3 million Americans slipped back into poverty, with a total of 32.9 million Americans living in poverty in 2001.

Incomes are falling. Hundreds of thousands of Americans are filing for bankruptcy. Mortgage foreclosures are at a record high. The Federal budget deficit is increasing. In 2000, the year before President Bush took office, the Federal budget, excluding Social Security, showed a surplus of $86.6 billion. The most recent figures from the Congressional Budget Office indicate that for 2002 the Federal budget excluding Social Security will show a deficit of $314 billion. This represents the largest budget decline in U.S. history, and it is the third largest on-budget deficit in history, exceeded in size only by the deficits of 1991 and 1992 under the first President Bush.

□ 1930

I think Patsy Mink would be, has shown all year long, that she is very concerned about all of these matters. Patsy Mink, in the 107th Congress, was one of the great spirits continually pushing to get more activists going in response to the decline of the economy.

Patsy was a policymaker. Patsy should be remembered as a policymaker, as a fighter. Whatever else we remember about her as an individual, we should not trivialize her role in the dynamics here in the Congress with respect to making policy. Her profound wisdom on all matters related to education in particular and matters relating to human resources, whether it was job training or occupational health and safety, whatever matters relating to human resources, she had a profound wisdom about that because she had been here for quite a long time. Her long years of service on the Committee on Education and Labor, which later became the Committee on Education and the Workforce, afforded her that kind of wisdom.

Too many of us in the Congress have forgotten the value of institutional memory. While the House is filled with Members who speak as experts on education, Patsy Mink was among the few who had hard-earned credentials with respect to education. She was a part of the development and the nurturing of title I to the point where it has become the cornerstone of Federal education reform. She was here during the Great Society program creation. She served with Adam Clayton Powell and Lyndon Johnson in the years that they passed more social legislation than has ever been passed in Congress.

Title IX was a landmark reform to end the gender gap in our educational institutions, in school athletics; but also many other aspects of higher education. Title IX belongs to Patsy. She conceived it decades ago, and she had to fight all the way to the President. Even recently, in this 107th Congress, there were skirmishes seeking to cut back on the funding for title IX. Title IX was passed in 1972, but right up until recently, the grumbling and the attempts to undercut have persisted.

I will talk more in greater detail about some of the things that have happened along the way as Patsy was forced to fight to keep title IX. As I said, she had an encyclopedic approach. She was involved in many issues. There were certain issues she would focus on tenaciously. And because she focused on them, she was prepared to defend them, and she very effectively saved many of these programs from the jaws of those who would roll back progress.

Title IX, like many other Federal policies and programs, was considered to be impossible, something else we could not afford. We could not afford to have equality in our education activities for women. That would be a burden on our higher education institutions. That would be a burden on higher education athletics, college athletics, or school athletics. Always those who want to conscript and limit the opportunities for a class of people insist that it is not doable.

Social Security originally was attacked. We know we did not get a single Republican vote when Social Security was implemented and passed. Social Security was attacked as something that would wreck the economy. The minimum wage was attacked. The minimum wage provision was attacked as another item that would wreck the economy. Always reasons are found to stop the spreading of the benefits of our great American democracy and our great economy to all.

They particularly hold on with respect to matters relating to women. We are way, way behind, even in liberal America, liberal and progressive America. We are still way behind in recognizing full unfettered rights for all women. There is no more category of

human being more oppressed in the world than women. If you want to look at numbers, the greatest number of people oppressed throughout the world are women. In all societies, just about, there is oppression. In societies that suffer from racial prejudice, an oppression because of race, or in others who suffer as a result of colonialism, and all those societies where everybody might suffer, the women still suffer most of all because of male dominance. Male chauvinism seems to hold on. It seems to be institutionalized in certain religions. And when we liberate women finally, we will have arrived as a civilization.

But there is a great need to have the fullest possible liberation for women in America. We are more advanced in this respect than probably any society. The mountaintop is in view, and we should certainly go on to make certain that all of the pathways are cleared so that women and men are clearly equal in one society in the world, that is the American society, and that this will spread first in the Western world and on and on and break down any shibboleth that may remain in terms of religions that insist that women are inferior and women do not deserve complete equality with men.

Patsy was an advocate for total equality for women, and that is quite appropriate. Her spirit will be missed. We should remember Patsy as an advocate for women. She was the coauthor of title IX of the Higher Education Amendments of 1972 that prohibits sex discrimination in all education institutions receiving Federal funds. This law, which Patsy cited as one of her greatest accomplishments, has had a dramatic impact in opening up opportunities for girls and women in the professions and most visibly in athletics.

In 1970, before the passage of title IX, only 8.4 percent of medical degrees were awarded to women. By 1980, this figure had increased to 23.4 percent. By 1997, women were earning 41 percent of medical degrees. So in addition to athletics, in an area like medicine, Patsy's title IX opened the way for women.

I think her colleague, Senator AKAKA, in honoring Patsy, was able to bring some light on her personal travails as a woman. Patsy wanted to be a doctor. She applied for medical school after studying zoology and chemistry at the University of Hawaii. She applied in 1948 to a medical school there, but she was rejected, along with other bright young women who were aspiring to be doctors at a time when women made up only 2 to 3 percent of the entering class. Patsy went on to apply to a law school instead. She gained admission to the University of Chicago.

It was during her years at the University of Chicago that she met and married her husband. Patsy returned to Hawaii and gained admission to the Hawaii bar in 1953. But as a woman, even then, she had difficulty, because it was said that her husband was a native of Pennsylvania, and a woman had to gain her bar admission in the area where her husband lived. She challenged that piece of sexism and she won. She was admitted to the Hawaii bar, and she became the first Japanese American woman to become a member of the bar in Hawaii.

In 1965, Patsy brought her views to the national stage when she became the first woman of color elected to the United States House of Representatives to represent Hawaii's Second Congressional District. 1965. You can see that she was here during the time when Lyndon Johnson put forth his Great Society programs, and she was a colleague of Adam Clayton Powell as each one of those measures came through the Committee on Education and Labor on its way to the floor of the House to be passed successfully by a Democratically controlled Congress and Senate. So the institutional memory, the institutional achievements of Patsy Mink ought to be remembered as part of the record.

She is a role model that the present Members of Congress should look up to. She is a role model that should be held up to future Members of Congress. We need role models that go beyond the fact that we are all very intelligent men and women who come to this Congress. You will not find a single person elected to Congress who is not intelligent. You do not get here unless you are very intelligent. Most of us have extensive formal education. Most of the Members of Congress are college graduates. Many are people who have gone beyond college and have professional degrees. So intelligence is not a problem here.

If intelligence were the kind of cleansing overall virtue that I once believed it was when I was in high school and college, that intelligent people always do the right thing, intelligent people understand the world, they understand what is right, and they do what is right. Intelligence does not automatically lead to correct and appropriate, democratic, generous, progressive, and charitable behavior. So intelligence is not the problem here in this Congress. The quality that is missing here is indignation, righteous indignation, dedication to the proposition that all men and women are created equal. And if they are all created equal, they all have a right to share in the prosperity and the benefits of this great country.

We have to make a way for them to do that, even if they are people who are very poor and at one time or another have to go on welfare. At one time or another they have to be the recipients of the safety net benefits of our Nation. We have safety net beneficiaries who are rich farmers, yet we never are critical of them. But we have safety net beneficiaries who are welfare mothers, mothers of children; and you do not become a woman on welfare unless you have children. It is Aid to Families With Dependent Children. So welfare women, who we refer to, are really mothers of children who are covered by the law Aid to Families with Dependent Children.

In this Congress, Patsy declared war on the oppressors of welfare women. It was a lonely army that she led. A very tiny platoon, I would say, that she led as she made war on the oppressors of welfare women. No one was more incensed and outraged than the Member from Hawaii when the so-called welfare reform program of President Bush threatened greater burdens and smaller subsidies for welfare recipients. Patsy came to me often and said we must fight this, we must do something, we must not allow this to happen. We must point out the fact that welfare benefits have been greatly reduced in most of the States. We must point out the fact that in the model State of Wisconsin, the State where the Secretary of Health and Human Services, former Governor Thompson presided, they have reduced the welfare benefits for a family of three to less than $300 a month; and they are praising him for having made that reduction. That is wonderful; that a welfare family of three only gets less than $300 a month.

That same Governor Thompson had transferred welfare money that would have gone to welfare beneficiaries to other functions in State government. Maybe he had a few other cronies he wanted to employ, maybe he gave a few more State banquets, who knows where the money went; but the Federal money that was meant to go to welfare beneficiaries, the law allowed him, if he saved it by curtailing the benefits for welfare families, then he could use it in other ways. No one was more incensed and outraged by that kind of activity than Patsy Mink.

Patsy said, we must do something. The Democrats are going to be rubber stamps to the Republican proposals. The Democrats are going to be rubber stamps to President Bush's proposals. Patsy Mink came forward, and we had made many proposals. We fought the greater burdens and smaller subsidies for welfare recipients. All of Patsy's proposals in the House were voted down. We did not pass anything at all. But I admire and will always praise Patsy Mink for leading the fight which stirred up the long-dormant conscience among Democrats.

□ 1945

Democrats did come to the floor with an alternative bill. We did produce a fight on the floor. We did have a debate on the floor. We offered an alternative. We set the stage for what happened after the bill left this House and went to the other body. We would like to believe that the fact that deliberations on this very important matter, welfare reform, continues and is stalled because we fought valiantly under the leadership of Patsy Mink, and that fight still goes on as a result of the record. We united behind Patsy. We were voted down, but we were together.

As I said before, Patsy Mink is a role model for what needs to happen in this

House. Some Members of Congress focus on housing issues. Some focus on transportation issues. Some focus on health issues. Whatever the issue, they need to bring to it the kind of indignation and determination that Patsy brought to the issues she cared about. She cared about education and welfare mothers. Nobody knew better than Patsy about the correlation between poverty and poor performance in education. She had many poor people in the rural parts of her district, and Patsy Mink understood the correlation.

There is a correlation between poor performance, and the ability of students to take full advantage of the educational opportunities offered, and poverty. Poverty and education should not be discussed separately, they should be discussed together. What we do to welfare families hurts education. When a welfare family has their budget curtailed to the point where children go to school hungry, and the best meal they get is the school free lunch because supper is not going to be adequate, breakfast is not adequate, and at some schools we have begun to provide breakfast because of that, why not provide higher benefits and substitutes for the families so the children who are going to school get over that first hurdle and they come to school prepared to learn because they have a wholesome environment at home.

We had on the floor today several resolutions which attempted to force the issue. Again, I think Patsy Mink would have been very pleased with what happened this afternoon in the regular session. We had four resolutions which showed some outrage, some indignation. We want to force the issue. We do not want to bide time here in this Congress the way that the Republican majority has decided we should. We do not want to just be here and not deal with the issues. I would hate to read history 50 years from now and hear how the historians analyzed what happened to the great America; that at its apex when it was most powerful, most prosperous, the leader of the entire world, the only remaining superpower sat around and, like Nero, fiddled while Rome was burning.

There are so many issues related to the changing patterns of the weather, the climate, so many things that reach beyond our economy; and, of course, the ongoing fight against terrorism. That is no less an issue, but we have to chew gum and walk, sing, dance and do a lot of things at the same time, and we are letting most of our resources, the tremendous brain power of the Congress lies fallow, unutilized. There is tremendous brain power and energy. The Congress is not being utilized because, for political reasons, somebody has decided that it is best for us to tread water and do nothing.

My colleagues in the Democrat Party, the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Ohio (Mr. BROWN), the gentleman from Indiana (Mr. VISCLOSKY), and the gentleman from Wisconsin (Mr. OBEY), they offered resolutions saying let us do something.

The gentleman from Pennsylvania (Mr. HOLDEN) offered a resolution relating to family farmers and bankruptcy. Be it resolved that the House of Representatives should call up for consideration H.R. 5348, the Family Farmers and Family Fishermen Protection Act of 2002, which will once and for all give family farmers the permanent bankruptcy protections they have been waiting for for over 5 years.

Mr. Speaker, why not? We are all here. Why do we not debate an act on this vital resolution? No, the Republican majority chose to vote it down. With a motion to table, all you need is a majority of the votes, and a motion to table takes effect.

The gentleman from Ohio (Mr. BROWN) wanted to deal with the fact that patent drugs, the drug companies are playing with patent law so they can hold on to patents longer and keep the cost of drugs higher and avoid the utilization of generic drugs. That was voted down, too.

The Brown resolution attempted to call for some constructive action, but it was also voted down, but he did it, and Democrats rallied behind the gentleman overwhelmingly out of a sense of indignation. Those of us who are sick of being victimized by the majority, we are held paralyzed. We are here, but we can do nothing. At least we can vote for a resolution to call for action, and we did. But again, the majority had the most votes, and this resolution was voted down.

The next resolution was by the gentleman from Indiana (Mr. VISCLOSKY). It was a simple resolution, after all of the whereases, resolved that it is the sense of the House of Representatives that the Congress should provide States with the resources they need to fully implement the No Child Left Behind Act as promised less than a year ago.

Less than a year ago we passed the No Child Left Behind Act. It was a bipartisan vote on final passage. I voted for it. I voted for it because of the promises that were made with respect to funding. The President said he would double Title I over a 2-year period. The President said he would provide and support the funding for the implementation for No Child Left Behind, meaning the tests, the training and the administrative costs related to that. The President said that he would support an increase in the special education funding, but he has reneged on those promises.

We would like to see the resources provided by passing the Health and Human Services and the Education and related agencies appropriations. The gentleman from Indiana (Mr. VISCLOSKY) offered that resolution.

I would like to note that Patsy Mink said No Child Left Behind was a piece of legislation that was an ambush; it was a trap. She voted against it in committee, and she voted against it on the floor of the House. And now she has been proven to be correct.

We made some stringent requirements there. We placed on the backs of school systems and teachers and students a lot of new regulations and threats, provisions for monitoring tests, and now we have reneged on paying the costs of all of that, leaving it to them. In Patsy's district, she complained several months ago that the provisions of the No Child Left Behind were beginning to upset parents because there are provisions that say if your individual school is failing in terms of the achievements of the students in reading and math, if it is failing, then you have a right to go to another school, transfer to another public school.

Well, just about all of the schools in a certain area of her district are failing, and the parents are frustrated because they want to use that right, but in order to go to another school, they would have to have air transportation. The island is constructed such that the only way they can get to a school that is better than the schools in that locale would be to have planes to transport them. The cost of transportation is so prohibitive that the law has no meaning for them. She was angry because they were angry at her, but they have been stirred up by the promise that was offered by the No Child Left Behind legislation.

I think that the next resolution that was offered by the gentleman from Wisconsin (Mr. OBEY), who is the ranking member of the Committee on Appropriations, was in the same vein, concerned about the fact that we have reneged on the promises of the legislation that we all voted for, most of us voted for, in a bipartisan compromise. Patsy did not vote for it. She said we would regret the compromise, and now we are living to regret it.

The Obey resolution was, resolved that it is the sense of the House of Representatives that the Congress should complete action on the fiscal year 2003 Labor, Health and Human Services and Education and related agencies appropriation before recessing, and should fund the No Child Left Behind Act with levels commensurate with the levels promised by the act less than a year ago.

Mr. Speaker, we are here. We should act now. Why have we defaulted on action to the point where there is a discussion of nothing significant is going to happen until after the election. Nothing significant is going to be done about any appropriations issues until after the election. That is a swindle. We owe it to the American people to take action on critical activities and demonstrate what we are made of. Let us have a record. Let us go forward and not play with the public opinion polls where we know that the great majority of the American people rank education as a major issue. Education is ranked

as a major issue, and, therefore, we pay lip service to education, but we do not want to really doing anything.

The indignation shown by these resolutions, the attempt to force some action or at least to dramatize it, the mobilization of one party to make certain that this issue was on the floor I think Patsy Mink would be quite proud of.

Patsy was always concerned about the fact that education was so highly publicized by both parties. Patsy was concerned about the fact that there barriers put up about education costing too much, although in America we are only spending in terms of Federal funds, we only pick up 7 percent of the cost of education. There is a continued drumbeat that education costs too much. The Federal Government should not be more involved in education.

□ 2000

Our answer was, what activity is it that the American government is involved in that does not need education as more than a footnote? Education is a force in whatever activity we are engaged in and, therefore, what fools we are to continue to ignore education when we talk about critical issues. The Homeland Security Act, for example, the creation of a homeland security agency does not talk in any significant way about the role that education will play. The Education Department is barely mentioned. Yet the Homeland Security Act is a complex mechanism which will not work unless it has very educated people. It will not work unless it has cadres of people who are well trained in various ways. Homeland security will not work unless we train tremendous numbers of people in the cleanup of anthrax or the cleanup of biological warfare materials. We are preparing for that. We are discussing each day how we have enough vaccine to vaccinate our whole population in 10 days.

There are a number of things happening, but we are not discussing who is going to do it. Where are the people who will give the vaccinations? We have a shortage of nurses. We have a shortage of basic technicians in our hospitals. We certainly cannot deal with complicated biological warfare as exhibited by the way we handled the anthrax emergency here in Washington.

What happened in the anthrax emergency here in Washington? I will not go through the whole scenario, but Congress was threatened and the focus of attention of all the experts was on Congress. The post office, on the other hand, where the anthrax had to come through, was ignored. Even when they discovered that there was anthrax in the post office, all of the personnel were still focused here, all the expertise.

So we had two people die here in Washington. They were postal employees, postmen, who died, because we did not have enough personnel to do the total job and the total job was not really of epic proportions. The anthrax attack, whoever did it, they still do not know who did it, of course, it was small in comparison to what terrorists could do. I fear anthrax more than I fear nuclear weapons. After watching what happened here in Washington, after having been locked out of my office for several weeks, even now we have to irradiate our mail, after watching it take 4 months to clean up the anthrax in one building, Senate building; and the experts, the hygienists who handle anthrax, whoever the experts were, were so limited, the technicians so limited till they only focused on the Senate building. There were not enough to go around. We could not deal with the post office. We still have not dealt with the cleanup of post offices the way we should.

So we have a shortage of people who can deal with anthrax; and that is a clear and present threat, or something similar to anthrax. But in the Homeland Security Act, there is no provision for the training of more people in this area. There is no provision for dealing with the fact that we have a shortage of nurses. Who is going to do all these vaccinations in case we have an epidemic as a result of a biological attack? We have shortages of people who are going into police departments. We have shortages in fire departments in big cities like New York, for example. They are working madly to recruit people to replace the numerous firemen who lost their lives, but in general there has been an attrition over the years of applicants in terms of these agencies.

Many of these positions do not require a Ph.D., graduate education; but they do require some education. Getting people to pass a basic test involving literacy and simple calculations, getting graduates of our schools who can pass those simple requirements has become a big problem. We need to invest whatever is necessary if we are serious about homeland security, or if we are serious about fighting terrorism.

One of the factors that keeps coming up is the very embarrassing fact that we had a lot of data collected. Many of the facts that had been assembled by our reconnaissance agencies, by our satellites in the sky, picking up electronic communications, many of those items were there which told things that would have been very useful in counteracting what happened on September 11; but we did not have Arab translators. We did not have enough translators.

I have said here on the floor many times, that is inexcusable, that there were not enough Arab translators to stay current with the great amount of data that was being collected from Arab sources. Arabs have been terrorists for quite a long time. Since Ronald Reagan's reign when they bombed the barracks in Beirut and killed 200 Marines, on and on, every major act of terrorism, sabotage, Arabs have done it. So surely Arabs should have been high on the radar screen and the number of people who interpret Arabic should have been great. But it is not there.

I heard advertising on the radio and television in New York a couple of months after September 11 advertising for people who might want to be Arab interpreters. On and on it could go, including the fact that in the field in Afghanistan, where our troops have been victorious and conducted a high-tech war in a very effective way, nevertheless, the casualties, if you look at the casualties that we have suffered, the majority of them have been from friendly fire as a result of human error. We have suffered casualties ourselves as a result of human error and friendly fire. We have had a couple of embarrassing incidents with respect to the Canadians and with respect to some tribal groups as a result of human error. So as war becomes more high tech, education becomes an even more important factor.

There is a recognition in the military world of the value of education. I would like to juxtapose the fact that they place a great deal of value on education on specific things related to the military while at the same time ignoring the greater funnel, the mass education that has to funnel people into the military. For example, we have quite a number of military academies beyond West Point. Most people only think of West Point, the Navy at Annapolis, the Air Force Academy; but we also have an Industrial College of the Armed Forces, National War College, Army War College, Naval War College, Naval Post Graduate School, Air War College, Air Force Institute of Technology graduate school and long-term training arrangements and continued service arrangements which allow members of the military to go to graduate schools anywhere when needed.

There is a great deal of understanding in the military of the value of education. Their personnel are constantly being put through a process of improving their education. The military is not afraid to spend money, also. It costs money to educate youngsters in this day and age.

I hear complaints that education costs too much, that when I was a kid we were only paying teachers so much and school costs were at very low levels per child, but now teacher salaries are too high, and we want computers. That is the way of the modern world. When World War II started, we only had four or five vehicles in the Federal arsenal of transportation. Roosevelt had a car and four or five other Cabinet members. We were at that stage. Now we have a whole fleet of cars. We have a fleet of planes. The world has changed.

If it has changed in every other respect, then surely it has changed in respect to education. But we do not recognize that when it comes to education. We do not look at the fact that

our military academies are spending tremendous amounts of money. I have only got figures for way back in 1990. They do not let you have current figures. In 1990 we were spending tremendous amounts of money for the Army academy, which is West Point; Naval Academy, et cetera. But more important than what they were spending overall, which is hard to deal with, as of 1996, the budget office study showed again with 1990 figures, that the amount of money being spent per officer, that is where we can make some comparison.

They say right now at Harvard and Yale, Ivy League schools may cost you between $40,000 and $50,000 per student per year now. In 1990, the cost per officer commissioned in the Army was $299,000. $299,000 per officer commissioned. In the Navy it was $197,000 per officer commissioned. In the Air Force, $279,000 per officer commissioned. We are willing to spend tremendous amounts of money when it involves personnel serving the military directly. If we are willing to spend $299,000 per officer commissioned, surely we can spend more than $8,000 per child in the New York City school system and understand that modern costs are such that $8,000 per child is not going to get you very much in terms of what is needed in this day and age.

I checked before Ron Dellums left as the head of the Armed Services Committee. I did get some figures which showed that the cost at that time, I think that was about 7 or 8 years ago, was down to $120,000 per cadet at West Point, if you left out the actual cost of the military training and just the academic training. The academic training at that time was $120,000 per student while Harvard and Yale at that time were estimated to be about $30,000 in the Ivy League. So either way you can see the difference. We are willing to spend tremendous amounts of money when we think it is important.

Patsy Mink and I used to talk a great deal about the great hypocrisy of American policymakers. In private schools, the cost per child is far higher than $8,000 per child, as it is in the New York City schools. $8,000 per child is what the average is in New York City, because it has so many different schools. There is a low end in my district. There are some schools where they are spending only $4,000 per child; and there is a high end where they are spending $12,000 per child because the expenditure costs are driven by the personnel costs. The greatest cost of personnel, the more experienced teachers and administrators are in certain schools in certain districts that they consider highly desirable places to be. So their salaries raise the cost per child in those districts, while the poorest schools suffer from too many substitute teachers and uncertified teachers and you have a very low cost. But what I am saying is that as a Nation, we are investing very highly in a well-qualified, well-educated military. We are blind to the fact that all the other sectors must go along.

A complex, modern nation, the leader of the free world, needs to have a comparable concern about education across the board. All of these Department of Defense graduate institutions, is there a single peace initiative we have which has Federal funding for graduate institutions? Is there a single graduate institution that we know of? There is a peace institute which you can hardly find in the budget, it is so small; and it is very cautious about what it does. But there is no place where we are training diplomats. There is no plan to make certain that the greatest Nation on Earth, the last superpower, has knowledge of all the other societies on Earth.

We not only have a shortage in people who can translate Arabic but in Pakistan and some other countries, they speak Urdu. In Afghanistan they speak Pashto. We have more than 3,000 colleges and universities in this Nation. If you have a plan, if the Homeland Security Act cared about really dealing with terrorism across the world, you would have a plan which showed that somewhere in America there is a college or a university that has an institute or a center which is not only learning the language, teaching the language, but also teaching the culture of any group of people anywhere on the face of the Earth.

Certainly any nation in the United Nations, we should have a program which has people who are studying it. We can afford to do that. By chance we have experts probably on everything, but single people who decide they want to go off and study and are ready when we need them for these kinds of assignments, that number is decreasing.

□ 2015

Why not have a plan which guarantees that we will always have enough people who speak Urdu to deal with increasing our friendship with Pakistan? Pakistan is a friendly Muslim Nation. Pakistan is our ally in the fight against terrorism. We need to know more about its culture and be able to deal with it. If we are going to have nation-building, that is a word that was trivial, used and ridiculed a few years ago, but now it is understood that we cannot fight terrorism without nation-building. We do not invest a large amount of energy, time, lives, effort in a nation like Afghanistan and then walk off and leave it to crumble back into the kind of primitive savagery that existed under the Taliban. If we do not stay and we do not do nation-building, we will have to do it all over again in 10 or 20 years. So nation-building is part of a process that we should have in our overall plan to fight terrorism.

Homeland security, military readiness, all that, we should look at education first and foremost. The funnel which feeds everything we do has to come up through our public school system. Fifty-three million children are out there in our public school system. They could supply every expert we need, every category of technician, but they are not doing it when they come out of high school, and they can only barely read and write properly, when calculations are minimal.

A large part of public school is inhabited by minorities, and one of the problems is, which Patsy and I talked about many times, as the minority population has increased in certain school systems, the big-city school systems in America, the commitment of the locality and the commitment of the State government has gone down, and we cannot get away from an observation that racism is at work in decision-making.

Doing less for the schools has happened as the population has changed, but let us take a look at what that means for America in one area. In our military those same minorities who are being neglected in our public schools make up a large part of our military relative to their percentage of population. African Americans are considered by the Census Bureau to be about 13 percent of the total population. In the Army African Americans total 25.5 percent of the Army population; 480,435 people are African Americans. Hispanics are 9.3 percent. In the Navy African Americans, which are only 13 percent of the population, are 18.9 percent of the Navy. African Americans, who are only 13 percent of the population, are 16 percent of the soldiers in the Air Force. In the Marines African Americans are 18.9 percent.

These same African Americans who are in the inner-city schools predominantly, the supply that goes into our military, is jeopardized if you do not provide appropriate education now. What would it be like in a few years? What is it like now? Is the quality of the soldiers declining at a time when the high-tech complexity of the military is increasing?

We should take a hard look at all the various activities of our society and how they complement each other.

Patsy Mink, as I said before, had an encyclopedic mind when it came to looking at human resources and looking at the various missions of a civilized society like ours should have. Patsy Mink and I have talked about the fact that it is ridiculous to have a homeland security program which allocates no significant role to the Department of Education or to the universities and colleges in America. It is sort of doomed to failure.

I would like to conclude by just refocusing on one particular project or program that is identified most immediately and specifically with Patsy Mink. That is Title IX. Many women who are doctors and lawyers, who had a basically equal treatment in the university system and graduate schools, have no idea what it was like before. I think one of the women on the Supreme Court told a long story about how she was denied access to decent

jobs in the law firms when she first came out of college and later denied promotions, et cetera. So there are individual stories that can be told, but the figures were outrageous before Title IX.

Title IX has made a big difference, but Title IX has been fought step by step all the way. It was signed into law in 1972, and Patsy had to go to war and fight the Tower amendment in 1974. She had to fight certain other Senate amendments that were attempted by Senator HELMS and S. 2146 in 1976 and 1977. On and on it goes. There have been attempts to gut Title IX.

So Title IX, the welfare rights, the welfare reform, all of it was part of why I say that Patsy Mink was a role model for decisionmakers of this Congress, and she is a role model for decisionmakers in the future. Compassion and riotous indignation are still vital qualifications for the leaders of a Nation. Patsy Mink was a great leader of this great Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness in the family.

Mr. THOMPSON of California (at the request of Mr. GEPHARDT) for October 1 on account of congressional business.

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. MCNULTY) to revise and extend their remarks and include extraneous material:

Ms. KAPTUR, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:

Mr. SHIMKUS, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, October 3.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, October 3, 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:

9469. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pork Promotion, Research, and Consumer Information Order: Rules and Regulations-Decrease in Assessment Rate and Decrease of Importer Assessments [No. LS-02-09] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9470. A letter from the Administrator, Regulatory Contact, Department of Agriculture, transmitting the Department's final rule — United States Standards for Milled Rice — received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9471. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report of a violation of the Antideficiency Act by the Department of Housing and Urban Development, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

9472. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9473. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Clinical Chemistry and Clinical Toxicology Devices; Reclassification of Cyclosporine and Tacrolimus Assays [Docket Nos. 01P-0119 and 01P-0235] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9474. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9475. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill approving the location of a Memorial to former President John Adams and his legacy in the Nation's Capital; to the Committee on Resources.

9476. A letter from the Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Injurious Wildlife Species; Snakeheads (family Channidae) (RIN: 1018-AI36) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9477. A letter from the Director, Office of Hearings and Appeals, Department of Interior, transmitting the Department's final rule — Special Rules Applicable to Surface Coal Mining Hearings and Appeals (RIN: 1090-AA82) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9478. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Thornyhead Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 091902E] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9479. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Salary Offset Procedures for Collecting Debts Owed by Federal Employees to the Federal Government (RIN: 3150-AG96) received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9480. A letter from the Actig Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Hobe Sound bridge (SR 708), Atlantic Intracoastal Waterway, mile 996.0, Hobe Sound, Martin County, FL [CGD07-02-119] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9481. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Cape Fear River, Wilmington, NC [CGD05-02-075] (RIN: 2115-AE46) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9482. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile 134.0, Cypremort Point, Louisiana [COTP Morgan City-02-004] (RIN: 2115-AA97) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9483. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2002-63) received September 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9484. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Supplementary Medical Insurance Premium Surcharge Agreements [CMS-1221-F] (RIN: 0938-AK42) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9485. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Programs of All-inclusive Care for the Elderly (PACE); Program Revisions [CMS-1201-IFC] (RIN: 0938-AL59) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1946. A bill to require the Secretary of

the Interior to construct the Rocky Boy's/North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes (Rept. 107–715). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee on Appropriations. H.R. 5521. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–716). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5428. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 107–717). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 568. Resolution providing for consideration of the joint resolution (H.J. Res. 112) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 107–718). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself, Mr. SMITH of Texas, Mr. SESSIONS, and Mr. HALL of Texas):

H.R. 5520. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from minimum wage and maximum hours requirements for certain seasonal fireworks employees; to the Committee on Education and the Workforce.

By Ms. LOFGREN (for herself and Mr. HONDA):

H.R. 5522. A bill to amend title 17, United States Code, to safeguard the rights and expectations of consumers who lawfully obtain digital entertainment; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. RANGEL, Mr. ISRAEL, Mr. NADLER, Mr. SERRANO, Mr. TOWNS, Mr. ENGEL, Mr. HINCHEY, Mrs. LOWEY, Mr. WEINER, Mr. OWENS, Ms. VELAZQUEZ, Mr. MCNULTY, Mr. KING, Ms. NORTON, Mr. MORAN of Virginia, and Mrs. MCCARTHY of New York):

H.R. 5523. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COX (for himself and Mr. LANTOS):

H.R. 5524. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on International Relations.

By Mr. GEKAS:

H.R. 5525. A bill to amend title 11 of the United States Code to prevent corporate bankruptcy abuse and provide greater protection for employees, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BARRETT, Mr. BECERRA, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. COYNE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KLECZKA, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LUTHER, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TANNER, Mrs. THURMAN, Mr. TIERNEY, Mr. POMEROY, Mr. UDALL of New Mexico, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 5526. A bill to amend the Lobbying Disclosure Act of 1995 to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BARRETT, Mr. BECERRA, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. COYNE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KLECZKA, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LUTHER, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TANNER, Mrs. THURMAN, Mr. TIERNEY, Mr. POMEROY, Mr. UDALL of New Mexico, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 5527. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 5528. A bill to provide for the establishment of the Center for International Human Rights; to the Committee on International Relations.

By Mr. VISCLOSKY (for himself and Mr. FROST):

H.R. 5529. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey:

H.R. 5530. A bill to amend title 38, United States Code, to enhance the right of the Department of Veterans Affairs to recover payments by third parties for costs of providing non-service-connected care to beneficiaries of such third parties; to the Committee on Veterans' Affairs.

By Mr. TANCREDO (for himself, Mr. HYDE, Mr. BACHUS, Mr. ROYCE, and Mr. PAYNE):

H.R. 5531. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 5532. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require public availability of an accounting of all funds used, or required to be used, for response to a release of a hazardous substance or pollutant or contaminant; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. ACEVEDO-VILA, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. HINOJOSA, Mr. CUMMINGS, Mr. BERRY, and Mr. ORTIZ):

H.R. 5533. A bill to provide for reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BERRY (for himself, Mrs. EMERSON, Mr. SHOWS, Mr. ALLEN, and Mr. BROWN of Ohio):

H.R. 5534. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the implementation of the program under section 804 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR (for herself, Mr. DINGELL, Mr. GILCHREST, and Mr. UNDERWOOD):

H.R. 5535. A bill to expand the boundaries of the Ottawa National Wildlife Refuge Complex and of the Detroit River International Wildlife Refuge; to the Committee on Resources.

By Mr. NADLER:

H.R. 5536. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 5537. A bill to amend the Internal Revenue Code of 1986 to allow the $25,000 offset for individuals under the passive loss rules to apply to investments in wind energy facilities; to the Committee on Ways and Means.

By Mr. PICKERING:

H.R. 5538. A bill to amend title 23, United States Code, to waive certain limitations; to the Committee on Transportation and Infrastructure.

By Mr. PICKERING:

H.R. 5539. A bill to amend title XVIII of the Social Security Act to provide for coverage of medication therapy management services, including disease specific management services, for certain high-risk patients under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself and Mr. SOUDER):

H.R. 5540. A bill to encourage respect for the rights of religious and ethnic minorities in Iran and to deter Iran from supporting international terrorism and from furthering its weapons of mass destruction programs; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHOWS:

H.R. 5541. A bill to reject proposals to partially or completely divert funds, which normally would be designated for the Social Security trust fund, into private savings accounts as a substitute for the lifelong, guaranteed, inflation-protected insurance benefits provided through Social Security; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. GEPHARDT, Mr. ABERCROMBIE, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. ROEMER, Mr. SCOTT, Ms. WOOLSEY, Ms. RIVERS, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. FORD, Mr. KUCINICH, Mr. WU, Mr. HOLT, Ms. SOLIS, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. BLAGOJEVICH, Mr. HONDA, Ms. LEE, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. MCINTYRE, Ms. KAPTUR, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. BOEHNER, Mr. THOMPSON of Mississippi, Ms. CARSON of Indiana, Mr. SANDERS, Ms. SANCHEZ, Mr. GREENWOOD, Ms. BERKLEY, Mr. WAXMAN, Mr. GILMAN, Mr. SHAYS, Mr. PETERSON of Minnesota, and Mr. EVANS):

H.J. Res. 113. A joint resolution recognizing the contributions of Patsy T. Mink; to the Committee on Education and the Workforce.

By Mr. HASTERT (for himself and Mr. GEPHARDT):

H.J. Res. 114. A joint resolution to authorize the use of United States Armed Forces against Iraq; to the Committee on International Relations.

By Mr. ABERCROMBIE:

H.J. Res. 115. A joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Resources.

By Mr. LATOURETTE (for himself and Mr. CROWLEY):

H. Con. Res. 495. Concurrent resolution supporting the goals and ideals of National Safety Forces Appreciation Week; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. ROHRABACHER, and Mrs. LOWEY):

H. Con. Res. 496. Concurrent resolution expressing the sense of the Congress regarding so-called ''honor killings''; to the Committee on International Relations.

By Mr. SCHAFFER:

H. Con. Res. 497. Concurrent resolution supporting the goals and ideas of National Take Your Kids to Vote Day; to the Committee on Government Reform.

By Mr. SOUDER (for himself and Mr. CUMMINGS):

H. Res. 569. A resolution expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

368. The SPEAKER presented a memorial of the General Assembly of the State of North Carolina, relative to House Resolution No. 1786 memorializing the United States Congress and the President to support and enact legislation to establish a tobacco quota buyout program; to the Committee on Agriculture.

369. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 46 memorializing the President and Congress of the United States to enact legislation that contains steps to ensure that Medicare home health care recipients are guaranteed the best care, and that home health providers, who have undergone multiple regulation and administrative changes at the hands of the federal government are not further harmed; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 185: Mr. OLVER.

H.R. 356: Mr. GREEN of Wisconsin.

H.R. 394: Mr. MICA, Mr. TOOMEY, Mr. GREEN of Wisconsin, Mr. LAHOOD, and Mr. LARSEN of Washington.

H.R. 440: Mr. RODRIGUEZ.

H.R. 840: Mr. BLUMENAUER, Ms. DUNN, Mr. OWENS, Mr. HOLDEN, Mr. HOLT, Ms. HOOLEY of Oregon, Mr. PICKERING, Mr. WELDON of Pennsylvania, Mr. MCINNIS, Mr. WALSH, and Mr. SHOWS.

H.R. 854: Mr. GUTIERREZ.

H.R. 984: Mr. BOEHNER.

H.R. 1296: Mr. TIERNEY, Mr. KENNEDY, of Rhode Island, Mr. AKIN.

H.R. 1353: Mr. LUTHER.

H.R. 1434: Mr. GRUCCI.

H.R. 1509: Mr. NORTON, Mr. LIPINSKI, and Ms. BROWN of Florida.

H.R. 1520: Mr. NADLER.

H.R. 1903: Mrs. CLAYTON, Mr. HILLIARD, Ms. NORTON, Mr. TOWNS, Mr. FROST, and Mr. CROWLEY.

H.R. 1918: Mr. DIAZ-BALART.

H.R. 2020: Mr. MCINTYRE.

H.R. 2349: Mr. MCINTYRE.

H.R. 2374: Mr. WELLER, Mr. MICA, Mr. MCNULTY, Mr. ALLEN, and Mr. WALDEN of Oregon.

H.R. 2527: Mr. NEY.

H.R. 2573: Mr. CONYERS, Mr. DELAHUNT, and Mr. PHELPS.

H.R. 2748: Mr. UDALL of Colorado.

H.R. 3612: Mr. BISHOP.

H.R. 3688: Mr. MARKEY, Mrs. DAVIS of California, Mr. OWENS, and Mr. BALDACCI.

H.R. 3836: Mr. ENGEL and Mr. FRANK.

H.R. 4027: Mr. RANGEL.

H.R. 4170: Mr. BALLENGER.

H.R. 4551: Mr. PHELPS.

H.R. 4573: Mr. FRANK.

H.R. 4582: Mr. ANDREWS.

H.R. 4614: Mr. ALLEN.

H.R. 4675: Mr. CAMP.

H.R. 4718: Mr. FOLEY.

H.R. 4760: Ms. NORTON, Mr. MCNULTY, Mr. HOLDEN, Ms. WATSON, and Mr. RANGEL.

H.R. 4762: Mr. KUCINICH, Mr. OWENS, and Ms. WOOLSEY.

H.R. 4789: Mr. SCHAFFER.

H.R. 4790: Mr. SCHAFFER.

H.R. 4804: Mr. MCHUGH, Mrs. CHRISTENSEN, Mr. WYNN, Mr. PAYNE, and Mr. TAYLOR of North Carolina.

H.R. 4950: Mr. PENCE and Mr. JONES of North Carolina.

H.R. 4955: Mr. LATHAM.

H.R. 5085: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5127: Mr. ROTHMAN.

H.R. 5146: Mr. MALONEY of Connecticut, Mr. HOEFFEL, Mr. TIERNEY, Mr. SAXTON, and Mr. GREENWOOD.

H.R. 5174: Mr. SCHAFFER.

H.R. 5183: Mr. LUCAS of Kentucky.

H.R. 5186: Mr. MANZULLO and Mr. ISRAEL.

H.R. 5228: Mr. PAUL.

H.R. 5229: Mr. PAUL and Mr. DOYLE.

H.R. 5241: Mr. ALLEN and Mr. NADLER.

H.R. 5250: Mrs. MALONEY of New York, Mr. CHAMBLISS, Mr. PHELPS, Mr. RILEY, Mr. BILIRAKIS, Mr. ENGLISH, and Mr. GILMAN.

H.R. 5257: Mr. DOYLE, Mr. GREEN of Wisconsin, and Mr. OWENS.

H.R. 5259: Mr. BRADY of Texas.

H.R. 5268: Mr. LARSEN of Washington, Mr. CUMMINGS, Mr. OLVER, and Ms. KILPATRICK.

H.R. 5285: Mr. BARTON of Texas.

H.R. 5287: Mr. GREEN of Wisconsin.

H.R. 5304: Ms. BERKLEY.

H.R. 5326: Mr. BISHOP.

H.R. 5334: Mr. KING, Mr. LOBIONDO, Mr. SERRANO, Mr. SCOTT, Ms. MCCARTHY of Missouri, Mr. GREEN of Texas, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. STRICKLAND, Mr. HINCHEY, Mr. OLVER, Mrs. MCCARTHY of New York, Mr. COSTELLO, and Mr. MASCARA.

H.R. 5346: Ms. ROYBAL-ALLARD, Mr. TOWNS, Mr. ABERCROMBIE, Mr. CAPUANO, Ms. WATERS, Mr. THOMPSON of Mississippi, Ms. ESHOO, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Ms. RIVERS, Mr. PHELPS, Mr. LANTOS, Mr. MENEDEZ, Mr. BERMAN, and Mr. WAXMAN.

H.R. 5350: Mr. HILLIARD, Mr. LIPINSKI, Mr. FORST, and Ms. NORTON.

H.R. 5376: Mr. FLAKE.

H.R. 5380: Mr. JEFF MILLER of Florida, Mr. GREEN of Wisconsin, and Mr. SESSIONS.

H.R. 5398: Mr. ARMEY, Ms. LOFGREN, Mr. TOM DAVIS of Virginia, and Mr. SESSIONS.

H.R. 5433: Mr. LAHOOD and Mr. PHELPS.

H.R. 5465: Mrs. CAPPS.

H.R. 5476: Ms. NORTON and Mr. WEXLER.

H.R. 5480: Mrs. MYRICK and Mr. TAYLOR of North Carolina.

H.R. 5491: Ms. PELOSI.

H.R. 5499: Mr. CLYBURN, Mr. BISHOP, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mr. PAYNE, and Mr. FORD.

H.R. 5503: Mr. THORNBERRY.

H.R. 5510: Mr. MORAN of Virginia.

H.R. 5512: Mr. SMITH of Washington.

H. Con. Res. 399: Mr. REYNOLDS, Mr. WALSH, Mr. GILMAN, Mr. QUINN, Mr. BOEHLERT, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. GRUCCI, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. CROWLEY, Mr. MCNULTY, Mr. RANGEL, Mr. STRICKLAND, Mr. KING, Mr. ACKERMAN, Mr. NADLER, Mr. LAFALCE, Mr. SWEENEY, Mr. TOWNS, Mr. ENGEL, and Ms. VELAZQUEZ.

H. Con. Res. 406: Mr. UDALL of Colorado.

H. Con. Res. 422: Mr. HOYER and Mr. ABERCROMBIE.

H. Con. Res. 436: Mr. LEVIN, Ms. WATSON, Mr. FRELINGHUYSEN, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 445: Mr. JEFF MILLER of Florida, Mrs. ROUKEMA, Mr. DOOLITTLE, Mr. RAMSTAD, Mr. BROWN of South Carolina, and Mr. ROGERS of Michigan.

H. Con. Res. 466: Mr. SCHAFFER and Mr. WYNN.

H. Con. Res. 480: Ms. LOFGREN.

H. Con. Res. 486: Mr. KILDEE, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. BALDACCI.

H. Con. Res. 487: Mr. MEEKS of New York and Mr. FRANK.

H. Res. 369: Mrs. MORELLA.

H. Res. 505: Mr. CUNNINGHAM and Mr. BROWN of South Carolina.

H. Res. 557: Mr. BALDACCI.
H. Res. 559: Mr. CANTOR.

PETITIONS, ETC.

Under clause 3 of rule XII,

74. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 543 petitioning the United States Congress to express gratitude to Congressman Benjamin Gilman for his many years of public service; which was referred to the Committee on House Administration.

ADMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

S. 2690

OFFERED BY: MR. ADERHOLT

AMENDMENT NO. 1: At the end of section 1, insert the following:

(17) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government. The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment (See Everson v. Board of Education Hamilton, 330 U.S. 1, 14-16, and Cantwell v. Connecticut, 310 U.S. 296). The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States. The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is among the powers reserved to the States respectively. The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United States Government or by any department or executive or judicial officer thereof; and among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

S. 2690

OFFERED BY: MR. HAYES

AMENDMENT NO. 2: At the end of section 1, insert the following:

(17) In the Chambers of the House of Representatives are displayed twenty-three marble relief portraits of ''lawgivers'' who were selected by a special committee for their work in establishing the principles that underlie American law. The relief of Moses, who delivered the Ten Commandments from Mount Sinai more than 3000 years ago, is the only relief that is full faced rather than in profile. The relief of Moses is positioned directly opposite the Speaker's rostrum, overseeing the proceedings of the House. In the building housing the Supreme Court of the United States there are multiple depictions of the Ten Commandments, including one located on the lower half of the doors leading into the chamber and another in the chamber itself above the bench from which the Justices preside. Even the entry to the National Archives of the United States, where the Constitution and the Declaration of Independence are publicly displayed, is adorned with the Ten Commandments. The Supreme Court, most notably in Lynch v. Donelly, 465 U.S. 668 (1984), has cited such displays when upholding the constitutionality of other religious displays by municipal governments. The depiction of Moses and the Ten Commandments in the Capitol of the United States, the Supreme Court of the United States, and the National Archives is constitutional and wholly consistent with the principles of disestablishment and religious freedom.

S. 2690

OFFERED BY: MR. SHIMKUS

AMENDMENT NO. 3: At the end of section 1, insert the following:

(17) Beginning in 1774, the Continental Congress adopted the procedure of opening its sessions with a prayer offered by a paid chaplain. The First Congress of the new Republic continued this tradition when, in April of 1789, both the House of Representatives and the Senate appointed committees to consider the election of chaplains. In April and May of that same year, the Senate and House respectively elected their first chaplain and in September legislation was enacted providing for the payment of these chaplains. In the 1850s the Senate considered ''sundry petitions praying Congress to abolish the office of Chaplain'' (S.Rep. No. 376, 32d Cong., 2d Sess.), ultimately concluding, however, that the practice did not violate the Establishment Clause. In 1854, the Committee on the Judiciary of the House of Representatives also examined the issue of taxpayer-funded chaplains and, in a report titled ''Chaplains in Congress and in the Army and Navy'', stated, ''What is an establishment of religion? It must have a creed, defining what a man must believe; it must have rites and ordinances, which believers must observe; it must have ministers of defined qualifications, to teach the doctrines and administer the rites; it must have tests for the submissive, and penalties for the non-conformist. There never was an established religion without these.''. In 1983, the Supreme Court of the United States heard arguments as to whether or not a similar practice of opening the Nebraska State Legislature with prayer offered by a paid chaplain violated the Establishment Clause of the First Amendment to the Constitution (Marsh v. Chambers, 463 U.S. 783 (1983)). The Supreme Court found that such a practice is not in fact unconstitutional. Other public bodies also open their proceedings with prayers or invocations to God, including the Supreme Court of the United States, which opens its proceedings with an announcement that concludes, ''God save the United States and this Honorable Court.''. The practice of opening meetings of the House of Representatives, the Senate, and the Supreme Court with prayer (including those offered by taxpayer-supported chaplains), references to God, and invocations of blessing is constitutional and wholly consistent with the principles of disestablishment and religious freedom.

S. 2690

OFFERED BY: MR. SMITH OF TEXAS

AMENDMENT NO. 4: At the end of section 1, insert the following:

(17) The First Amendment to the Constitution secures the rights of all Americans to freely exercise their religion and thus ''mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.'' Lynch v. Donnelly, 465 U.S. 668, 673 (1983). In 2000, the Commonwealth of Virginia enacted legislation mandating that each school division in the State establish a ''minute of silence'' in its classrooms so that ''each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice,'' Va. Code Ann. 22.1-203. On July 24, 2001, the United States Court of Appeals for the Fourth Circuit held that the statute did not violate the First Amendment to the Constitution as applied to the several States through the Fourteenth Amendment. See Brown v. Gilmore, 258 F.3d 265 (4th Cir. 2001). Writing for the majority, Justice Niemeyer wrote, ''In sum, establishing a minute of silence, during which students may choose to pray or to meditate in a silent and nonthreatening manner, Virginia has introduced at most a minor and nonintrusive accommodation of religion that does not establish religion.'' Id. at 278. Justice Niemeyer further wrote, ''Recognizing that the Religion Clauses of the Constitution are intended to protect religious liberty, Virginia's minute of silence is no more than a modest step in that direction by providing a non-intrusive and constitutionally legitimate accommodation.'' Id. On October 29, 2001, the Supreme Court of the United States let stand the ruling of the Fourth Circuit in Brown v. Gilmore. See Brown v. Gilmore, 122 S. Ct. 465 (2001). The Virginia statute mandating a ''minute of silence'' protects and advances this right for public school students in a constitutionally permissible manner. Indeed, in Wallace v. Jaffree, the Supreme Court of the United States distinguished Alabama's moment of silence statutes from a statute which, similar to Virginia's, protects ''every student's right to engage in voluntary prayer during an appropriate moment of silence during the school day.'' 472 U.S. 38, 59 (1985). Students enrolled in public school in the other several States should be accorded a similar protection of their First Amendment rights as extended to students in the Commonwealth of Virginia. The several States have within their powers, as reserved under the Tenth Amendment to the Constitution, the power to enact statutes similar to the Virginia ''minute of silence'' statute.

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. Today, our prayer will be delivered by our guest Chaplain, from the other side of the Hill, the Reverend Daniel P. Coughlin, Chaplain of the United States House of Representatives.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, Lord of history and the mystery guiding our future, be present to all the Members of the U.S. Senate today. Gather them in Your Spirit for their meetings. Guide them in their deliberations as they form consensus and lead Your people in the ways of justice and peace. May the human laws enacted by this Government be based upon the dignity of the human person, rooted in Your order of creation, and achieve the destiny You have ordained for the people of this country and the community of nations at this time. May the people of this great Nation be so blessed by You that we become a blessing for the people around the world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 2, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 3018

Mr. DASCHLE. Madam President, I understand that S. 3018 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DASCHLE. I ask that S. 3018 be read for a second time, and then object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3018) to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

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 11:30 a.m., with Senators permitted to speak for up to 10 minutes each.

Under the previous order, the time until 10 a.m. shall be under the control of the majority leader or his designee.

Under the previous order, the first 20 minutes shall be under the control of the Senator from Vermont, Mr. JEFFORDS.

The Senator from Vermont.

THE FORGOTTEN AGENDA

Mr. JEFFORDS. Madam President, I rise today to discuss the state of our Nation.

Our President has asked us to give him the authority to begin a war with Iraq, and I look forward to a full and frank debate on that question.

But today I want to discuss other issues, important issues that are not getting the attention they deserve, an agenda the President would rather not discuss, an agenda I fear is being obscured by gathering clouds of war.

Whether or not to go to war in Iraq is surely a grave and momentous decision, but I fear our President is neglecting other crucial matters here at home: the quiet crisis American families are facing everyday.

In Vermont and across this great land families are hurting. When they send their children to an overcrowded, underfunded school in the morning, they ask, is this the best we can do? When they go to work and see an empty desk beside them they wonder, am I next? And they ask, is this the best we can do? When they see their dwindling retirement accounts and read of endless corporate corruption, they ask, is this the best we can do? When they have to cancel their child's doctor's appointment because they

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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have lost their health insurance coverage, they ask, is this the best we can do? When they send their kids out to play only to realize that the air pollution levels are dangerously high, they ask, is this the best we can do?

Is this the best we can do? Of course not. We can do better. We must do better, because American families deserve better—and they deserve better from their President. In talking about one thing only, the President is forgetting many others. And so today I call on the President to engage this Nation on this forgotten agenda.

Less than a year after this Congress and the President worked to increase the Federal role in elementary and secondary education by passing the No Child Left Behind Act, we are in danger of leaving many more children behind because sufficient dollars will not be forthcoming to see that every child in this Nation receives a quality education.

The lack of funding for our Nation's schools is a disgrace. Across our Nation, headline after headline tells the story of school districts having to cut back staff, end the school day early, and cut short the school year all because of a lack of funding.

More than 25 years ago, the Federal Government promised to pay 40 percent of special education costs for children with disabilities. Today, we only pay 18 percent of the costs. That is not just a broken promise for one of the richest nations in the world, it is an outrage.

Remember, the very reason that the Federal Government has a role in education is because the Congress realized that our national defense depended on our students leading the world in math and science. One of this country's first education bills, passed in the late 1950s, after the Soviets launched Sputnik, it was entitled the National Defense Education Act.

An even more dramatic action occurred after World War II when we passed the GI bill, vastly increasing the Federal contribution to education and narrowing the tremendous educational gap.

A similar gap exists now. Similar action is needed now.

Of the major industrial nations, the United States ranks among the lowest in terms of funding education at the Federal level, providing only 7 percent of the costs. Nations such as Turkey, Korea, Italy, the Czech Republic and Mexico put us to shame in their expenditure on education.

Recent national test scores tell us that 60 percent—60 percent—of 12th graders are below the proficiency level in reading. This is basic reading.

By neglecting education today, we are not only shortchanging our children's opportunities, we are sapping our Nation's future strength.

Right now we have over half a million foreign workers here on H1–B visas. Those are the visas we give to people from other countries to fill jobs within our borders. We shouldn't have to import workers to fill the high skill, high wage jobs that we have. We should educate our own workers to fill them.

Our economy is faltering. The President has committed to bringing this economy out of recession. After convening an economic summit in Texas last August, which was more show than substance, he hasn't been engaged.

We learned in the last week that incomes declined and the poverty rate increased for the first time in almost a decade. The annual Census Bureau income and poverty report stated that 1.3 million more Americans slipped below the poverty line. This increase means that 11.7 percent of the United States population is defined as living in poverty.

In regard to overall income, the Census Bureau said that the median household income dropped for the first decrease since 1991. In less than 2 years more than two million private sector jobs have been lost.

Our economic growth is the weakest it has been in 50 years.

And for the workers who don't need to worry about their jobs, they are worrying about their savings. More than 50 percent of Americans have investments in the stock market—and they have seen the value of those investments decline by over $4.5 trillion since last January.

Now is the time to restore confidence in the economy. Now is the time to show leadership—but this administration's economic leadership has been lackluster.

On environmental issues, I fear we are moving backward instead of forward under the Bush administration. The statistics are startling.

Right now in America there are about 30,000 premature deaths related to power plant pollution, about 160 million people breathing unhealthy air, and significantly higher risks of cancer and developmental problems in urban areas from toxic tailpipe pollution.

Think about this: 2,500 Americans face premature death from power plant pollution each month. That's like suffering casualties from Pear Harbor every 30 days.

Parents are thinking twice before telling their kids to go outside and get some fresh air. First, they have to check on the air pollution alerts.

If global warning proceeds as scientists expect, weather will become increasingly more hostile and difficult to predict.

I was proud to work with the first President Bush on the Clean Air Act amendments of 1990. He called our work, ''a new chapter in our environmental history, and a new era for clean air.''

Now, this President Bush insists on moving us backward—undoing his father's legacy and our Nation's environmental policy.

This is a dangerous time. We face many threats. They require all of our best judgment and careful deliberation.

Threats of war dominate our headlines. If we were to ignore those threats we would do so at our peril.

So, too, if we ignore the quiet, steady erosion of economic opportunity and well-being here at home.

If we take action in Iraq, Saddam Hussein will rue the day he defied the international community and the world's greatest power. But our greatness rests on more than our military strength. It rests on our ability to meet great challenges whenever and wherever they arise. Great challenges have arisen here at home.

Our men and women in uniform wherever they are—whether they are helping to bring order in Kabul or awaiting orders in Kuwait—deserve more than our pride and our support. They deserve to come home to a nation that is not only free but strong and prosperous.

We have got to address all the problems facing this Nation. Right now we are not. The drumbeat of war cannot and must not drown out the needs of our families, our children and our environment.

I call on President Bush to lead this Nation. One person can make a difference—and change only comes one person at a time.

It would be nice if the world were as simple as foreign and domestic, good and bad—or even Democrat and Republican. But the world is not a simple place and problems do not come along one at a time. Now is the time for leadership, collective will and individual action.

In a rush to solve problems overseas, we must not ignore the problems here at home. They are real, and they deserve our attention.

There has never been a problem that America could not solve if we come together. That is exactly what we need to do, what we should do, what we must do now.

I yield the floor, not with happiness or good feelings but with concern and deep hope that we can work together to save this Nation.

Mr. REID. Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. May I inquire, since the Senator from Vermont has finished his major address on the economy, is it appropriate and do we have the time at this point to continue the comments from this side of the aisle?

The ACTING PRESIDENT pro tempore. The majority controls the time until 10, and the Senator may speak for up to 10 minutes.

The Senator from Florida.

A STRENGTHENED ECONOMY

Mr. NELSON of Florida. Madam President, yesterday I had occasion to begin some remarks, thinking I could make them within 10 minutes, with regard to the economy. There were others waiting in line at the end of my 10 minutes. I rise to continue those comments, pointing out that as we discuss these highly important, weighty decisions we have to make about war and peace and about homeland security, the Nation's military strength is undergirded by its moral strength and its economic strength.

It is due to the lack of that economic strength, as evidenced in an economy that has been in the tank, as evidenced by so many different indicators—unemployment going up, the stock market going down, the weakness of retail sales, the laying off of people, the poor earnings reports of companies all over America—that it is incumbent upon the Senate to bring its attention not only to the highly important matters of war and peace but that if we are to continue this war against terrorism, and if we are to do something about the developing of weapons of mass destruction in Iraq, for us as a Nation to be able to successfully prosecute these wars, we need to have a strengthened economy, a solid foundation in our economy.

There are a number of things we can do. Yesterday, I pointed out that we were faced with, about a year and a half ago, the beneficence, the wonderment of a surplus that was projected over the next decade that not only was going to allow us to accommodate a huge tax cut and spending increases on such things as we anticipated then, such as increased defense spending—this was before September 11—there were other high-priority items such as modernizing Medicare with a prescription drug benefit, increased spending to recognize and honor the veterans, the protection of the environment, a much larger investment in education; that we could accommodate not only a major tax cut along with those spending increases, but then we would also be able to save a part of that surplus—particularly the surplus that was generated in the Social Security trust fund—and that the surplus, in effect, over the next decade, was going to be able to pay down the national debt, and thus save us the sum of $250 billion to $280 billion a year that we are paying in interest.

But that did not occur. What occurred was that the projections for the surplus over the next 10 years were way too rosy. How many of us stood on this floor and said exactly that—not only this Senator from Florida but the Senator in the chair from New York said we ought to be conservative in our estimates of what this is going to be so we do not overobligate ourselves. We also said that when we enact a tax cut—and we want to—it ought to be a balanced approach so the tax cut doesn't absorb all of the surplus so that you can do these other things. The other things were increasing defense expenditures—and we said that before September 11. How true was that prophetic statement. But it didn't happen that way. Now we are running deficits in this year to the tune of about $150 billion. We have deficits that are projected over the next decade.

When you take into consideration that we are now borrowing out of the Social Security trust fund surpluses—something every one of us in the election of 2000 said we were not going to do—we were going to fence off the Social Security trust fund and it wasn't going to be touched. As a result of that, the surpluses were going to pay down the national debt.

Well, that did not occur because we were not wise and balanced in our approach to the Federal Government. It is a major contributor right now to the stock market being in the tank, and it doesn't make any difference that the stock market went up 350 points yesterday. The two previous days it went down that much. It is still sort of rocking along below 8,000.

What is that? That is a reflection of the lack of American investor confidence in American corporations. Why? In part, it is because the Federal Government has returned to deficit financing on an annual basis—that is, borrowing money to pay expenditures; therefore, it is deficit financing—when we said we had the opportunity to get out of that.

I had a little experience in this back in 1981 as a Member of the House of Representatives. I voted for a big tax cut and it took us not once, not twice, but three times to undo that tax cut in order to get the fiscal house in order.

I said I was for a big tax cut. I voted for a version on this floor last year to the tune of $1.2 trillion over a decade. But that wasn't what we enacted. What we enacted was $1.35 trillion—which is what it was billed at—but it really wasn't because, when you consider the 10th year that the tax cut was suddenly reverted to the present tax law, it was, in effect, a $2 trillion tax cut, which has usurped all of the available surplus.

In my speech yesterday, I pointed out the percentages; the biggest part was taken up by the tax cut. The recession, certainly, was a part of that. The projections were another major factor; they ended up being way too rosy.

Our economy at this time is still continuing to be sluggish, and although most analysts remain optimistic that we will pull out of this recession eventually, the path is not rising very fast. I think we ought to be conservative in how we approach this fiscal house to see if we can get it in order.

The economic indicators are disturbing. Last week those economic indicators dropped for a third month in a row and Nasdaq hit a 6-year low. Of course, most people know about the Dow Jones—it is really in the tank. Since the beginning of 2001, 2 million jobs have been lost—the first decline in the number of private sector jobs in half a century. The U.S. poverty rate rose last year for the first time in 8 years. Last year's administration's spending and tax cut plan is part of the reason it has resulted in today's collision course of more deficits, more debt, higher economic insecurity, higher interest rates, lower economic growth, and lower employment.

I come back to the floor of the Senate to again say to my colleagues what some of us in the moderate sphere of politics were trying to say last year as we were going through these budgetary discussions—that we ought to use moderation and we ought to use balance and take an approach that ultimately would get the fiscal house in order of stopping the annual deficit spending and fulfilling the promise that we made that the Social Security trust fund surpluses would not be used for other spending but, rather, would be fenced off and left so their surpluses could start paying down the national debt.

I appreciate the ongoing dialog about this impending war, but we also need to pay attention to the battles that we are already waging in order to keep a strengthened national economy, to help support the necessary battles that we are fighting in terrorism around the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT

Mr. LEVIN. Madam President, the decline of our economy in the last year and a half is truly staggering. It is absolutely critical that we in Congress, before we leave, do everything we possibly can to help Americans who have been hurt by this downturn—in particular, the people who are unemployed and having trouble getting back into the workforce. That is why it is essential that before we leave we extend unemployment benefits and adopt the Emergency Unemployment Compensation Act of 2002, which has been introduced by Senator WELLSTONE, Senator CLINTON, myself, and others.

Over 8 million Americans are unemployed. Since January of 2001, the national unemployment rate has risen from 4.2 percent to 5.7 percent. According to the Center on Budget and Policy Priorities, between May and July of this year, approximately 900,000 workers exhausted all of the additional weeks of Federal unemployment benefits that they received as a result of the economic stimulus legislation that passed the Congress last March. By the end of this year, that number will swell to 2.2 million workers having exhausted their unemployment benefits.

We have lost more than 2 million private sector jobs since January of 2001. For the first time in 50 years, the number of private sector jobs has actually

declined in this country. Now, the rate of increase in those jobs has gone up and down over the last 50 years but never in the last 50 years has there been an actual decline in the number of private sector jobs until this last year.

The legislation introduced last week would do something about these problems by providing all States with an additional 13 weeks of temporary extended unemployment benefits. It would also authorize States with the highest levels of unemployment to get funds for an additional 7 weeks of benefits on top of the 13.

This is especially important to my home State of Michigan. Michigan has one of the higher unemployment rates nationwide, currently 6.2 percent.

The PRESIDING OFFICER (Mr. JOHNSON). The time controlled by the majority has expired.

Mr. LEVIN. Mr. President, I notice a number of our colleagues are in the Chamber, and my time has expired. I ask unanimous consent that I be given an additional 3 minutes to complete my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I am sorry, I did not hear the Senator's question.

Mr. LEVIN. I ask unanimous consent that I be given an additional 3 minutes to complete my remarks.

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

Mr. LEVIN. I thank my friend from Oklahoma.

Mr. President, the legislation we introduced last week would do something about these problems by giving all States an additional 13 weeks of temporary extended unemployment benefits and would authorize States with the highest levels of unemployment to get funds for an additional 7 weeks of benefits above the 13 weeks.

As I indicated, my home State has one of the highest unemployment rates in the Nation, currently 6.2 percent. That is the seventh highest in the Nation, and it is almost a full percentage point higher than it was just a year and a half ago. More than 60,000 workers in Michigan currently receive Federal unemployment benefits, with an additional 50,000 Michigan workers having already exhausted their benefits.

Michigan's median household income fell by 4.1 percent last year. Only four other States fared worse. In the country as a whole, median household income fell 2.2 percent last year, the first drop since 1991. So this legislation is crucial for Michigan's hard-pressed workers and their families, as well as for workers across the land.

This is not just doing what is fair and what is right and what is equitable. Those reasons ought to be sufficient. In addition to that, providing additional benefits is a good stimulus for our ailing economy. The money we are talking about is money that will be spent. Those eligible to receive these benefits are people trying to make ends meet on a day-to-day basis, people who need money to put food on the table, to buy a prescription drug, to make a car payment, to pay rent, or to pay a mortgage. They spend this money.

According to a 1999 Department of Labor study, every dollar invested in unemployment benefits generates $2.15 in gross domestic product. This bill extending unemployment benefits will put money into the hands of people who need it, people who will spend it, and that is good for our economy, as well as for them, because it sustains the jobs other people still have.

There may be Members who will argue we cannot afford to extend unemployment benefits. Obviously, we should be concerned about our current budget situation. The 10-year surplus projection has declined by $5.3 trillion, or 94 percent, since January of 2001. But our budget problem does not come from extending desperately needed benefits to out-of-work Americans.

The major problem is last year's $1.5 trillion tax cut which provides more benefits to the top 1 percent of all taxpayers than it does the bottom 80 percent of taxpayers combined. According to analysts who reviewed the CBO numbers, last year's tax cut is the single largest cause for our evaporated surplus.

September 11 and its aftermath had an enormous impact on an economy that was already sputtering. The economy has not recovered. There are signs that it will not recover for a while longer. The tax cut has blown a hole in our budget, yet it is not just the centerpiece of the administration's economic policy, it appears to be the only economic policy we hear about from the administration.

Since Congress passed a bipartisan extension of unemployment benefits in March, nearly 2 million people have exhausted those benefits without finding new jobs. The ability for them to receive additional benefits has expired. Yesterday, Senator WELLSTONE attempted to pass this bill by unanimous consent, but was prevented from doing so. This issue should be one of our top priorities. We should not leave this year without extending these benefits for America's unemployed. I am hopeful that Democrats and Republicans in Congress will be able to come together as we have done in the past and support the Emergency Unemployment Compensation Act of 2002.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the next 1 hour shall be under the control of the Republican leader or his designee.

The Senator from Oklahoma.

THE ECONOMY

Mr. INHOFE. Mr. President, it is my intent today to make a few comments about someone I hold in such high esteem, perhaps in higher esteem than anyone else I can think of at this moment. Before doing that, I am compelled, however, to respond to some of the statements that have been made concerning the economy.

I think we all recognize our economy started turning south about 3 years ago. We did see this coming. I really do not like people saying—because I am always afraid someone is going to believe it—that somehow when we reduce tax burdens on individuals that is going to automatically reduce the revenues that would have otherwise come from those taxes.

History tells us just the opposite. In fact, yes, we are going to have a deficit. We understand that. We are currently in a war, and we understand even though the amount of additional money, some $48 billion, that went into the war effort is totally inadequate, it is going to have to be more, and we are going to see deficits.

The other factor causing deficits is a downturn in the economy. We all know for every 1 percent drop in economic activity, that translates into $24 billion of lost revenue. Turning that around, for every 1 percent increase in economic activity, revenue will increase by $24 billion. It has been proven over and over throughout the history of this country that every time we have had the opportunity and the courage to reduce taxes, not raise taxes, it has resulted in increased revenues.

The best evidence of this is 1980. My colleague from Florida talked about the decade of the eighties, but let's look at what happened in the decade of the eighties.

In the 1980s, the total amount of money that was raised from marginal rates was $244 billion. In 1990, that same figure was $406 billion. We can see in a 10-year period revenue almost doubled, and that was the 10-year period when we had more reductions in marginal rates and in capital gains taxes and other taxes than any other 10-year period in this Nation's history.

Is this a Republican idea? No, it is a conservative idea. Liberals do not like to think we can return money to the people. They do not understand this adds to our economy. I hate to think of where we would be today if we had not had the tax cuts because they have, in fact, had a positive effect on the economy.

This is not a Republican idea. I remember a great President of the United States in the sixties. It was President Kennedy. President Kennedy felt Government needed to do more for the Great Society. He said we are going to have to have more revenues. He said: The best way to increase revenues is to decrease taxes. So President Kennedy decreased taxes and revenues increased.

Mr. President, I say to my liberal friends, I know they do not believe the private sector and individuals left with freedom in the their hands can operate as well as Government can. They are wrong.

NATIONAL 4–H YOUTH DEVELOPMENT PROGRAM WEEK

Mr. INHOFE. Mr. President, my wife and I have four kids and 11 grandkids. My youngest daughter Katie is the chairman of the Jesse Helms Fan Club. Katie, who looks like she is about 14 or 15 years old, is in her thirties. She just had her second baby. She has, I say to my good friend, Senator HELMS, prominently framed as you walk in to her home a picture of Senator HELMS holding her first baby, Baby Kate. You see, I have a wife named Kate, a daughter named Kate, and a granddaughter named Kate. The picture is prominently displayed in her living room.

She talks about this wonderful, gentle man in Washington who is different than anybody else we have known in Washington. She says he has to be the most lovable man in the history of Washington, DC.

Jesse, I say to you, that is not just one little girl talking. She speaks for so many people.

Since one of the programs that Senator HELMS has always held up and said is the greatest program because it does not involve Government dollars, it involves putting into the hands of young people in America the ideals that made this country great, I thought it would be appropriate if we adopt S. Con. Res. 143, which is the 4–H resolution. The Senator from North Carolina has been such a prominent part and one of the first cosponsors of this resolution. So let's adopt this resolution on Jesse Helms Appreciation Day.

My resolution, S. Con. Res. 143, designates next week, October 6 through 12, as the ''National 4–H Youth Development Program Week.''

The 4–H Youth Development Program sponsors clubs in rural and urban areas in every county throughout the Nation. As neighbors and colleagues, 4–H members and volunteers are making a difference by pledging the four Hs: their ''heads'' to a clearer thinking, ''hearts'' to greater loyalty, ''hands'' to larger service, and ''health'' to better living for the club, the community, the country, and the world.

In an era when education is recognized as more important than ever, 4–H offers a variety of training through its diverse programs. Young people gain experience and citizenship and civic education, communications and expressive arts, consumer and family sciences, environmental education and earth sciences, healthy lifestyle education, personal development and leadership, plants and animals, and science and technology; and it goes on.

4–H has grown to over 5 ½ million annual participants from all ethnic backgrounds, ranging from ages 5 to 19. 4–H clubs strengthen families and communities and foster leadership and voluntarism for youth and adults.

I will say something about my State of Oklahoma. Turning to a survey of 22 counties in Oklahoma, 4–H members and volunteer leaders participated in 4 million hours of community service. No Government program told them to do that. They just did it out of their hearts because they had leadership they could look up to, the ultimate leader being Senator HELMS in this case.

Whitney Ferris, a 4–H club member and student at the Oklahoma State University, is one example of someone who has given back to her community. She has used skills she has developed through 4–H to conduct leadership development classes for Native Americans in the Chickasaw Nation. As a result of her efforts, Whitney is now working with other Native American tribes in Oklahoma to help them establish development workshops in order to learn skills that will make them tomorrow's leaders.

That is what we are really talking about: tomorrow's leaders. We would like to produce more JESSE HELMSes for this world.

Other OSU students, who are also 4–H members, have won the prestigious Truman Scholarship for their outstanding academic and leadership skills.

Recently, I supported 4–H by requesting funding for a national civic education program to be conducted by the National 4–H Council. This program is aimed at involving young people from all socioeconomic backgrounds in public policy and community involvement, with a special focus on community governance and leadership skills.

I have also requested funding for an innovative Rural Health Outreach Program, which will be administered through the 4–H Youth Development Program.

This program will develop, implement and evaluate an overall youth health promotion and awareness strategy designed to target youth and their families, particularly in rural America. It will also devise strategies to reach minority and disadvantaged youth and their families.

4–H is changing the lives of America's youth for a brighter, better tomorrow and I am proud to recognize this important program.

Congratulations, 4–H, on your good work and your centennial.

I conclude by saying we have hundreds of thousands of kids around this country who are participating today and have participated in this program. I think that each one of them would look up to the top and see one person who really sets an example for what truly makes America great, and that would be our good friend JESSE HELMS.

I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 143 and the Senate then proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 143) designating October 6, 2002, through October 12, 2002, as ''National 4–H Youth Development Program Week''.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. CLINTON. Mr. President, I rise today in support of this resolution to designate next week as National 4–H Youth Development Program Week. 4–H is a wonderful organization that promotes volunteerism and leadership among this country's youth. With the participation of over 415,000 youth in New York State, 4–H is a wonderful organization devoted to enhancing the citizenship, leadership, and entrepreneurial abilities of youth.

4–H educates the young people in our country by giving them the opportunity to learn by doing. 4–H empowers our youth in their local communities, and encourages them to be active and to give back to their community.

In New York State, there are many 4–H clubs that are doing incredible things to help educate and shape our youth.

In New York City young people learn more about science through the education programs of 4–H. In the middle of an urban area, they can learn about agriculture and the source of their food through horticulture and hydroponics projects.

In Syracuse 4–Hers are participating in an Urban Delight program where young people participate in a farmers' market. They learn about where their food comes from and develop their entrepreneurial skills as vendors at the market.

The Genesse County 4–H offers a Government internship program. Young people are paired with county legislators to learn more about local government. 4–Hers see first-hand the process of decisionmaking that occurs in their local government.

On Long Island, afterschool 4–H programs are enriching the minds of young people through science and technology education. 4–Hers spend time in computer labs, learning about technology. 4–Hers are also participating in a science program thats taken a hands-on approach to learning chemistry by doing projects on topics such as water quality, oil slicks, and clothing fibers.

In New York's North Country, 4–H is alive and well. Youth have developed their entrepreneurial skills through operating a fish hatchery. They also enrich their communication skills by choosing a topic of interest and making presentations at local, regional, and State events.

4–H has made a commitment to be present on every military base. In particular, Jefferson County 4–H has partnered with the Army at Fort Drumm to provide educational opportunities to young people there. Members have access to national curriculum to provide them with the materials and information to pursue their interests.

4–H is a strong link between a State academic research institution, Cornell

University, and the youth of New York. When West Nile Virus was detected in New York State, 4–Hers working with horses and other equine projects were concerned for the health of their animals. Because of 4–H, information from the researchers at Cornell University was disseminated to these young people to better educate them on the disease and how to care for their animals.

4–H does incredible things for the 415,000 youth involved in New York State. But it also provides incredible opportunities for adults to interact with young people. Over 22,000 adults have volunteered to help guide the young people and make 4–H programs so successful.

I congratulate 4–H on 100 years of helping to shape this country's youth in a positive manner. With my colleagues, I am pleased to request that October 6–12 be designated as National 4–H Youth Development Program Week.

Mr. JOHNSON. Mr. President, I rise today to congratulate the youth organization 4–H for its achievement in developing leadership among our youth for 100 years. I have always been impressed by the leadership and enthusiasm shown by members of the 4–H Program. More importantly, I have always been a firm believer in the goals and directives of the 4–H Program. Through participation in fairs and shows, camps, gatherings, conferences, Character Counts, and the international youth exchange, the 4–H Program helps young people develop important life skills, self-confidence, and a better sense of the world around them.

I was proud to cosponsor the National 4–H Program Centennial Initiative, which President Bush signed into law. This bill authorizes a grant to the National 4–H Council to conduct a program of discussions through meetings, seminars, and listening on a national, State, and local level on strategies for youth development. I can't think of a better way to commemorate the 4–H Centennial than enacting this legislation and looking ahead to the youth of our future.

The 4–H Centennial Initiative is a wonderful example of a public-private partnership to develop new strategies for youth development. As our economy becomes increasingly global and technology-oriented, we must ensure that our Nation's youth are well-prepared for the ever-changing demands and challenges they will most certainly face. The 4–H Program has long been a developmental foundation for South Dakota youth, and I am pleased that this initiative will honor the celebration of the 4–H Centennial and enhance this program for the 21st century.

Each time a young person recites the 4–H pledge, ''I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, and my health to better living for my club, my community, my country, and my world,'' it reflects the important values and characteristics that guide 4–H members through their daily activities. These principles have helped 4–H become strong over the last 100 years, and they will set the course for 4–H in the future. It is with great honor that I have this opportunity to recognize such an outstanding youth organization. On behalf of all past and present members of 4–H, I congratulate the organization for its dedication, achievements, and continued success.

Mr. THOMAS. Mr. President, I would like to take this opportunity to acknowledge the 100th anniversary of the 4–H Youth Development Program and express my support for the ''National 4–H Youth Development Program Week.''

Since its inception, 4–H has played an integral role in extending agricultural education to young people all over the country, particularly in rural areas like Wyoming. Being a former 4–H member has given me an even greater appreciation of one of America's longest serving youth development organizations. The four H's—head, heart, hands, and health—are precepts I have never forgotten. I still remember as a high school student traveling away from home for the first time to the National 4–H Congress and the positive impact this organization has had on my life.

Today, there are over 60 million 4–H alumni world-wide, and the organization has expanded to meet new challenges of the 21st century. For example, 4–H provides a number of educational projects and activities in the areas of animal science, home economics, natural resources, handcrafts, as well as leadership and citizenship. Through these programs, young men and women have the opportunity to meet new friends, build self-confidence, learn to set and achieve goals, and develop a sense of pride as they ''learn by doing.'' These types of activities underscore the importance of personal development, as well as encouraging our youth to become involved in their community. I am pleased to note that more than 8,000 young people from the State of Wyoming have chosen to make 4–H a part of their lives.

The motto of 4–H is ''To Make the Best Better.'' I know that the organization will continue to do just that and I commend their efforts to provide an even greater service to our country's most valuable natural resource, our young people. I am pleased to join Senator INHOFE and many of my other Senate colleagues in support of 4–H and this Concurrent Resolution.

Mr. ROBERTS. Mr. President, I rise today to speak on behalf of the resolution that Senator INHOFE of Oklahoma, myself, and others today offer to designate next week, October 6–12, 2002, ''National 4–H Youth Development Program Week''.

I thank my colleague from Oklahoma for initiating this well-deserved tribute to 4–H for being such a positive influence on tomorrow's leaders—as it has done so well for the past century.

Throughout the years I have met with many of Kansas's finest young people. Many of whom I have recommended for scholarships and awards, had the honor to nominate to one of the service academies, or had the chance to meet and visit with in person. I am impressed with the caliber and character that the young leaders in my state possess. Mr. President, I am equally impressed with the high percentage of these leaders who happen to also be members of 4–H.

4–H is an organization that strives to ''Make the Best Better.'' I commend them for their efforts in providing tomorrow's leaders with the opportunity to apply the valuable leadership skills that they develop as 4–H members.

Although 4–H began in rural America over a century ago and has grown to nearly 7 million members nation-wide, it has remained consistent in its focus of being a positive and motivating influence in the lives of America's youth.

There is a reason that so many of the young leaders from my state happen to also be 4–H members. 4–H has given them the guidance, the resources, the support, and most importantly the courage to face all the challenges and responsibilities that being a leader involves.

The events of September 2001 have taught us that tomorrow's leaders will continue to face new and difficult challenges. Therefore, Mr. President, I will also, in addition to offering well-deserved praise to 4–H on a 100 years of success, issue 4–H the serious challenge to continue to work hard to keep the youth of today involved in their clubs and their communities, so that they may be prepared to assume the responsibility of leadership when they are called to do so.

Mr. President, I'd like to again congratulate 4–H on a century of service to our nation's youth and I wish them another 100 years of success. I thank my colleagues. Mr. President, I yield the floor.

Ms. STABENOW. Mr. President, today I rise to celebrate the 100th anniversary of the 4–H Youth Development Program and to thank my colleagues for their support a resolution introduced by Senator INHOFE and myself last month. The resolution designates the week of October 6, 2002 as ''National 4–H Youth Development Program Week'' and it was adopted by unanimous consent today.

Those who participate in 4–H pledge their heads for clearer thinking, their hearts to greater loyalty, their hands to larger service, and their health to better living for the club, the community, the country and the world.

I have been a member, a leader and an employee of 4–H. The skills and talents I learned with 4–H are ones I still use today. When I was a girl I learned to raise small animals, like rabbits. I also learned photography, sewing, cooking and public speaking. Most importantly, 4–H gave me self confidence.

This important program also taught me that adults need to share their

skills and knowledge with children, and I was happy to share what I had learned later as a 4–H leader. Eventually, I went to work for 4–H and set up an urban 4–H program in the south side of Lansing, MI where I learned organizational skills. We went door to door recruiting children to join as members and identified adults who were willing to volunteer and share their knowledge and skills with the children. Soon we had a number of groups on topics like auto mechanics, carpentry, sewing and gardening, as well as a sports program.

I am proud that 4–H is celebrating its 100th anniversary. It is a pleasure to be one of the lead cosponsors of the bill designating a week in honor of 4–H. I wish this organization many more years of success, and I know that future generations of children and families will have a better quality of life because of 4–H.

Mr. INHOFE. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; the motion to reconsider be laid upon the table; and that any statements regarding this matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 143) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 143

Whereas the 4–H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas members of the 4–H Youth Development Program pledge their Heads to clearer thinking, their Hearts to greater loyalty, their Hands to larger service, and their Health to better living for the club, the community, the country, and the world;

Whereas the 4–H Youth Development Program sponsors clubs in rural and urban areas throughout the world;

Whereas 4–H Clubs have grown to over 5,600,000 annual participants ranging from 5 to 19 years of age;

Whereas 4–H Clubs strengthen families and communities;

Whereas 4–H Clubs foster leadership and volunteerism for youth and adults;

Whereas 4–H Clubs build internal and external partnerships for programming and resource development;

Whereas today's 4–H Clubs are very diverse, offering projects relating to citizenship and civic education, communications and expressive arts, consumer and family sciences, environmental education and earth sciences, healthy lifestyle education, personal development and leadership, plants, animals, and science and technology; and

Whereas the 4–H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

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

(1) recognizes the 100th anniversary of the 4–H Youth Development Program;

(2) commends such program for service to the youth of the world;

(3) designates October 6, 2002, through October 12, 2002, as ''National 4–H Youth Development Program Week''; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe ''National 4–H Youth Development Program Week'' with appropriate ceremonies and activities.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, parliamentary inquiry: Are we now in a period of time that has been set aside for the appropriate recognition of the great service of Senator HELMS?

The PRESIDING OFFICER. The Republican leader is correct.

TRIBUTES TO JESSE HELMS

Mr. LOTT. Mr. President, it is with a great deal of pleasure but also sadness that I come today to pay tribute to the great Senator from North Carolina—sadness because I have enjoyed so much knowing him and working with him over the last 30 years, watching him in the Senate and in North Carolina and across America, loving him in so many ways and being inspired by him.

I remember when I first came to the Senate, he said: Thank goodness the cavalry is arriving.

I said: Senator HELMS, we will be glad to be the light cavalry for your heavy artillery any day.

So it is a moment of sadness but also of celebration of a great life, a great Senator, a lovely wife and a great family. Dot Helms is just the sweetest woman in the world. We come today to wish them much happiness and many years of enjoying their grandchildren and their beloved home in North Carolina in the years ahead. So it is with mixed emotions.

When the Duke of Wellington peered through his spyglass and saw Napoleon astride his white charger crossing the field of Waterloo, he turned to an aide and said, ''The wave of his hat is worth 40,000 men on the field.''

For me, and many others, that is the way it is when JESSE HELMS walks on to the floor of the Senate. Like his mentor Richard Russell, a Democrat, JESSE HELMS transcends his times. He is the Senator's Senator.

To many of us, JESSE HELMS is a hero of almost mythic proportions. To those of us from the South, he exemplifies what we were taught in Sunday school and aspired to be—the true gentleman, soft spoken, innately fair, unfailingly courteous, and a man to whom his word is his bond. That is the JESSE HELMS that so many of the staffers and so many of us know on a personal basis. It is not necessarily the one that one has seen portrayed sometime in the media, but that is the one we really know, an incomparable gentleman.

For 30 years, he has combined the rare qualities of humility and vision; love of country and statesmanship; and a faith in God and freedom that made him a legend across many parts of America and around the world.

Senator HELMS believes that the most sublime word in the English language is ''duty''—duty to God, to country, to the Constitution, and to family.

As I noted, if one reads some of the national media, they get a completely different impression. He long ago was labeled ''Senator No,'' and they condemned him to the liberal version of purgatory. I think what really made him mad was that Senator HELMS was the one politician who never really cared too much about what the chattering classes had to say. After all, he had been one of them. He pays attention to the English language. He was a journalist. He had higher commitments on which he was focused.

What counts to JESSE HELMS in the end is what people say in Monroe, Rocky Mount, Dunn, the larger cities and hundreds of small towns and churches across the ''Old North State,'' as they call it in North Carolina.

JESSE likes to tell a story recounted to him by another great North Carolinian, the late Senator Sam Ervin, also a Democrat. When ''Senator Sam'' picked up a copy of the Charlotte Observer one day and read what it had to say about him, he shook his head in disgust. The fellow selling the paper was an old man named Lum Garrison. Senator HELMS liked to talk about Lum Garrison.

When Lum saw how upset the Senator was, he said: Don't worry, Sam. The Charlotte Observer don't know nothing and they got it mixed up.

Incidentally, it was JESSE's friend Sam Ervin who walked out of his home in Morganton, NC, when Senator HELMS was in the political fight of his life in 1984, faced down the news media and endorsed JESSE HELMS for reelection. Senator Ervin bucked his own party and his Governor when he said there are many intelligent people in public life but few of them are courageous. JESSE HELMS is courageous. That was from Sam Ervin.

If we listen to what some people say, we would not know that JESSE is the son of a small town sheriff, and that he and his beloved wife of 60 years, Dorothy—or ''Dot''—have three children, one of them adopted, and seven grandchildren. We would not know that JESSE HELMS was the father of the United Cerebral Palsy Telethon and that he never lost an election, whether it was for the Raleigh city council or the Senate. We would not know it was JESSE HELMS who defied a sitting Republican President to rescue the moribund candidacy of a former actor and Governor of California in the 1976 North Carolina Republican primary, thus laying the groundwork for the Reagan revolution 4 years later. We would not know that the positions he championed singlehandedly for so many years, the sanctity of life, smaller government, lower taxes, welfare reform, prayer in schools, and an American-centered foreign policy are now in the mainstream of American political thought.

Senator HELMS is an uncompromising foe of the enemies of freedom. When some politicians were trying to make peace with communism, accepting the ''inevitability of history,'' JESSE jeered the Soviet Union and its acolytes, echoing Winston Churchill's words,

''We will have no parley with Communists or the grisly gang who worked their wicked will.'' He gave inspiration to Margaret Thatcher and Alexander Solzhenitsen and freedom fighters throughout the world. He was a friend of Sadat and Begin and championed the cause of the American military when that cause was in some ways out of favor.

In the 1970s, when some people would say freedom was in retreat, no one was as fearless or courageous in crusading for liberty as JESSE HELMS. When he spoke, the Kremlin and Castro trembled.

The great English Prime Minister William Gladstone noted that the Senate was one of the most remarkable political institutions invented by the mind of men.

This place has been witness to some great giants, men and women, who have made a difference. Obviously, we all think about Webster and Clay and Calhoun and Russell. When JESSE HELMS retires to North Carolina with Dot, he will join this rollcall of American heroes and take with him the thanks of a grateful Nation.

We won't see his like again anytime soon. You have earned, Senator HELMS, as you leave this institution, the recognition of having done the job, having completed the race.

Mr. HELMS. Thank you.

Mr. LOTT. ''Well done, my good and faithful servant.'' Thank you so much for what you have done for all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to join my colleagues today in thanking Senator HELMS for his extraordinary service to our Nation.

When I was younger, in my college days, going through my early experience in government in New Hampshire—which tends to be in the more liberal bastions of the regions of our Nation, dominated by those on the left—in the press, with whom JESSE HELMS has dueled for so many years, Senator HELMS was characterized sometimes in not all that flattering a manner by the news outlets to which I had recourse, such as the Boston Globe or New York Times or even the national media.

But you could sense, cutting through all that clutter, this was an individual of courage and purpose, a man who stood for what he believed in and was willing to carry those beliefs forward, even when they were not popular.

His direction, his willingness to stand up and say what he believed was right, is the essence of what it takes to be an effective member of a legislative body, in my opinion. But, more important even than that—maybe not more important but equally important as his commitment to his purpose and his cause, was the fact that he did it in such a gentlemanly way. I do not believe there has been an individual who has passed through this body since I have been here—and I haven't been here that long—who has been as courteous and as generous and as kind as he dealt with people around him. He is the true gentleman.

Two of my children had the opportunity to serve here as pages. In comments to me after their days working here, there were some instances where people had not necessarily been all that kind to them. But the one comment that always came through was that Senator HELMS was the most interested in them, the kindest person, the person who always took the extra time to come down and talk with the pages. That reflected his attitude towards all of us. When I first arrived in the Senate, he made an extra effort to make me feel comfortable as a new Member. It is that courtesy which really defines his nature so well. So we are going to miss him immensely. He is, has been, and I am sure will continue to be a spokesperson for many of the causes in which I believe and which he has done so effectively.

We will miss him because he brought grace, decency, and courtesy to this body. So it is a pleasure for me to rise and thank him, with my colleagues, for his exceptional service to our Nation.

Mr. HELMS. Thank you.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, today we bid farewell in an official sort of way to our friend and colleague from North Carolina, whose career has, indeed, been extraordinary. As Senator LOTT and Senator GREGG have said, if you took a poll around here of people who actually work in the Capitol—the pages, the staff, and the Senators—Senator HELMS would win hands down as the nicest man in the Senate.

There is an extraordinary disconnect between the JESSE HELMS that we know and love and the one portrayed in the media, an incredible disconnect, because nothing could be further from the real JESSE HELMS than the one frequently portrayed by the fourth estate.

How did that come about? I think it came about for this reason, as was said of our friend JESSE by Fred Barns, one of the most respected conservative columnists and commentators around town:

> Helms has gained respect, not as many conservatives have, by moving left. Helms has earned it the hard way, by not moving at all.

By not moving at all. There are convenience politicians and politicians with conviction. JESSE HELMS is the most conspicuous example in the Senate today of a politician who acts on conviction. So as a result of that, he enjoys wide respect throughout the Senate, both left and right, because we know when JESSE speaks he is speaking from the heart. He is doing exactly what he thinks is in the best interest of his State and in the best interest of America.

There is an enormous temptation once you come here, even if you think you are somewhat conservative, to try to please your critics; to pick up the editorial page of the New York Times or Washington Post every morning and just move in that direction because there is a tendency on the part of everyone, and I think particularly those in public life, to want to be liked. They want to be appreciated. Senator HELMS has resisted that temptation.

After I first came to the Senate—of course, I had admired him for many years—I went by his office to see him, and I looked up on his wall and there was a vast collection of cartoons. I am sure Senator HELMS will agree with me, not many of them were complimentary. It struck me instantly that this was a man who really delighted in confounding his critics; in not yielding to those kinds of attacks. That, it seems to me, is a man of principle and of conviction.

JESSE and I had one other thing in common. That was the burden of dealing with a particular agricultural commodity that is quite common in our two States. I might say to my friend, Senator HELMS, I had a chief of staff one time who said you ought to get combat pay for working for a Kentucky Senator because on the agenda every week, of course, we had the tobacco issue, America's most politically incorrect activity. So as soon as I got to the Senate in 1985, I was immediately thrown into one of the many crises. It seems as if we have nothing but crises in the tobacco area. But indeed the crisis of the day in 1985 was the Tobacco Reform Act. I had a chance to get to know JESSE up close and personal very quickly after getting to the Senate because we had a common interest in trying to protect the income and the livelihood of thousands of tobacco growers in our State who make a living raising a legal crop.

These are Godfearing, honest people engaged in a legal activity who have been under assault certainly for as long as I have been here, and I know it started before I got here. So JESSE and I had a bonding experience trying to deal with the politics of tobacco, a situation in which tobacco growing is popular in two States and which is widely looked down on in 48 others. Those are some of the challenges we have shared over the years.

I also have particularly appreciated Senator HELMS' strength and conviction in the foreign policy area, an area to which you have devoted an enormous amount of your time during your service here. There is no question you have made an enormous difference through your leadership as both chairman and ranking Member of the Foreign Relations Committee. We all look up to you. We admire your work.

As others have said, and as others will say after I sit down, you will be missed around here. We love you and we love Dot. It won't quite seem the same with you not around. But I know that you will go back home and enjoy North Carolina and enjoy your family.

I am confident you will keep up with what we are up to, and, if you disapprove of anything we are doing, I expect you will call us. We will look forward to receiving your advice.

Let me say good-bye in an official sort of way to your tenure here in the Senate. I quoted Washingtonian Magazine which recognized JESSE HELMS as ''The Nicest Senator.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, we have an order for morning business until 11:30.

The PRESIDING OFFICER. That is correct.

Mr. REID. There appears to be a number of people who wish to speak for Senator HELMS, and we are happy about that. We also want to make sure we have our half hour from 11 a.m. until 11:30. I think it would be in everyone's best interest to extend morning business until 12:30—an additional hour—and equally divided between both sides. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, this is a happy day in the Senate. We are here to talk about our buddy, JESSE HELMS. It is a sad day in that we talk about JESSE HELMS leaving. Other than the Senator from Alaska, there is no one who has served longer with JESSE HELMS than I have. We came here during the same election cycle, and we came here the same day. We started off with a rocky start. I was a 30-year-old kid who had only been in this Senate once before in my life. That was when I came on the floor of the U.S. Senate while spending a weekend at Georgetown University. Back in those days, you didn't have all the guards and all the security. I came in Saturday morning. I was mesmerized by this magnificent place. I walked in the back doors. They were open. I walked right through. The Senate had been in on Saturday. I was unaware it had been in session. By the time I got here, it had gone out of session. I literally walked onto the floor of the Senate. I was absolutely, as kids used to say, blown away. I stood there in awe. I literally stood at that door. I walked up there. No one was here. I stood where the Presiding Officer was. The next thing I knew, this guy grabbed me by the shoulder and put me under arrest. He was a Capitol policeman. He took me downstairs.

Most people do not know there is a Capitol police office in the basement of the Capitol. He took me down there, and he was going to arrest me for trespassing. He realized I was just a college kid who was in awe. They didn't do anything. They just said do not do it again.

The next time I was on the floor of the U.S. Senate, and the first time I really spoke spontaneously on the floor, was to my friend JESSE HELMS. I remember he was a junior Senator with immense experience. He had been an administrative assistant to one of the leading Senators in the U.S. Senate. He knew the place. He knew the system. He was standing at the desk, if I recollect, in that quadrant in the back. He was on the floor. There was another Senator from Kentucky named Marlow Cook who was standing on the floor. He was moving what is the most thankless job in the U.S. Senate for any Senator other than being on the D.C. Committee; that is, he had the responsibility of moving the legislative appropriations bill.

I walked onto the floor to see what was going on. I was literally walking through. We had a committee meeting which had ended. I walked over to see what the state of play was. I was aware of the junior Senator from North Carolina. My seat used to be in the very back corner. I walked onto the floor through that door, walked across, and stopped where the junior Senator from North Carolina was. There was a heated debate going on between the junior Senator from North Carolina—Sam Ervin was the senior Senator—and Marlow Cook, the Senator from Kentucky. It was about either staff pay or Senators' pay, or whatever it was, and the Senator from North Carolina, as usual, was making a very compelling case as to why we should be basically not paying anything.

I am only kidding, JESSE. It was close to that.

I stood there on the floor, and as I have done many times in my 30-year career in the U.S. Senate, I did not listen to the admonition I am told you used to be given by the Speaker of the House, Sam Rayburn. I am told in his board-of-education way he used to say to new Members of the House back in the 1950s, If you can say nothing, say nothing; if you can nod, don't speak; if you don't have to nod, don't do anything or something to that effect, meaning keep your mouth shut.

I have often broken that rule, unfortunately. I stood there listening to this debate, and I spoke up. I made the mistake of taking on the Senator from North Carolina.

He won't remember this.

The result was I ended up with a black-box editorial—literally, an editorial on the front page of the New Hampshire Manchester Union Leader with a big black box around it, which used to be done by Mr. Loeb in those days, talking about the audacity of the young Senator from Delaware taking on the point being made by the Senator from North Carolina. That was my first encounter of debating the Senator. It warranted me a front-page article in the Manchester Union Leader that was not flattering at all, which taught me two things. No. 1, if you are going to debate the Senator from North Carolina, come prepared with the facts. No. 2, understand that his reach goes far beyond North Carolina.

It did even then as a new U.S. Senator, a freshman U.S.

Senator, the Senator from North Carolina, walked on this floor. From the day he arrived, he had an impact. I do not think that can be said of anyone, I say to Senator HELMS, in our class. We had a big class. There were, I think, 13 new Members that year. Far and away, the man who stood out was the Senator from North Carolina. He has stood out every day since then.

It is no surprise to anyone here the Senator from North Carolina, Senator HELMS, and I have not always seen eye to eye. We come from different political points on the spectrum. We have had some heated debates. The Senator advocated some positions I would fight to my dying day to defeat as he would things I proposed which he feels in principle are not the way to go.

One of the magic things about this place I learned from Senators with whom Senator HELMS and I served when we first got here—Senators such as Goldwater, Humphrey, and Kennedy—is you can have serious disagreements on this floor about the direction of this Nation, but that is no excuse to be personally disagreeable.

I can remember—as my friend from North Carolina can, as can my friend from New Mexico, who came the same year, and as can the Senator from Alaska, who was here before us—the day when Hubert Humphrey walked on the floor literally dying, and we watched Barry Goldwater walk up to him, embrace him, and put his arms around him in that well, and both of them cried. These were men of opposite sides of the political spectrum of the day—two leading figures in American politics representing the left and the right, and they stood in that well and embraced. They embraced in an emotional moment no one could misunderstand the meaning of. It was real. It was genuine. It was deep.

It is, in my view, the unique and, I think, single most endearing feature of this body, the U.S. Senate.

If we serve here long enough, and if we are smart enough, we understand that it is not appropriate to question the motivation of a Senator for what he or she is proposing. It is totally appropriate to question their judgment. It is totally appropriate to question whether they are right. It is totally appropriate to disagree. But it is inappropriate to question the motivation of a Senator because the men and women who come here are men and women of honor. They come here because they care deeply about the fate of their Nation. They care deeply about specific issues, and some intensely on some issues.

The thing that I think the Senator from North Carolina embodies most is that tradition that no matter how intensely you disagree on the issue, the

Senator from North Carolina, speaking for myself, has never, ever questioned my motive, never, ever questioned my desire to do good, whether or not he thought what I was proposing would, in fact, ''do good.''

We have not agreed on a lot of things, but we have also agreed on an awful lot of things. I can tell you that I will miss Senator HELMS.

Let me tell you, with, as they say in this body, a point of personal privilege, a few stories about Senator HELMS.

There are two figures remaining in the Senate who are, for either political extreme, left and right—left of the Democratic Party and right of the Republican Party—who are lightning rods. It is Senator HELMS in the Republican Party and Senator KENNEDY in the Democratic Party. They are sort of the icons of both parties. They are men who are revered in their parties. They are both nationally known.

I can say what a lot of people don't know about the Senator from North Carolina: For all the intensity with which he takes on issues, for all the depth of his feelings about issues that are so socially highly charged—left and right—this is a man who has a very, very soft side.

I had gone to the Senator, when I was the ranking member of the Foreign Relations Committee, and indicated to him—not even asking but lamenting—the fact that I did not have enough staff allowance to hire certain people. And the Senator from North Carolina said: Take my money. The Senator from North Carolina said: Who do you need? What do you need? OK.

He did not have to do that, by the way. Many other committees around here fight tooth and nail over exactly who is going to get to be the doorman to whether or not you have to sign off to get stationery. Not the Senator from North Carolina, not the Senator from North Carolina.

When I was ill, it was the Senator from North Carolina who was on the phone immediately checking to talk to my doctors to make sure he thought I had the right doctors, and checking at Walter Reed regularly to see how I was doing.

If you want to understand something about Senator HELMS, you ought to meet Mrs. Helms.

If you met Mrs. Helms, who is one of the finest, most decent women I have ever met—she is the definition of a lady—you would understand the depth of JESSE HELMS. For a woman of her grace, a woman of her compassion, a woman of her depth, to love and be devoted to this man as deeply as she is, you know, you know, you know there has to be something awfully, awfully, awfully good about JESSE HELMS.

My mom has an expression. She says: If my children love somebody, I love them, too, because I know how good they are and they could not love unless there was something there.

Dot Helms adores JESSE HELMS, as he adores her. Those of us who have had the privilege to serve with JESSE up close and personal for a long time have seen some of what Mrs. Helms has seen and what a lot of the world does not see. They see the gentlemanly side of him. They see the courtly side of him. They appreciate him. But they do not fully understand the depth of the compassion, the depth of the friendship, the depth of the loyalty that resides in that man JESSE HELMS.

There was a guy named Bud Nance. If you knew Bud Nance, you knew JESSE HELMS. If you knew how Bud Nance adored JESSE HELMS, that would be the second piece of evidence you would know of what a fine man this man JESSE HELMS is.

JESSE, I love you. I think you are dead wrong on the issues, still. I disagree with you completely. As you said, when I cast my 10,000th vote, you congratulated me as the youngest man in history to have cast 10,000 votes, and lamented it would have been better had I cast some of them the right way. And I understand. We both feel that way about each other's voting record.

But I want you to know how I personally feel about you and how I think the vast majority—anybody who has gotten to work with you as closely as I have—feels about you. I am going to sincerely miss you, JESSE. And we are going to miss your courtly manners. We are going to miss the fact that whenever there is a crunch, one of the first guys to step up to offer help is JESSE HELMS.

But I have no doubt you will still be there for me. I have no doubt you will still be there for the rest of us. We need you.

Some think JESSE HELMS and I could not possibly see eye to eye, that we come from opposite points on the political spectrum. There is no denying that is true.

Senator HELMS has advocated some positions I would fight to my dying breath to defeat but he also represents the best of this institution. He is a friend, an honorable Senator who holds boldly to his values, and yet has always held to the civility of debate in the pursuit of comity.

Some said he and I couldn't possibly work together on the Foreign Relations Committee.

In fact, I think we have worked very well together and I think he would agree.

We may not have agreed on many of the important issues that have faced this Nation. In fact, we probably haven't agreed on most of them.

But I can say this: I will deeply miss Senator HELMS. I will miss his voice in this Chamber. I will miss his counsel. I will miss his genuine kindness. His devotion to his duty and the dignity with which he unfailingly performs it.

I will miss his brand of leadership. That determined, dedicated, forceful, committed leadership, that leadership that comes from a deep and abiding concern for this Nation and from deeply held values and beliefs which he fights to uphold.

And, yes, I will miss his warmth. Though some might not always see it, it is there, I can assure you.

Some of my more combative Democratic friends might be skeptical of me for saying these things, but they don't know JESSE HELMS like I do.

They don't know that even if you find yourself precariously balanced on your side of the political spectrum, in the heat of a debate, whether it is on foreign aid, on issues of war and peace, civil rights, equal rights, constitutional law, whatever the issue, Senator HELMS may disagree with you and point out the holes in your argument, but you can count on him to hold out his hand.

He holds strong views, but he is exceedingly respectful—a gentleman committed to his position but willing to listen to yours.

He is, in the truest sense, a man of honor and considerable decency. And, quite frankly, there are no qualifies more important to this Chamber.

Few Senators in my tenure have played as significant a role in the affairs of this Nation as JESSE HELMS.

But the most remarkable thing about this man is that, not withstanding his impeccable conservative credentials, when confronted with new facts and new ideas, he has always been at least willing to listen.

A perfect example was his leadership in reconciling and restoring the position of the United States at the U.N.

And, while chairman of the Foreign Relations Committee, he directed and accomplished the most significant reorganization of the State Department in recent memory.

Having served with JESSE HELMS for almost 30 years, I can tell you, on a personal level, he is one of the most thoughtful, considerate, and gracious Senators to grace this Chamber.

If you knew Mrs. Helms, his beloved Dot, you would know why he is this way.

Senator HELMS and I arrived here the same day and took the oath together.

Before he came, he served in the Navy in World War II. As a broadcaster and journalist, Senate staffer, editor of a banking publication that he made the largest in the Nation, a broadcaster CEO, editorial writer, city councilman, a Baptist deacon, a Sunday school teacher, and a U.S. Senator, JESSE HELMS has served with distinction.

These 30 years have passed all too quickly. But I am honored to have known him. I am proud to have worked with him, especially over these last 6 years.

I have learned much from him, and will continue to seek his counsel and his advice.

William Penn said, ''A good friend . . . advises justly, assists readily, adventures boldly, takes all patiently, defends courageously, and continues a friend unchangeably,'' JESSE HELMS has been a good friend, and I expect to continue our friendship as well as our debate long after he leaves this Chamber. He will, indeed, be missed.

I thank my colleagues for the extended time. I could talk for an hour about what a good man JESSE HELMS is.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, it is an honor for me to be able to come down this morning and speak to my colleague and on his behalf, a colleague who I have now had the privilege of serving with for 4 years in the Senate.

I say, first, to Senator HELMS, and to Dot, his wife, thank you for the extraordinary kindness you have shown to myself, my wife, and my family. Senator HELMS knows—and Jimmy Broughton is sitting beside him, and other members of his staff are on the floor—he also has an extraordinary group of people working with him, not just here in Washington but also back in North Carolina, because our folks in North Carolina have had the privilege of working with Senator HELMS' staff in North Carolina.

As I said—and I am sure Senator HELMS heard while he was off taking care of his health—his office ran very smoothly. Sometimes I think, Senator HELMS, both of our offices run more smoothly when we are not there. But they did a terrific job in your absence. I know you are not surprised to hear that, but we are proud of the work they did. I know you are proud of the work they did then and have always done on your behalf.

I have had the privilege of going around my State for the last 4 years now, talking to people about what they need, the problems they are faced with—whether it is farmers, whether it is textile workers who have lost their jobs, people trying to get a relative a visa, whatever it is—and you cannot hardly move in North Carolina without finding people who Senator HELMS has touched over the time he has been in the Senate.

The people of North Carolina will never forget the work and the kindness and the personal attention that he has given to them. He has been a relentless advocate for the people of our State and all the problems they face.

The people here in Washington and around the rest of the country see a certain side of Senator HELMS. Senator BIDEN just mentioned this. Senator HELMS knows well he and I do not agree about a lot of things, but there is a side of him that most people here in Washington do not get to see, at least not publicly—the people who work in the Senate see it—which is the extraordinary kindness and friendship that he shows basically to anyone who touches him.

We had a meeting of Senators a few weeks ago to talk about how we should deal, as publicly elected officials, with people who we represent who are faced with a tragedy of one kind or another. And I used Senator HELMS as the best example I could ever imagine for someone who knows how to deal with those kinds of problems, having had a personal experience with Senator HELMS on that level. I say here, as I have said to him before, myself, my wife, my family, we will never forget—as long as I am alive—the way Senator HELMS treated us during that time.

It meant an unbelievable amount to us, Senator.

I thank him on our behalf. I thank him on behalf of all of the people of North Carolina for whom he has done so much for so long, the many lives that he touched, in a very positive way, below the radar screen, in ways that people don't see or don't hear but, more importantly, they know about. I thank him personally for being my friend during the time I have been in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I join with my colleagues rising not to bury JESSE HELMS but to praise him. We can take Shakespeare and turn him on his head for just a moment.

I find it interesting that there are some people in the press gallery. That is not very often the case in this situation, in this circumstance in the Senate. I welcome the presence of reporters who will pay attention now as Senators talk about JESSE HELMS, because the press, for JESSE's entire political career, has made a caricature of this man, outlined him as some kind of a demon, some kind of an anti-intellectual, some kind of a throwback to an earlier time, and that the body politic would be best served if somehow he could be removed from it.

He has demonstrated his appeal to the voters of his State and has stoutly resisted the attempts of those to remove him from politics. Now he has decided that the time for retirement has come. He is leaving at the top of his game and on his own terms.

I listened to the stories being told by those who have served with JESSE for a long period of time. I have not had that privilege because I have not been here that long. I have my own story to add, which demonstrates a side of JESSE that needs to be on the record and, once again, people in the press need to understand about this man.

My story arose from the fact that I, too, disagree with JESSE HELMS on occasion. The issue on which I disagree with JESSE HELMS has to do with the National Endowment for the Arts. I have been dedicated to support for the arts all of my life. I have been enriched by association with the arts. In my home, food was a necessity, but music lessons for the children were almost as big a necessity, at my wife's insistence. We have supported the symphony, operas, things of that kind, all of our lives.

So when the Gingrich revolution occurred in 1994 and the House sent us an appropriations bill that would have eliminated the National Endowment for the Arts, I found myself in that battle. We came to a late night session where the fight was rising as to what would happen in this situation. I had expressed myself on one side of that issue and had not realized what I had done by virtue of that expression because as we were in the Republican cloakroom that late night, someone said to Senator Dole: What about the NEA? As he walked through these doors on to the floor, leaving us all behind, he said: BENNETT is going to handle that.

I suddenly realized I had a responsibility I hadn't known about. I took up what could only be called Kissingerian shuttle diplomacy between the Republican cloakroom, between JESSE HELMS and TED KENNEDY and PAT LEAHY on the other side, and back and forth. Finally, I arrived at a deal. I thought I understood the terms of the deal and took it back to the Democratic cloakroom: If you will allow this, JESSE will allow that. We will get it all done.

Grumbling and complaining a little, the Democrats said: All right, we will at least keep the NEA alive. We will give JESSE his pound of flesh. We don't like it, but this is where we are.

I reported that to Slade Gorton, chairman of the subcommittee handling the appropriations. He said: It is too late at night.

My memory is, this was about 10:30 or 11.

He said: It is too late tonight. We will do it first thing in the morning.

The next morning came. I went to Slade and repeated the terms of the deal as I had understood them. He said: Fine, let's go ahead.

JESSE was in the cloakroom, and I went to the cloakroom to tell him we were about to implement this deal. He looked at me—a very young, new, fresh Senator—and he said: Senator, that is not my understanding. That is not what I agreed to.

My heart fell. I didn't know what to say. Here was this pillar of the Senate who had staked his reputation on this particular fight, and he said: If I agree with that, that means that I have agreed to vote against my own amendment. I can't do that.

I looked at him in great agony, and I said: Senator, this will set off a whole filibuster, a whole disaster on the other side. I have told the Democrats that this is what it would be.

That is what I had understood. I didn't have any solution. I was just there trying to figure out where I had gone wrong in going back and forth.

JESSE HELMS looked at me, and he said: Senator, that is not my understanding of what we agreed to last night. But if that is your understanding and you have pledged your word to the other side that that is what you will deliver, I will honor your agreement.

There are not many around here who would do that, not many Senators who would take a position that was contrary to that which they had publicly espoused for decades, to keep an agreement, when the Senator believed the

agreement was not what he had agreed to. There are not many senior Senators who would defend the honor of a junior Senator to make sure that the junior Senator was not embarrassed.

I have told that story a lot. I have told that story to the supporters in the NEA, both in my home State and in Washington. I have said to them: You need to understand JESSE HELMS. Yes, you will disagree with him. You believe that he is a philistine when it comes to the arts; you don't understand how he can possibly hold the position. But you need to understand the integrity of this man, the compassion of this man, and the willingness of this man to keep alive important personal relationships to see to it that the Senate works.

This was an action on his part to see to it that the Senate worked. I am grateful to have had the experience. I am grateful for the opportunity of repeating it to those who might not understand this man. And like those who have spoken before, I will miss him.

I pay whatever tribute I can in my humble way to the public service and the public integrity and the example of JESSE HELMS.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, in an era when courtly manners are seldom observed or practiced, my friend JESSE HELMS has embodied the spirit of a true southern gentleman. For almost 30 years, Senator HELMS has provided a model of gentlemanly bearing for a younger generation that is used to much more casual conduct. His old-fashioned gentility will be sorely missed in these Halls.

The two of us have been together a great many long nights in the Senate. Despite his gentle southern drawl, it has never been difficult to figure out where JESSE HELMS stands. He has held passionately to his convictions and has worked hard for what he believes are the best interests of the people of our Nation and North Carolina.

As a member of the Foreign Relations Committee, JESSE HELMS has dealt with international issues of deep importance which have had global impact.

As I have worked with others here on defense matters over these long years, there has been no greater patriot for this country on this floor than JESSE HELMS. He has always supported the men and women who wear our uniform. He has been a true stalwart in fighting for national defense.

JESSE HELMS is a tough guy. He hasn't let aches or pains, which have sidelined some folks, stop him from performing his responsibilities as a Senator. When our daughter, Lily, now a senior at Stanford, was a toddler and used to visit the Senate Halls, she could always count on JESSE for a smile and for making her feel special and welcome. She told me she has great memories of those days and JESSE HELMS. Like STROM THURMOND, Lily looks on JESSE HELMS as one of her uncles, and we are proud of that.

Mr. President, saying farewell to my friend that I have known for these three decades is difficult. There aren't many of us left, JESSE. We are going to miss you, and we are going to miss Dot. Dot's happy smile and her energy has been a great support for JESSE, and as we wish him Godspeed, we want to include Dot, too, because they are a team.

As they enter this new phase of their lives, we thank them for their dedication and hard work, for the elegant manners they have brought to the Senate, and for all that you have done to earn what we are saying today.

You deserve every word I have heard today, JESSE. You are a great friend, a great patriot, and I hate to see you go.

Thank you very much, Mr. President.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nebraska, Mr. HAGEL, is recognized.

Mr. HAGEL. Mr. President, I rise this morning to join our colleagues in recognizing a part of an institution that unto himself is an institution.

Senator HELMS will retire this year after five distinguished terms in the Senate. He has had a remarkable 30 years of service in the Senate.

Senator HELMS began his service to our country in the U.S. Navy during World War II. He has always been a supporter of a strong U.S. military and the need for a forward thinking National Security Policy. After his military service, Senator HELMS had a colorful career as an editorial commentator in radio, television and print media. He also served as Administrative Assistant to United States Senators Willis Smith (D–NC) and Alton Lennon (D–NC) in the early 1950's. His interest in serving the public continued to grow as he served on the Raleigh City Council from 1957 to 1961 while working in the banking industry. Beyond his extensive list of leadership positions in numerous organizations, Senator HELMS has filled his life with philanthropy. He has been active in research on cerebral palsy and is one of the founders and directors of Camp Willow Run for youth in Littleton, North Carolina.

Senator HELMS is a member of the Committee on Rules and Administration; a member and past Chairman of the Committee on Agriculture, Nutrition and Forestry; and the Ranking Minority member and past Chairman of the Committee on Foreign Relations. I have had the privilege to serve with Senator HELMS on the Foreign Relations Committee for the past 6 years. We will miss his common sense and strong perspective on foreign affairs. I am grateful for his many courtesies to me and his constant help and support. I will miss him.

Senator HELMS will celebrate his 81st birthday this month. We wish him a happy birthday and thank him and his dear wife, Dot, for their years of devotion to our country. I am proud to have served with him.

Mr. President, as you know, I am a very junior Senator here and so I do not have the depth of relationship with Senator HELMS as do many who have gone before me this morning. But I have served with JESSE HELMS for 6 years, 4 of those under his tutelage as chairman of the Senate Foreign Relations Committee. I don't know of a Senator with whom I have served in my short term in this body who has been more fair, more direct, and more complete than JESSE HELMS. I think that is in itself a great testament to the man, yes, and to the Senator.

I have not always agreed with Senator HELMS, but he has always afforded me the courtesy of not only an opportunity to explain my position but encouraged me to explain my position, even when he disagreed. That, too, is a measurement of the man and of the Senator.

You especially, Mr. President, know that west of the Missouri in the land on the prairie called Nebraska, we have fallen on dark times. I don't speak of the drought but of our football team. I never thought I would be in a position to be envious of the football team of the senior Senator from North Carolina, but I am this morning. I, of course, attribute his leadership and inspiration to their great football team this year.

His wife Dot has been mentioned this morning, and I wish also to acknowledge Mrs. Helms, for it is Mrs. Helms, as much as any one individual who has shaped and molded this fellow from North Carolina, this individual who not only has given 30 years of his life to the Senate, but has given a great majority of his almost 81 years to this country.

Some of us who have had the honor of serving our Nation in uniform more recently than Senator HELMS occasionally get more attention for that service. This has always struck me about the World War II generation, of which JESSE HELMS is a part. He served in the U.S. Navy in World War II. They never talk about that service. My father was in World War II in the South Pacific for 3 years in the Army Air Corps. I have always admired World War II veterans for many reasons, but one in particular; that is, they came back, never asked for recognition, never asked for special breaks. They saw their service as only part of being a responsible citizen—their responsibility. And it is that way to this day in the Senate, where we have few World War II veterans left.

When we lose a World War II veteran in this body, we lose a very significant part of America. That is a dimension of JESSE HELMS that is not often talked about.

Let me conclude, because others wish to speak about this very unique Senator and man. I don't know of an individual who has fulfilled the commitment of his own value system and his own standards, or lived it, like JESSE HELMS has. You either can agree with those commitments and standards and policies and values and positions or not, but none can deny that Senator

HELMS has indeed lived what he has said. That in itself, after almost 81 years, is rather unique.

I wish Senator HELMS a happy birthday this month. I know it will be a happy occasion. We are glad to have you back in this body, JESSE, for these last few months, and we are also particularly pleased with your recovery. Senator HELMS will be known to many of us—certainly this Senator from Nebraska—forever as ''Mr. Chairman.''

Mr. Chairman, I salute you and thank you for your service and your many courtesies and kindnesses. You are an inspiration to me.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thought maybe I could jump ahead of the Senator from New Mexico for just 2 minutes.

Mr. DOMENICI. Mr. President, I thought the agreement was that we got our time.

Mr. WELLSTONE. I will follow the Senator from New Mexico.

The PRESIDING OFFICER. The time is controlled by the Republican leader.

Mr. DOMENICI. Mr. President, I will yield 2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator.

I come here to the floor to announce that I have been in agreement with Senator HELMS on just about every issue since he has been here—not quite, but I will say this. I think one of the ways you judge a person is just the way you watch them treat people. I don't know if this has been said, but when I watch the way Senator HELMS treats the pages here and the elevator operators and the support staff, I don't think there is anybody in the Senate who treats them with more grace and is kinder and more appreciative. In fact, I think there have been surveys that have put him at the very top.

I thank him for the way in which he has treated staff. I wish to tell him, though we have not agreed on the issues, I have appreciated getting to know him. I hope it is mutual.

I wish you, Senator HELMS, and my wife wishes you the very best. We wish you well.

Mr. President, there is going to be another time before the Senator from New Hampshire, Mr. SMITH, leaves when I wish to talk about him because there is much positive to say about him from the point of view of somebody who stood up for what he believes. I think it has to be part of the RECORD. I look forward to doing that.

Senator HELMS, I wish you well.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I bring regards from my wife Nancy to both you and Dot. She asked me today—it was written on my calendar—if I would say that for her, and I do.

I do not think all Senators know that 30 years ago, a class of new Senators numbering nine arrived in the Senate. I was one of those nine, Senator Sam Nunn, Senator Bennett Johnston, Senator BIDEN, myself, and our wonderful JESSE HELMS. That group saw Senator HELMS as being the father of all of us. We thought we were youngsters, and then we met JESSE, and we said: We do have some wisdom and some experience with us. It has been a sheer joy to serve with him.

The whole group that came together has left of their own accord, and that is good. It speaks well of them; it speaks mightily of the class and the capacity they had.

JESSE, as I saw you get sick and then get well, I was truly hopeful that whatever the good Lord had in store for you, you would leave here on your own, saying goodbye to the Senate with your own capacity, and that nothing would be the cause of taking you from us.

That is why it is a good day, because you have lived through it all, and you have been, from what outsiders know, the absolute opposite of what people say you are. They judge you by your record, and if they do not like the record, they have things to say that are totally without the character of JESSE HELMS.

My friend who just spoke clearly put it right when it comes to kindness. Senator HELMS truly believes that everybody, no matter how little, how poor, how vintaged, what seat they occupy, deserves a kindness from him. He does not walk by anyone to whom he does not say hello. If he knows they have been sick, he will stop and talk with them and ask them about their relatives. In a way, for some of us, we are amazed at how he can do that. For that, I say I am glad I shared that experience with Senator HELMS.

What really made me come down here today, I say to Senator HELMS, is that he has been very decent and nice to me. I think now, looking back on occasions on the floor when I had a budget to handle that was particularly difficult or I had to make a speech that was particularly difficult—he did not sit very far from me—almost invariably, Senator HELMS would call me to his desk and congratulate me. He even told me how I was changing as a Senator: You are getting better; you are getting to be as good as there is; you are responding; that was a great speech.

I do not know how many of those remarks Senator HELMS passed on to me. I believed it, so it helped me. I do not know if it was true, but it was true as he saw it, and that was enough for me to leave with just a little more hop in my step because somebody I really wanted to note what I was doing apparently had.

For that, I wish to tell Senator HELMS, that means an awful lot to a Senator, especially as he is getting started. I was thrilled with it, even in the last 4 or 5 years when he continued to do that. I thank him for that.

The Senate will miss this man. The truth is, there are many people from the outside who criticize JESSE HELMS, but nobody questions whether he believes what he says. Nobody questions that he says what he believes. I do not think one can have either a better friend, a better servant, or a better patriot than one who knows what he believes and believes what he knows. That is what our friend is. That is the essence of him. One does not have to second-guess Senator HELMS. For that class of Senators of 30 years ago, there are now three of us left. When Senator HELMS leaves, there will be two. I will be running, and so will Senator BIDEN. If we come back, the marvelous class will be getting smaller, and Senator HELMS will have left us this year. I am sorry to see him leave. I thank him very much.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise to join with my colleagues in saying thank you to Senator HELMS for his 30 years of service to the Senate and to the country.

I have had the pleasure of serving with Senator HELMS for 22 years, and the last several years I had the pleasure of sitting right in front of him or, conversely, having him at my back. I like that. I moved over to Senator THURMOND's desk so I can look at Senator HELMS when I make these remarks.

I pointed out to Senator WELLSTONE when he was complimenting you on your demeanor, politeness, kindness to our fellow employees, that was my first recollection of JESSE HELMS. The character of Senator HELMS was one of this pretty tough Senator. In my career of 22 years, I have never known a kinder, gentler, more polite Senator than Senator JESSE HELMS.

I say that because he has been kind to me. Obviously, he was kind to Senator DOMENICI. He has been kind to every Senator, Democrat and Republican—Senator WELLSTONE mentioned it—but also to every single staff member, to every single elevator operator and security officer. I am amazed at the number of people he calls by their first name. I have tried to emulate that and have not done it very well. I have tried to emulate Senator HELMS in many ways. Senator HELMS will never know how many people he has inspired in the Senate.

I say that because of his kindness. I say that because of his politeness. I say that because he says grace before meals and he does it today. I say that because he has shown such courage and conviction on so many issues. His ability to be courageous and kind at the same time is a very unusual special talent that very few have been able to do, and Senator HELMS has done it well for so many years.

The word ''patriot'' was used. If anybody ever defines ''patriot,'' Senator HELMS' name comes to mind. Standing at STROM THURMOND'S desk, patriot comes to mind when I think of STROM THURMOND, and it comes to mind when

I think of JESSE HELMS. We are losing two patriots in the Senate in this retirement, and I hate to see that happen, but I am so grateful to have had the privilege of having Senator HELMS as a mentor, as a colleague, as a confidant, as a teacher.

I remember in my early career, we had battles. I served in the Senate for 22 years, and he served in the Senate for 30 years. Prior to his service in the Senate, Senator HELMS served as administrative assistant to a couple of Senators.

During that time, he learned the Senate rules. I remember some of our earlier battles having Senator HELMS help me learn the Senate rules. I was amazed that someone would go to that trouble. But he used the Senate rules both politely and correctly, and in the process made the Senate a better institution.

I realize this goes all the way back to Richard Russell. It goes back to some of the greats in the Senate, and how this tradition is passed on is truly amazing—and with a whole lot of fond memories.

I remember, Senator HELMS, when you taught me some of the rules, I believe it was in 1983, when we had the little battle on the 5-cent-per-gallon gasoline tax, that most of the Senate was for, including the majority leader at the time, our very good friend Senator Baker. President Reagan, I believe, was in favor at the time, but we were sort of opposed to it, thinking it should be left to the prerogative of the States. It was rather a difficult time because it was right before Christmas. It was a pretty protracted and extended debate, one that required cots in the back. Our colleagues' tempers were short because we were getting closer to the holiday season and most everybody wanted to vote and get out of here.

I remember going into your office one night when things were kind of difficult, and we talked about it. You said: I have an idea. We will just pray about it. Let's call Rev. Billy Graham. Well, I was awestruck that we were calling Rev. Billy Graham, and impressed. I will not forget that conversation.

I also will not forget another thing that you said. If it was not that night, it was the next night—we had two or three nights of this little battle—and I remember you telling me a story which I have never forgotten. In fact, I think about it all the time when I fly at night. I do not even know if you will remember it but I bet you do. You relayed to me how you were flying over North Carolina at night. And if any of my colleagues have been with Senator HELMS for any period of time, they know he has a great love for his State of North Carolina, and vice versa. It is a mutual love, respect, and admiration.

You relayed to me, Senator HELMS, that while flying over North Carolina at night you see all these lights, and you realize how big Raleigh is and you realize how remote small towns and some rural areas are, a light here and there. I remember you told me you were flying over there somewhat in awe but also thinking about individuals who live in those areas, and every one of those homesteads represent some of your constituents. You wondered if they really thought anybody in Washington, DC, cares about them living in that little rural area or maybe living in the city.

There you are, flying over their State and you are thinking about them. I think that was one of the guiding principles of your public service and career. I will never forget that. You were thinking about them when we were fighting over that nickel-a-gallon gasoline tax. You have been fighting for them. Whether talking about a strong national defense or about giving them some tax relief, you were thinking about your constituents, those people in the rural areas that probably never gave two thoughts about who their Senator was. Maybe they do not know, maybe they do not vote, but you cared about them.

I can tell you cared about them because of the way you have served this Senate and the way you have served your State, the way you have talked to individuals on the floor, the way you talk to employees, whether they are the lower level employees or people just starting out, or whether it is my daughter who was working as an intern one summer. You were so kind to her. She loves Senator HELMS. I saw her last night and she wanted me to say thank you, Senator HELMS.

You have inspired more people than you will ever know. I see some of your employees are in the Chamber and you are sitting with one of the best, Mr. Broughton, but I wonder how many of those employees, who have launched their career under your tutelage, have very bright futures. They are going to make outstanding contributions. Some of them are in the State Department. Some of them are working in very high level positions. Some of them are on the Federal bench because you got them started. They are some of the best people in the country. I think of them as expanding good government, and you have made that contribution.

I wanted to say thank you on behalf of Oklahomans, and on behalf of all Americans for your 30 years of service in the Senate. I have had the privilege of working with you for 22 years, getting to know you and Dot Helms. I think the world of both of you. God has truly blessed all of us for your service to our country and we thank you for it.

Mr. HELMS. Thank you.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is an honor to pay tribute today to the senior Senator from North Carolina, JESSE HELMS.

The son of a police chief from Monroe, NC, JESSE HELMS has been part of the fabric of the United States Senate for nearly three decades. Upon his retirement after five terms of service, it is fitting that we pay tribute to his leadership and commitment to the people of North Carolina and this country.

Senator HELMS has served in the Senate during the administrations of seven Presidents, from the Vietnam War, through the launch of the war on terrorism.

His views have enlivened the debate on the editorial pages of newspapers in his home State and throughout the country. He defines the term ''sticking to your guns.''

From 1960 until he ran for the Senate in 1972, Senator HELMS delivered some 2,700 editorials on WRAL–TV in Raleigh, NC. Those opinions also appeared in more than 200 papers across the Nation and on 70 radio stations, making JESSE HELMS a household name.

He built that name on the principles of free enterprise, representative democracy and conservative values—ideals he holds true today.

He has always stood on principle. He does not waiver or falter, and is not easily persuaded, a fact to which many of my colleagues can attest.

Senator HELMS has never forgotten the people he represents while in Washington. An editorial about his retirement in the Charlotte Observer observed, ''People who can't stand his views go to the voting booth every 6 years and push the button next to his name. Maybe he helped their mama get Social Security. Maybe he kept their farm alive. Maybe they just like the idea of a North Carolina boy going to Washington and raising hell.''

He's always had a place in his heart for the youth of our Nation. In his retirement speech, he calculated that he has met with more than 100,000 young people during his tenure in the Senate. He always took the time to talk with them about what an honor it was to serve America.

The issues that have driven his Senate career have varied from the minute to the global. He has left an indelible mark on American foreign policy from his service on the Senate Foreign Relations Committee and his tenure as chairman. From favoring the lifting of the arms embrago on Bosnia to his opposition of U.S. military intervention in Haiti, he has consistently fought to keep our Nation focused on U.S. interests abroad.

On February 24, 1996, when Cuban Mig-29 fighter jets shot down two Cessna 337s in the Florida Straits, killing four members of the humanitarian group ''Brothers to the Rescue,'' JESSE HELMS demanded that the U.S. call Fidel Castro to account for his actions.

His time as a Navy recruiter during World War II gave him insight into the importance of supporting our military troops. He has vigorously fought to strengthen the U.S. armed forces and ensure that our men and women in uniform are deployed only when clear U.S. interests are at stake.

On behalf of the American taxpayer, he demanded and received greater accountability at the United Nations for

the funds America pays as part of our dues. He was one of the chief architects responsible for dramatically reshaping and reorganizing the Department of State.

Indeed, no matter what the cause, whether it affects a North Carolina farmer or textile worker, or the U.S. relationship with the U.N., JESSE HELMS has stood his ground.

He has always done so without rancor and has always been a gentleman when the fight was over. He is stubborn, he is committed to his cause, and he fights vigorously, but he is also one of the most gentle and kind men in the Senate.

For years he sat next to the late Senator John Chafee on the Senate floor. They were two Republican colleagues who didn't agree on a great deal, yet were best of friends and spoke affectionately of each other. When John died, JESSE made it his first order of business to visit his office and personally comfort the Senator's grieving staff. There are hundreds of similar stories of JESSE's graciousness and caring nature. Each of us has been touched at one time or another by his kindness.

His conviction, his determination and his passion will be missed. As JESSE leaves Washington to join his beloved wife, ''Miss Dot,'' at home in North Carolina, we wish him well.

The 108th Congress will be a different place without JESSE HELMS. The set from North Carolina will be filled, but it will never be the same.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, over the course of our lives, many of us have role models. Role models mold and shape us as human beings. Who we choose for role models can leave an indelible mark on our character.

As a young boy, I had several role models. When I was 3 years old, I had a dad who lost his life at the end of the Second World War. He was certainly a role model for me. My mother worked very hard to try to keep the family together; she never remarried. She was a Navy widow who kept my brother and me and the family together all of those years. I had a granddad who worked hard to try to keep us on the straight and narrow, helping my mother. They were all my heroes and role models.

Politically, Barry Goldwater and Ronald Reagan come to mind as role models, as well as former Gov. Mel Thomson of New Hampshire, who once told me you stand for something or you stand for nothing, which brings me to JESSE HELMS. He is a man who has been a treasured friend, a confidant, a great Senator, and my role model for all the years I have been in the Senate. His steadfast example has helped shape who I am as a Senator and as a person.

I remember talking to Senator Gordon Humphrey of New Hampshire, your former colleague. I asked him one time: What is JESSE HELMS like? And he said: JESSE HELMS is the nicest person in the Senate. He was right; you are. Others have said that about you as well, including the elevator operators and pages and so many people you are nice to. I have seen you on so many occasions talking to students and posing for pictures with people who were not always from North Carolina. You would stop and say, Where are you guys from? And then you would talk to them. And I would hear them after you walked away and the things that they said. It really is a shame that all Americans do not know you personally, Senator HELMS, because you are one fine man. You have a long, distinguished record of service to your country and service in so many areas before you came to the Senate, and you did a lot of charitable work after you came to the Senate.

Since he was first elected to the U.S. Senate by the people of North Carolina nearly 30 years ago, Senator HELMS has tirelessly served the people of North Carolina and this nation.

Before that, the Senator's tenure of service to the United States of America began in the 1940's. Serving in the U.S. Navy during the second world war, Senator HELMS pledged his loyalty and love to the United States. I lost my own father in WWII and understand and respect the passion that the men and women of the Greatest Generation has and still have for the United States. No one embodies these ideals better than the senior Senator from North Carolina.

Upon returning from battle in WWII, Senator HELMS got his first taste of Washington politics by serving as an administrative assistant to both Senator Willis Smith and Senator Alton Lennon. Senator HELMS took his experience in the Senate and began his own historical career in his home State of North Carolina.

Before going to Washington Senator HELMS served the people of his community and home State in many ways. He served his community for two 2-year terms on the Raleigh city council, as well as being the president of both the Raleigh Rotary Club and the Raleigh Executives Club. As a man full of compassion for his fellow man, Senator HELMS further served his State as the director of the North Carolina Cerebral Palsy Hospital in Durham, the Director of the United Cerebral Palsy of North Carolina, and the Director of the Wake County Cerebral Palsy and Rehabilitation Center in Raleigh. As a man who cares deeply for the future generations of this country, Mr. HELMS has served as a deacon and a Sunday School teacher, sat on the Board of Trustees of Meredith College, John F. Kennedy College, Campbell University and Wingate College.

The thing I am going to remember is that you used your life experiences and your faith, and they were your guiding principles in the Senate. The kind of person you are is the kind of Senator you are. You were a veteran and you used that in your capacity as the chairman and ranking member of the Senate Foreign Relations Committee. You have been an unflinching proponent of a principled foreign policy throughout the world for so many years. There is no greater supporter of human rights, no more steadfast defender of American sovereignty, no stronger advocate for our national interest than you, Senator HELMS.

I have been in so many meetings—and I see the assistant leader in the Chamber as well, Senator NICKLES, who can vouch for this. So many times in meetings we have said: Senator HELMS, do you think maybe we could have your support to let this nominee go through, and Senator HELMS would never raise his voice but he would say, no, can't do it. It was always disagreeing without being disagreeable. That is why you have so much respect, and that is why there are so many people here to honor you.

When faced with a policy that you feel is counter to your values, you are like a rock. Even your opponents marvel at your fortitude. You are the irresistible force for justice and human liberty. You are an immovable object against big spending and immorality. You are not afraid to stand up on the floor time after time—and I am proud to have stood with you on many occasions, Senator HELMS. You are a man of great personal faith. This has led you to be a crusader for the lives of the unborn. Not too many people come down to talk about that issue these days, but you inspired me to weigh in on this. This, I believe, will be the defining moral issue. This will be the slavery issue of the 20th century and perhaps even the 21st century. You were right to defend the unborn. History will judge you as being right, and I am proud to follow in those big shoes of yours, Senator HELMS.

Being a conservative Republican has led Senator HELMS to fight for the rights of taxpayers, small businessmen, and the constitutional rights of all Americans.

Most importantly, Senator HELMS has used his experience as a husband, a father, and a grandfather, to promote strong family values and to guide this country over the last 30 years.

You have never shied away from controversy. You always do what is right, never even considering the political consequences to yourself. Whether you are fighting for the right of students to pray in school, the right of the Boy Scouts of America to organize and inspire young boys to join, or the right of the taxpayers not to have their hard-earned money wasted, you do not worry about the opponents or distorted reports by the news media. You follow your heart.

I have always admired Senator HELMS' dedication to his conservative values. The example that Senator HELMS sets is something that we all as conservatives need to follow. There has been no senator as outspoken on the

conservative agenda over the past three decades. JESSE was recognized in 1980, 1981, and 1983 as the ''Most Admired Conservative in Congress''. He also received the ''Conservative Caucus 97th Congress Statesman Award'' in 1983.

It will be one of the fondest memories in life to know I sat here and served with you in this body.

The news media used to call him ''Senator No,'' because he never compromised his values or beliefs, and that is something for him to be proud of and the rest of us to admire. While Senator HELMS, always full of humor, embraced the reputation, I think those of us who know him understand that the media did not tell the whole story.

I believe they should have called him ''Senator Yes.'' Because when Congress was trying to waste the taxpayers' money, JESSE HELMS stood up and said ''yes'' to the taxpayers.

When the unborn were being threatened, he said ''yes'' to human life.

While some were saying ''no'' to human rights, to personal freedom, to limited Government, to morality, to family values, JESSE HELMS always stood up with a resounding ''yes.''

And even when his more ardent opponents in the Senate will vouch for the fact that there is not a more decent human being in the entire Senate. Always a smile on his face, always time for schoolchildren, always courteous, always a friend.

As an American, I am truly grateful for JESSE HELMS' patriotic service to his country. But, personally, what I will most treasure is 12 years of friendship.

JESSE, you were always there for me, and while I bid you a fond farewell as we both part from our Senate service, I will always stay in touch. I will always consider you one of my best friends.

Senator HELMS has pledged a lifetime of loyalty, love and service to the United States. The senator is a patriot in every sense of the word. Thank you, Senator HELMS, for serving this country as you have over the past three decades.

May God bless you and your family.

I want to close on a couple of points. The news media gave you a name, and I know you had some fun with it. For those of you who have not been in Senator HELMS' office, it is just plastered with all these cartoons. Some of them are pretty rough. But they always called him ''Senator No.'' There are two ways to look at that because you never compromised on your values or your beliefs. So oftentimes you were down here voting no when others were compromising those values and beliefs. That is something of which I am going to be proud. The thing I am most proud of remembering about you—always full of humor, always embracing the reputation—but those of us who really know you understand that the media had it wrong. You were not Mr. No. You were Senator Yes because you were right. It was ''yes,'' to try to stop wasting taxpayers' money and stand up for them. It was ''yes,'' the right thing to do, to stand up for the unborn. It was ''yes,'' to stand up for human rights, personal freedom, limited Government, morality, family values. It was not Mr. No, it was Senator Yes.

Each of your most ardent political opponents in the Senate—you heard Senator WELLSTONE—will vouch for the fact that there is not a more decent human being who ever lived in the United States of America, or ever served here.

I am standing now at the desk of Daniel Webster. There are going to be a lot of people following the Senator from North Carolina, from North Carolina, who are going to be standing at the desk of Senator HELMS.

I am proud to serve with you, my friend. You are a great American, a great patriot, and I wish you the best in the years to come.

I yield the floor.

Mr. HELMS. God bless you. Thank you, BOB.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for as long as I might consume regarding the tribute to Senator HELMS, and ask for that privilege as well for the Senator from Wyoming, Mr. ENZI.

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

Mr. BROWNBACK. Mr. President, I rise today to join my colleagues in offering tribute to my friend and fellow Senator, JESSE HELMS. As my dear friend so loved to say, even a blind hog finds an acorn sometimes. So I hope my poor words may be able to rise and find the acorn here in a proper tribute to Senator HELMS for the years of service and contribution he has made to this great country and what he has given to the world.

I know today many of my colleagues are lauding him for his grit and determination, his principled stands, and his ability to always fight the good fight even if it was a lonely and sometimes frustrating fight. Senator HELMS has always done so. He has always stood firm despite the opposition and the disapproval.

We have had a number of colleagues already speak about these traits and speak of them in laudatory terms. In fact, he was known for telling his staff and his allies that it did not matter, if they stuck to principle, if they lost. What mattered was they stuck to principle. All the other things would fall by the wayside, but you have to stand by your principle and you have to fight for it regardless of whether you win or lose. That was a great lesson to me, coming to this body, of the service that we have here for the world. You fight for your principles.

There is so much to say about JESSE HELMS, my dear friend. There is much to say that is obvious. There are some things to say that are not known very well publicly. I know from personal experience about his traits and his attributes that so many people are talking about—his determination, standing by principle. I served with the Senator when I first came to the Senate. I haven't been in this body a long time, but I served with him the entire time on the Foreign Relations Committee. I know he always treated new Members in a manner unlike most people treat new Members. He treated new Members with a great deal of respect, with a great deal of courtesy, which is the way he treats everybody—it is a true Biblical principle. You don't treat the great and the lesser any different. He always did that for new Members.

I came into the Foreign Relations Committee, the first meeting I had there, sitting way at the end of the bench. There was not a seat further away from the chairman where I could sit. They had to actually build another seat there to give me a space to sit. And then he calls on me first at the committee, which had me quaking in my boots at the time. I was ready and prepared to sit for a couple of hours and wait my turn and build up some knowledge. But it was his trait and his standard that each year when he had a new Member come in, he recognized him first at the first meeting. It was very kind of him to do that, to welcome people. That was just his nature and his characteristic, and it was always done.

It is no surprise that he has always been voted by the Washingtonian magazine as the nicest Senator, which I think is quite a tribute when we look back. I have on my wall a picture of Mother Teresa and a quote from her. She says: At the end of life we are not going to be measured by the positions that we achieved or the things we accomplished or the wealth we had. What we will be measured by is the amount of love with which we did the work we had. We will be measured that way.

It doesn't matter if you are a Senator presiding in the Senate, the President of the United States, if you work at any job anywhere—it is not the accomplishment of the physical that you do, it is not the accumulation of money you accomplish, it is not the wealth, it is the love you express in the job that you have.

Senator HELMS has expressed a great deal of love to everybody and has had a high degree of success and will be very rich in rewards.

These are the examples he has given to so many of us so constantly. It is such a beautiful tribute.

He has a robust sense of humor that many have not had the pleasure of being able to experience, although I have. One of my favorite facts about the Senator—Senator SMITH just mentioned it—is when you go into Senator HELMS' office, he has on the walls every cartoon that has ever been done about him. There are quite a few of them. They are scattered around the walls. A number of them Senator

SMITH said are not glowing in their comments, but he puts them up. I think it is quite a tribute there as well that he would show both sides, so anybody who comes into his office can see the caricature that is made by anybody. I think that is a good trait of humility. Humility is the first grace. We need much humility.

In addition, one of his prize possessions is a big rubber stamp that says ''No'' on it. Needless to say, he has wielded it often and with passion. But in reality it was not just saying no or being Senator No, though those working on treaties and nominees over the years may have believed so, he was actually one of the most effective compromisers in the Senate.

Yes, it is true. That is what happens when everyone knows exactly where you stand and that your word is your bond. For Senator HELMS, his word was definitely his bond. One of the facts to know about Senator HELMS, though, is what a true gentleman he always was. Several people have spoken about that. No matter how bitter a foe or how fierce a disagreement, he was always kind to his opponent. You are to love your friend and you are to love your enemy. He practiced that Biblical admonition as well if not better than anybody I have ever seen.

A foe who might be fierce in disagreement, in most cases would, afterwards, and even during the debate, admire and like his opponent. For example, he has always truly liked Madeleine Albright, Secretary of State, though most on the outside saw them as no more than simple enemies. He and Madeleine Albright had a marvelous relationship, even though they would disagree on probably the complete course of the meal, soup to nuts. But they had a wonderful personal relationship—although even that, too, is too simplistic an analysis. Clearly, not enough to really say about his character, it is a true sign of character to understand the best results come from fighting worthy opponents and to be willing to graciously acknowledge and admire these opponents. It was a lesson I took to heart, seeing how he fiercely defended his principles, yet how much he cared for and always took time to honor those he fought against and with whom even disagreed. He honored them. He did love his opponents.

He took almost as much care in those cases as he did with his own staff—many of whom are here, as was noted. Senator HELMS is also known for being deeply devoted to his staff, considering them his family and treating them as such, practicing an open-door policy and complete loyalty and always ensuring that he knew what was going on in each staffer's life.

As in so many areas, he did not just preach family values, he practiced them. This has been a great lesson to me as well. So many times you get busy and you feel you are just trying to suck things out of your staff—I need this information; I need that—when our true role is as a shepherd, to feed them, to care for them, to tend them, and to nourish them. These are people with whom we have an unusually positive relationship. Senator HELMS does that well.

One of the reasons he and I bonded was something that we share—the adoptive children we have. He has unmeasurable effort he has made for adoptive children and for adoptive parents across the country, and even around the world. He has always cared incredibly deeply about children and those less fortunate. That is just one area of many where he has truly put his energy and where his beliefs are.

There is a personal story that is just too personal to tell. But it is about his adoptive child in a red cap that Senator HELMS told me about. It is too personal to say here, but it is such a touching story, a tribute to a man adopting a child, the gift that child was to him, and the gift he was to that child.

But I think the most important things to consider when contemplating the Senator's great and illustrious career are some of the things he would probably say are his proud achievements—his long and true marriage to his beloved Dot, volunteering for the Navy right after Pearl Harbor, the Jesse Helms Foundation, his solitary action as a lone Republican stumping for a gentleman by the name of Ronald Reagan back in 1976, and his unlimited love for children. Throughout his lifetime, but especially during his career in Congress, he has never forgotten the children, including them and introducing them to worlds they may never experience; for example, inviting the pages, who are so often overlooked by all of us despite their hard and dedicated work, to his Jesse Helms Foundation dinner, assuring that all of them will be introduced to everyone attending the dinner.

Senator HELMS has often been seen as the Rock of Gibraltar, an oftentimes lonely role, yet always a steadfast defender of American and Republican principles. He is so much more than that. He is a kind and gentle soul who has brought humor, compassion, and character to this august body. He has been and always will be a role model of the true gentleman.

In his Second Epistle to Timothy, St. Paul writes: ''I have fought the good fight, I have finished the course, I have kept the faith.'' Senator HELMS has certainly done so.

You have fought the good fight, you finished the course, you kept the faith. God bless you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent for a short quorum call, followed by Senator BYRD for a brief moment on the floor, followed by me, and followed by Senator SESSIONS.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I come to the floor today not entirely with sadness in my heart but, rather, a sadness that is commingled with joy, as I look back across the 30 years I have known JESSE HELMS as we have worked in this body.

I can remember him when he came to this Senate Chamber 30 years ago: tall, strong, black hair. Some things have changed about him; some things have changed about me. But there are some things that have not changed. One of those things is my respect for him.

He comes from a State which is the State in which I was born, North Carolina. I have a brother living in North Wilkesboro today. He became 89 or 90—I forget which—in August, last month.

My dear mother is buried there in an unmarked grave. She died during the great influenza epidemic. She died on the night before the armistice was signed. I have a little pillow that she made. And I know that I have been guided by my mother's prayers over these soon to be 85 years, although I do not remember ever seeing her face or ever feeling the joy of a mother's kiss. But those North Carolina hills keep her in their bosom today, as they keep my father.

The motto of the State of North Carolina is: ''To be rather than to seem.'' What a motto: ''To be rather than to seem.''

I believe, based on my relationship with JESSE HELMS, that he typifies that motto: ''To be rather than to seem.''

I have always found him to be a gentleman. During the years in which I was majority leader, minority leader, and majority whip, I always found JESSE HELMS to be someone with whom I could work. There were differences and there were difficulties at times—for instance, difficulties in breaking through a filibuster—but this man was always what he was, not what he seemed. He was what he was. He was not a man to be intimidated. He took a stand. He was willing to take a stand even though he might stand alone. And I have seen times when he stood alone, but it was without a tremor, without any indication that he would cut his sail.

He had that sterling character that so many of the people of his generation displayed throughout their lifetimes. And the people of North Carolina are a naturally warm and gracious people, just like JESSE HELMS.

As I say, no matter what his position on an issue, no matter what his political feelings might be, he was always

one with whom I could approach and sit down and talk. And he was a man with whom I could reason when I was the leader of this body. It is not an easy job. But being the man that JESSE HELMS is, and standing for what he believes, standing against the odds—no matter what the press said, no matter what the pundits were saying, no matter, should I say, even what his colleagues were saying—he took his position and he never wavered, never wavered.

I shall always treasure my work here with JESSE HELMS. I think when JESSE HELMS goes, something goes out of this Senate that we will not see again.

I saw a lot of men like JESSE HELMS when I came to this body 44 years ago—a lot of men and one woman like JESSE HELMS. They were strong in their beliefs. They believed in the Constitution. They believed in this institution. They weren't looking for another political office. They wanted to be Senators. They were Senators. And they served their people the institution, and the Constitution well.

In all these situations—and I remember Members like JESSE HELMS—there has been a wife who sacrificed, who stood there shoulder to shoulder with that Senator and who, like him, was always a gracious person, one who loved the Senate, one who served the Senate, just as the elected entity served it.

I have great respect for JESSE HELMS and his wife Dorothy. My wife and I today join in saying we will always remember their friendship. I will always remember this man from the mountains of North Carolina.

I remember Grandfather Mountain in North Carolina. Here was a true gentleman of the Old South. A true gentleman of the Old South will leave this Senate. He won't leave my memory. He won't leave my affections. They will follow him. As Tennyson said, ''I am a part of all that I have been.'' And wherever I go, JESSE HELMS will always be a part of me. He will go with my fondest affections.

I thank Mr. ENZI for yielding to me at this moment. I am about to yield the floor.

Let me, if I may, repeat the words of a short verse that are very appropriate in talking about JESSE HELMS:

Reputation—he raised its shaft
In the crowded market place;
He built it out of his glorious deeds,
And carved them upon its face;
He crowned its towering top with bays
That a worshiping world supplied;
Then he passed—his monument decayed,
And his laurels drooped and died.
Character—he built its shaft
With no thought of the pillar to be;
He wrought intangible things like love
And truth and humanity.
Inseparable things like sacrifice
And sympathy and trust;
Yet, steadfast as the eternal hills
It stood when he was dust

North Carolina sent to the Senate one of its favorite sons, and this son of North Carolina will never forget JESSE HELMS and will never cease to respect him. Even when I differed with him perhaps on an issue now and then, there was always great respect, knowing that here was a man who believed in serving his people and standing for what his people expected him to stand for.

May God always be with you, Senator HELMS, and with your charming wife Dorothy. May God always bless her.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank my colleagues for allowing us to extend this period. It is not every day we get the opportunity to pay tribute to one of our heroes. I am sure Senator HELMS would object to that wording, of being a hero, but if the definition is ordinary people doing extraordinary things, he might agree with it. But he goes well beyond that.

For most of my life, I had read about JESSE HELMS. And then I got elected to this body and got the awesome opportunity to meet him and to talk to him and to learn from him. It has been a delightful journey, one I will always remember and appreciate.

In reading a little of his background, I learned that the Senator grew up 15 miles from the birthplace of Andrew Jackson, which is a breeding ground for true believers. With Jacksonian tenacity, he stuck to his early convictions—respect for elders and law and order, traditional religious faith, moral principles, and patriotism. He is here today with a lapel pin on that he has explained to me before. We are a part of the same organization. It is a Masonic pin he has been wearing since his first election. That is part of the great tradition and background of the Senator, an organization of individuals for self-improvement, and it is something he has worked on all his life and is still working on and is passing on to others.

As Senator HELMS was coming to this body, the Senator from Wyoming who had been another role model of mine, Senator Hansen, was here briefly and then left. From my mother and from Senator Hansen and Senator HELMS, I have fashioned a mission statement that is in all of the rooms of my offices where my staff and I work. It says: Do what is right. Do your best. And treat others as you want to be treated.

That is a motto Senator HELMS exemplifies in great detail. He is one of those people who never gives the impression that a Senator is special. He knows that we really are people who had special opportunities and special responsibilities. He epitomizes that.

He has had a considerable effect on events over the years. While he hasn't gotten to restore America to the state of the Monroe of his youth, he has made great strides at it, probably ones he never envisioned.

I like a quote by Fred Barnes written in the Weekly Standard: He can't be buffaloed or ignored. HELMS has gained strange new respect, not as many conservatives have—by moving to the left. HELMS has earned it the hard way—by not moving at all.

He is a man of principle who knows where he is coming from and what needs to be done and has made dramatic improvements in America while he has followed that principle.

This year, I had the opportunity to join Senator HELMS on the Senate Foreign Relations Committee and hold a position on the International Operations and Terrorism Subcommittee. In this role I have seen and heard much of Senator HELMS' work with the United Nations. Americans and all those involved with the United Nations look at Senator HELMS as one of the strongest supporters for reform of that organization. Many still talk about the wonderful pictures of Senator HELMS sitting in the United Nations Security Council during a historic visit by the Foreign Relations Committee in 2000.

Because of his efforts, the United States remains an active member, and the United Nations has become a more efficient organization. There is, however, still more work to do. I know Senator HELMS will be sorely missed in those discussions. He has had a tremendous effect.

I conclude by mentioning that as an Eagle Scout, I am proud of Senator HELMS' efforts to protect the organization of the Boy Scouts of America. The organization makes a strong difference in the lives of many of our Nation's young men. It teaches them leadership and values. Senator HELMS should be commended for his actions and for all of the efforts he has put forth on behalf of youth, North Carolina, the country, and the education of people like me. I thank the Senator for all of his efforts at mentoring and teaching, and his long service.

This past year I had the opportunity to join Senator HELMS on the Senate Foreign Relations Committee and hold a position on the International Operations and Terrorism subcommittee. In this role I have seen and heard much about Senator HELMS' work with the United Nations. Americans and all those involved with the United Nations look at Senator HELMS as one of the strongest supporters for reform of the organization. Many still talk about the wonderful pictures of Senator HELMS sitting in the United Nations Security Council during a historic visit by the Foreign Relations Committee in 2000. Because of his efforts, the United States remains an active member and the United Nations has become a more efficient organization. There is, however, still work to do and I know Senator HELMS will be sorely missed in discussions on the next steps for reform.

I was also pleased this last year to support Senator HELMS' efforts to expand the NATO Alliance. I agree that NATO enlargement should continue to be a focus and a priority of the United States. Senator HELMS championed the effort in the Senate on the Freedom

Consolidation Act and made a meaningful statement that the Congress of the United States supports the President and supports NATO enlargement. As the NATO Ministerial meets to discuss the expansion of the alliance, I am confident Senator HELMS' work will be appreciated.

Senator HELMS has been able to balance supporting international organizations with strongly criticizing their actions when they go too far. He has fought fiercely against treaties that are not in the best interests of the United States, such as the International Criminal Court. Senator HELMS has been the lead objector to treaty that would put our American Servicemembers on trial for simply doing their work to protect Americans. His efforts have encouraged this Administration to be an active voice against the prosecution of American citizens with disregard for our protected rights.

Senator HELMS has been a leading proponent for conservative values and beliefs. He has lead floor debate to protect the lives and the future of all Americans. He has made it his personal duty to protect our rights from overreaching laws and values not in line with the beliefs of most Americans.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, I want to say a word or two, and ask unanimous consent that it be in order for me to make my remarks from my seat, following the remarks of Senator SESSIONS.

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

The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I believe that under the UC I am to be recognized next. I understand other matters are to come before the body soon.

I want to say how much I admire Senator HELMS. He is and has been a great Senator. He came here with beliefs and concerns about America and he stood up for them. He also came here with courage and convictions. He stood for those throughout his career. He has shown us all what one man can do when he stands up for his beliefs. He is a man I admire, as so many others do.

I yield the floor.

Mr. BOND. Madam President, for the youngster who is retiring from the greater Carolina delegation, I bid a fond farewell. I am delighted for him and his wife Dot, who after three decades in the Senate will get to spend some time for themselves and with their seven grandchildren.

The bad news is that there are a great number of others who will be delighted with Senator HELMS' departure. Foreign Communist officials, Fidel Castro, and others will be delighted that he will not be on the Senate floor standing tall on behalf of U.S. values, U.S. security, and human rights. Over his many years of service, his strict observation to U.S. security interests never wavered. On matters of foreign policy and national security, he never rested. He never allowed officials at the Department of State or the United Nations to rest either. When it came to the security of free people, his philosophy has always been, keep your powder dry and keep lots of powder.

Despite his rigid reluctance to compromise, his legislative record has been extraordinary. Understanding the rules of the Senate, being willing to use the rules of the Senate, and being willing to wait as long as it takes proved to be a formula for much legislative success. To reorganize the State Department, Senator HELMS had to hold up 18 nominations for ambassadors, halted almost all committee business for six months as well as approval of two international treaties, and overcome a Presidential veto.

A big supporter of President Reagan and his conservative agenda, Senator HELMS was one of two Senators to vote against the nomination of Secretary Weinberg to be Secretary of Defense. Again, a protector of the conservative agenda, he felt the nominee was not adequately committed to the President's agenda; always brave, seldom subtle.

Over his long career, Senator HELMS has won praise and scorn for doing what he came to Washington to do, which is speak his mind and vote his convictions. He didn't mind being the only one to vote against a spending bill. He paid his constituents the courtesy of being candid. He did not need to do a poll to have an opinion. It is not his habit to ''flip-flop'' on political issues because with JESSE, he means what he says and says what he means.

One political commentator described the senior Senator as follows: ''HELMS follows a simple formula; Implacability equals strength, It works. He can't be buffaloed—or ignored. . . . The point here is HELMS has gained strange, new respect not as many conservatives have—by moving left. HELMS has earned it the hard way—by not moving at all.''

To ''official Washington,'' Senator HELMS was referred to as ''Senator No.'' But to his beloved constituents asking for help, he was: ''Senator Yes.'' His first floor statement on January 11, 1973, was on behalf of ''more than 182,000 families in my State [who] earn their living from the production of tobacco.''

In the Senate, we will miss this true gentleman with his gentle smile, his great sense of humor, and his tireless commitment to our Nation. We wish you, your wife Dot and your family well and thank you and the good citizens of North Carolina for your service.

Mr. FRIST. Madam President. Nearly 1,900 men and women have served in this body since its inception in 1789. Yet only a couple dozen stand out in history as leaders who not only defined the times in which they lived, but changed the course of the future. I would include the man we honor today—Senator JESSE HELMS—in those select ranks. He will be missed as a friend to us all and a leader for all America.

Although one might find it hard to believe, Senator HELMS began his career in the media. After World War II, JESSE worked as city editor of the Raleigh Times. Later he became director of news and programs for the Tobacco Radio Network and radio station WRAL in Raleigh.

The media also provided Senator HELMS' transition into politics and public affairs. In 1952, he directed radio and television for the presidential campaign of Senator Richard Russell of Georgia. One year later, JESSE became executive director of the North Carolina Bankers Association and editor of the Tarheel Banker, which he grew into the largest state banking publication in America.

As a journalist, Senator HELMS earned the respect of his readers and his peers. From 1960 to 1972, JESSE delivered daily editorials on WRAL-TV, wrote columns that appeared regularly in more than 200 newspapers nationwide, and broadcast on more than 70 radio stations in North Carolina. JESSE received the Freedoms Foundation Award for the best television editorial in America. He won the same award for the best newspaper article.

JESSE HELMS' arrival in this chamber nearly 30 years ago made history. He was the first Republican elected to the Senate from North Carolina. His star immediately began to rise. At the 1976 Republican National Convention, he was the only Senator to endorse Ronald Reagan for President. And though he asked for his name to be removed from the ballot, he won the support of 99 delegates for the nomination of Vice President of the United States.

While in the Senate, JESSE HELMS has become one of those unique leaders who combine fierce conservatism with fierce populism. His love for the principles upon which this country was founded is matched only by his love for the people he represents. He has always stood up for the people of North Carolina—for the values they hold dear, for the beauty of their land, and for the work that is their lifeblood.

JESSE has also stood up for those of the world who don't enjoy the freedoms and rights that Americans are guaranteed. He stood side-by-side with President Reagan in the battle to win the Cold War. He believed in peace through strength and still does. He also believes in the value and dignity of every human life. I know this first-hand. JESSE and I have worked hard as members of the Foreign Relations Committee to secure hundreds of millions of dollars to save young Africans from the plague of HIV/AIDS.

Always one to practice what he preaches, JESSE HELMS has served as a deacon and Sunday School teacher and a director of Camp Willow—a Christian

youth camp he helped found. He has generously given his time to combat cerebral palsy. And he has spent countless hours with the nearly 100,000 children and young adults who have stopped by his office to shake his hand. JESSE has inspired them all to be better citizens; many have even gone on to serve in public office.

I, and all of us in this chamber, will miss having JESSE HELMS in the Senate. And America will miss an impassioned leader. But our loss is the gain of his family and the great state of North Carolina to which he will return. I think we all know that JESSE HELMS won't just fade away. He'll continue spending time doing what he loves, and we'll continue loving him for it.

God bless you, JESSE.

Mr. LUGAR. Madam President, I am pleased to join with other Senators in honoring our distinguished colleague, JESSE HELMS, who will be returning to private life at the end of the 107th Congress.

For the past 26 years it has been my privilege to serve in the United States Senate with JESSE HELMS. During that time, we have shared committee assignments on the Foreign Relations and Agriculture Committees. We have worked together on innumerable issues, and I have witnessed with admiration his strong character and devotion to public service.

Senator HELMS has played an important role in the primary U.S. foreign policy accomplishment of the second half of the 20th Century—the collapse of Soviet Communism and transition of most of the world's Communist nations to democracy and market economics. In the Senate, Senator HELMS was a steadfast supporter of policies that opposed the evils of the Soviet bloc. He looked forward with confidence to a future in which Russian foreign policy would not be predicated on empire, in which Russia would practice democracy, and in which Eastern Europe and other Soviet-dominated nations would be free.

After the collapse of the Soviet Union, Senator HELMS was an important advocate for embracing the new democracies of Eastern Europe. He was and continues to be a vocal supporter of NATO enlargement within the Foreign Relations Committee and the Senate as a whole. It is fitting that as we celebrate Senator HELMS' career, we anticipate the entry of a new group of nations into the NATO fold that were once denied their liberty.

Throughout his career in the Senate, Senator HELMS' foreign policy initiatives were grounded in a fundamental faith in the power of freedom and democracy. Senator HELMS' philosophy has been devoid of the cynicism that occasionally afflicts the practice of U.S. foreign policy. Our friend never forgot that the achievement of freedom must stand as the basis for American actions in the world. He remained devoted to core American values that have undergirded our Republic, including free and fair elections, freedom of religion, the rule of law, and market economic opportunities.

Senator HELMS has had an equally large impact on domestic policy. He will be remembered as a determined advocate for limited government. But no matter how passionately he advocated limits on government, he always understood that those limits should not reduce our human responsibilities to each other as citizens and leaders of a great nation.

In my experience, few Senators have been as quick with a smile or as certain to ask about a family member as Senator HELMS. In fact, few Senators ever had a greater appreciation for the strength and love of family.

No remarks honoring Senator HELMS would be complete without mentioning his beloved wife, Dot. A couple of years ago, I recall Senator HELMS responding to a reporter's question about whether he intended to stay in the Senate. He said ''she has a vote; I have a vote; and if there is a tie, we will work it out together.'' All Senators know how important Dot has been to JESSE over the years. Even as we will miss seeing our friend every day, we know that JESSE will be blessed by the opportunity to spend more time with Dot and his family.

Senator HELMS leaves the Senate after 30 years, having established a legion of friendships and a memorable legacy. I am confident that he will continue to serve the public, and I join the Senate in wishing JESSE and Dot all the best as they move on to new adventures.

Mr. SESSIONS. Madam President, as I indicated earlier, Senator HELMS is a great Senator because he came to the Senate with beliefs and principles. He has personal integrity and a strong work ethic. He mastered the rules of the Senate, and fundamentally his greatness came from the fact he had the courage to act on those convictions and see them through, even in the face of criticism. He stood for traditional American values, for faith, for institutions important to our country, such as the Boy Scouts. I was an Eagle Scout, and I appreciate so much his leadership for them.

He ran for the Senate because of his beliefs and concerns about America. That is what made him choose to offer himself. He believed America was a great bastion of freedom. He defended her without apology. He was not a part of the ''blame America'' crowd. He would never go to a foreign country which had demonstrated a history of bad behavior throughout the world and blamed America. He would stand and say, for all our faults, America has stood for right in the world, and we ought to be proud of what we do.

He understood the history of America, its uniqueness as a Nation of freedom. He understood the importance of the United States to the world as a whole, and he clearly saw, throughout his tenure, godless communism was incompatible with the faith and freedom that made America great. So he stood against it, without apology.

He had the great joy, I am sure, when his good friend Ronald Reagan was President, to see the collapse of the Soviet Union, the fall of the evil empire, and see freedom begin to spread around the world. What a wonderful feeling it must have been for this patriot, who stood so long for strong national defense, who stood so long for the values of America, and contrasted them with the totalitarian governments in the communist world. And it was a battle. It was a long struggle. There were good times and bad times. People who stood with firmness, like Senator HELMS, were often attacked most aggressively in the liberal media, but he put his beliefs and his love for America first. He was prepared to take the heat, and I believe history will record he stood on the right side of that issue with consistency, integrity, and courage, and played a major role in the victory of freedom over communism.

Senator HELMS understood the necessity of American leadership in the world. He understood our unique history. He therefore defended our sovereignty. He defended the ability of the United States to stand alone, if need be, as he had to do at various times politically, to defend the interests we have. He was willing to work with the United Nations, NATO, and other groups, but he was not prepared to cede our sovereignty to that group.

Some time ago, I made the reference to the treaties and agreements so many would like to have us sign. They are much like, in my mind, the scene of Gulliver in the land of Lilliputians, being tied down by hundreds and hundreds of strings. Pretty soon the giant is not able to act and defend himself. We do not need to allow ourselves, through a rush to agreements and multilateral organizations, to be tied down from our freedom.

He provided a critical check against these trends through some difficult times, and I think he sees today the world is better off for it.

As a matter of fact, with regard to the U.N., he was exceedingly critical of the waste, fraud, and even corruption in the United Nations. He knew there was a problem; so did almost everyone sophisticated in the world today. They knew money was being wasted and spent unwisely. They knew there was corruption in programs and within the institution itself. Senator HELMS simply said, and was unmovable on the view, until there were reforms in the United Nations, he would oppose American back payments, and he got that.

Oddly, this Senator, who was not emotionally invested in the United Nations, probably has played as big a role as anyone in making that organization a better institution today. He had bipartisan support for that position before it was over.

He helped form the steering committee of the Republican caucus in the

Senate, beginning as a small group of conservatives and has grown now to over 49 members of the Republican caucus. Of Members of that steering committee I am honored to be a vice chairman and one of the leaders of it. Senator GRAMM is here today and served as chairman. Senator HELMS served as a chairman in the early days, 1981 to 1985. Now that institution does have a great voice in the affairs of this Senate.

He is a great church man, a Baptist deacon, a Sunday school teacher. He graduated from the Wake Forest University, a superb Baptist school, with a superb Baptist heritage. He is a man of faith and belief for which he never apologized. There is in the tradition of the Baptist Church a tremendous belief in the sanctity of individual human beings, a sense of democracy that is unique. Senator HELMS says that every individual human being had the same creator and the same value in the overall scheme of life.

He is a man of graciousness. He is a southern gentleman and kind and wonderful to his friends. But he was strong and courageous and firm when he believed his principles called for that. He could be unmovable, but he was also kind.

He told the story to me of his friendship with former Senator Jim Allen from Alabama. Like Senator HELMS, he was an independent man who knew the rules of the Senate and had the courage to utilize and fight for these values and use those rules effectively. He told the story about coming to Alabama for Jim Allen's funeral. They got off the airplane. Senator ALLEN was extraordinarily well respected in the State, loved throughout the State. He recalled to me seeing a sign that said ''a giant has fallen,'' and tears came to his eyes as he told that story to me.

That shows the extent of his affection for his fellow Senators, his deep feelings of companionship. At the same time, our Senator HELMS has been a giant for American values, for American principles, and for this country. I have been honored to know him. I have been honored to know his wonderful wife, Dot, as has my wife, who so much admires her. We give them our best wishes in their future endeavors. We wish them health and vitality and many years of service and enjoyment with their family and friends. They have been served with great distinction.

Senator HELMS has been a giant in this body. It has been an honor to serve with him.

I yield the floor.

Mr. KYL. Madam President, it is with mixed emotions that I rise today to pay tribute to my colleague, mentor and friend, Senator JESSE HELMS, who is leaving this body after 30 years of extraordinary service to our country. I want to honor him and convey to people around America who do not know him, what a great person he is. Yet, I hate to see him go.

Many words come to mind when I think of JESSE HELMS: principled, stalwart, kind, patriot, American. But, when I mull his retiring from the Senate, one word keeps coming to mind: irreplaceable.

JESSE HELMS will not be, he cannot be, replaced, and that is a sad thing. His presence here has been a constant for three decades. Like few others in this body, Senator HELMS' career has achieved near-mythical proportions; it is the stuff of legend.

Why is that? I believe it's because few, if any, others can match JESSE HELMS' deep and unshakable commitment to principle. JESSE's not much of a deal maker. His vote has never been up for grabs. You always, always knew where he stood. Some agreed, others disagreed. But you didn't have to guess.

You get a glimpse of this simple yet profound approach when you walk into JESSE's office and see the large yes and no stamps on his desk. That is what it has been like to deal with JESSE HELMS. If your idea met his high standards, you got an immediate and enthusiastic ''yes.'' If it did not, you got an amiable but unmistakable ''no.'' And if it was ''yes,'' he'd stick with you no matter what. Popularity was not a factor. The best interests of this country were what mattered.

It has been a great honor for me to work with Senator HELMS during my 8 years in this body. We have endeavored together to promote conservative ideas, in particular the idea that America's security is best preserved through the maintenance of our strength and the promotion of our values. But I was just following the trail that JESSE HELMS blazed. In the 1970s and 1980s, JESSE HELMS led the fight to put morality and strength back into American foreign policy. People the world over, from Louisiana to Lithuania, from Texas to Taiwan, are better off because of that.

Mark Twain said: ''Always do right. This will gratify some people, and astonish the rest.'' I was always among those gratified by Senator HELMS' courageous stands on matters of high principle. He did right. And watching other people's astonishment at this was one of the great things about the Helms era in American politics.

We will miss you, Senator.

Mr. THOMPSON. Madam President, I rise to pay tribute to the senior Senator from North Carolina, Senator JESSE HELMS. Born in Monroe, NC on October 18, 1921, Senator HELMS has served our country over several decades and in many capacities. From 1942 through 1945, Sen. Helms proudly wore our country's military uniform as a member of the United States Navy. After World War II, he helped generate public debate as both journalist and editor.

Senator HELMS took up the mantle of public service in 1957 when he was elected to the Raleigh City Council. During his four years on the council, he served as the chairman of the Council's Law and Finance Committee. In 1961, Senator HELMS returned to journalism, serving as the executive vice president of the Capitol Broadcasting Company. He also wrote daily editorials for television and radio on the most pressing issues of the day. His writings were so popular that they were printed in more than 200 newspapers throughout the United States.

Senator HELMS was elected to his first term in the Senate in January 1973. He has been reelected to the Senate five times and has served this body for nearly thirty years. During that time, Senator HELMS always stood firm in his beliefs. Like a rock in the midst of a raging storm, his commitment to principle has never wavered. He has been a fierce advocate for less government, reduced taxes, and greater individual freedom. For the last decade, he has served as either chairman or ranking member of the Senate Foreign Relations Committee, where he has worked to secure our country from foreign threats, protect American sovereignty in international institutions, and spread democracy to those oppressed by tyranny and injustice.

Margaret Thatcher once described the essence of accomplishment. She said, ''Look at a day when you are supremely satisfied at the end. It's not a day when you lounge around doing nothing; it's when you've had everything to do, and you've done it.''

Senator HELMS has certainly had everything to do, and he has done it. He has accomplished much and finished well. His decades of service to his country and his beloved State of North Carolina have been an example to us all. He is a man who deserves our tribute and our gratitude.

Mr. HOLLINGS. Madam President, I join the chorus of Senators who today are saluting our good friend of 30 years, the distinguished Senior Senator from North Carolina, Senator HELMS.

For all 30 years the two of us, representing both Carolinas, have shared the fight to keep jobs in our respective states. If I can say one thing about this man, it is that he has always, always looked out for the interests of the little guy.

Too many in this town want to forget about the people who get up every day, give an honest day's work at a textile plant, play by the rules, but lose out because of the unfair trade policies of this country. Senator HELMS always looked out for the people Washington could care less about; the people who Washington thinks we can re-train into high-tech, high-tech, but who wants a 55-year old first time computer operator? For his voice on trade issues is how this Senator will remember my friend, and it is for this voice that he has been such a great asset to this institution.

Obviously, on many issues we disagreed; but he and I would cross any and every party line to help the people of our states. In the future, no trade

debate in this body will ever be the same without the man who served as Senator from North Carolina longer than any other from that state.

My wife, Peatsy, and I congratulate Dot and JESSE, and we wish them only health and happiness in the future.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I begin by talking about our dear colleague, JESSE HELMS. It is hard to decide what to say about this good man that virtually everybody in America knows. As expected with someone who has strong views as JESSE HELMS, they either like him or they don't like him. I like him. In fact, I am proud to say that I love the senior Senator from North Carolina.

So much has been said about him, I don't want to be repetitive, but there are a few points I want to make. It is important to look back at America and what America was like and what the Senate was like and what debate was being conducted when JESSE HELMS came to the Senate. It is fair to say JESSE HELMS was conservative before conservative was cool. When JESSE HELMS came to the Senate it was conventional wisdom in the Senate to begin every foreign policy statement with a long list of indictments, not against our would-be adversaries, but against our own country. There was a guilt about America, this doubt about our purpose and our policy.

JESSE HELMS, as a young member of the Foreign Relations Committee, started the process of changing that debate. JESSE HELMS may have had doubts about many things, but he didn't have any doubts about America. He did not have any doubts about what we stood for and stand for. He did not have any doubts about the fact there was an evil empire, that there was a cold war. He was very actively involved in the fighting and winning of that cold war.

Today, we just had a lesson on a bipartisan basis from our colleagues that rejects all of this baloney that somehow we should turn over the protection of Americans to the U.N., that unilateralism was the wave of the future. On a bipartisan basis, our colleagues said when you come down to American interests and American lives, those decisions have to be made by the American President.

That is a dramatic change from what the Senate, America, and the world were like when JESSE HELMS came to the Senate. Probably no one has done more to change that than he has.

Before JESSE HELMS came to the Senate, social conservative was a synonym for Neanderthal. People in the political arena were a little bit ashamed to talk about the role of religion in American history. Talking about religious values and God were so out of fashion that no up-and-coming Senator with big ambitions would do it. JESSE HELMS was a catalyst in changing all of that.

Whether you agree or disagree with JESSE HELMS on the role of religion in American life, whether you agree or disagree about the importance of values in our schools, in our families, in our country, whether you consider yourself in the worn political cliches of the era to be pro-life or pro-choice, there was no spokesman for traditional American values when JESSE HELMS came to the Senate. They may have been old-fashioned to everyone else, but JESSE HELMS was comfortable espousing those values as he has always been comfortable in his own skin.

There are many stories I could relate about JESSE HELMS. I am kind of sorry that many of my young colleagues did not know JESSE HELMS in the old days. But knowing him now is a pretty good substitute for it. I will relate one story which I think brings, in one encapsulated form, JESSE HELMS.

There was a debate in the Senate—I was in the House—about a gasoline tax, and there was a broad bipartisan consensus that we ought to raise taxes on gasoline. After all, people were riding up and down the road in these pickup trucks—we didn't have SUVs to any significant degree then—but Congress, knowing that people really needed smaller cars and needed to learn to live on less, and that we were going to have to accept smaller ambitions and smaller dreams, they had it all figured out, and so Congress was going to impose a new tax on gasoline.

JESSE HELMS almost alone stood up against it. As we all know, they do not call this the greatest deliberative body in history because those of us who are in it are such great deliberators. They call this the greatest deliberative body in history because any individual Member has tremendous power. Any individual Member who feels very strongly about something can have a profound effect on it. So JESSE HELMS, almost singlehandedly, was holding up this gasoline tax. They wanted to adjourn, and everybody was unhappy.

We all are familiar with peer group pressure. It is something you are born subject to, and it never goes away until they lower you in the grave. We all want to be loved, we all want to be accepted, which is why so many of us bend with the wind.

But HELMS was not doing any bending that day. So on the debate went on. Finally, the Senate adjourned. No gasoline tax.

So, JESSE is feeling kind of down and unloved as he is driving back to North Carolina, and he goes into a restaurant and orders a sandwich, and he is sitting there, and this guy over in the corner says: That's JESSE HELMS.

And everybody in the restaurant stood up and applauded.

So his views were out of fashion in the Senate. However, he was a positive impediment. He was a throwback to the era when people did not understand that the Senate and the Government had all the wisdom. They knew what Americans needed, and he was just standing in the way; a man from another age, another era. But in that truck stop restaurant where real people were eating, where people were there who were going to be affected, JESSE HELMS was a hero.

What a great blessing it has been to the country that JESSE HELMS came to serve here. I am proud to call him my friend. I am proud of his great service. I will always remember serving with him.

Mr. WARNER. Madam President, there are many traditions in the southland, where I am proud to have my roots. I represent the Commonwealth of Virginia. We have the saying ''a Virginia gentleman.'' Time will tell as to whether I will ever be able to earn that title. But the great Senator to my right in this Chamber, JESSE HELMS, has earned many times over the title ''a gentleman from North Carolina'' and a ''gentleman of the Senate.''

I have had the privilege of working with him throughout my 24 years in this Chamber. He has been a leader and an inspiration. He has helped me and other Senators as we have joined in this magnificent Chamber time and time again to work our will, to represent our constituents, and he always reminds us that we are here for the whole Nation as United States Senators.

JESSE HELMS is a man of unquestioned integrity, honesty, character, wit, and wisdom. And now with his lovely wife Dorothy, they seek other challenges in life. I never think of my colleague as retiring. He is going on to other challenges, where he will apply the same passion, the same vigor, the same energy, and the same insight into those issues about which he feels so strongly.

We were never in doubt as to where the senior Senator from North Carolina stood on an issue. To his everlasting credit, he learned every day he was in the Senate. I have seen him on two major issues learn more and then have the willingness and the courage to stand here and look us in the eye and say, ''I am going to change my position.''

For years, he was concerned—and rightfully so—about the United Nations. But then he decided that he would lead the effort in the Senate, with his Democrat colleagues on the Foreign Relations Committee, to see that this Nation lived up to its financial obligations and in other ways gave support to the United Nations. I never thought I would witness JESSE HELMS going to the United Nations. He asked me to go with him. I said to myself this will be a moment in history, and off we went with several other colleagues. We had a series of meetings in which we freely discussed the issues and, step by step, some of those financial problems have been resolved because of the leadership of this fine man.

On the subject of Africa, there was no prejudice in his heart. There was concern about whether we could expend funds for that very troubled continent, that troubled population, afflicted by

disproportionate levels of disease and poverty and AIDS. Senator HELMS decided he was going to do what he could to help those people, and that he did, particularly with regard to AIDS. It takes a big man, a giant in the Senate, to do the things he has done.

I will close with this recollection. I remember one year being in session up to the eve of Christmas. I cannot remember the exact day, but Christmas was coming. Tempers in this Chamber were flaring. There was Alan Simpson, a marvelous Senator from Wyoming. Suddenly, he and JESSE HELMS had a bit of a disagreement. As a younger Senator, I was way back there. The disagreement occurred somewhere right in here. I watched HELMS and I watched Simpson. Simpson was noted for his humor. But those two went at it. But the bounds of dignity were always maintained when those two Senators—this time of the same party—had such a strong disagreement. And many times I followed this great Senator as we were leaving the Chamber to go back to our offices, and I watched him stop and talk to the pages, those who provide the infrastructure in this institution, who work with their hands, who do other jobs. He would always find time for those to share with him a thought and he would share with them kind words and kind gestures. My dear friend and his lovely wife and family have many wonderful years ahead of them.

I yield the floor.

Ms. LANDRIEU. Madam President, I wish to express, as have many of my colleagues today who joined the tribute to Senator JESSE HELMS, my appreciation of working with Senator HELMS. Particularly, I have enjoyed working with him, and the people of Louisiana have truly benefitted and have been truly grateful for this man's work, in the area of child welfare and adoption.

As you might know, when Senator HELMS chaired the Foreign Relations Committee several years ago, he had many grave matters under his jurisdiction including several important treaties. Many people asked for his support to call up a number of issues, but, of course, he could not champion them all.

Again, so many things competed for his attention, yet he managed to put the treaty for the international adoption of children on the table and to a vote. This is the first treaty of its kind in the world. Every treaty is important, and everybody who is interested, particularly the groups affected, thinks theirs is the most important. I would be pressed to find a group more vulnerable in the world than orphans. Consider this—orphans really have no one. They do not have any parents. They do not have immediate relatives to look after them to protect, feed, clothe, and educate them. Orphaned minors are a class with no vote. They might live in countries where, even if they are adults, they have no voice or vote. They are often just lost wanderers trying to raise themselves.

Senator HELMS, with all he could have done, took the time of his committee to push forward a resolution that was not without controversy. The treaty said something profoundly beautiful: That we believe a child deserves at least one caring, responsible, and loving parent; that the governments of the world should break down barriers, should do more to see that children are attached to grownups, that children should not raise themselves on the street or should not have to sell themselves into prostitution; that kids should not be abused by adults, and they should be protected by parents.

Mr. President, there are too many orphans in this world. One is too many. Unfortunately, the number is growing astronomically every day, and these children face an AIDS epidemic, war, and famine. In our own country, we have thousands of orphans. People do not believe we have orphans in the United States of America, but we do. We have approximately 500,000 children in foster care, and about 100,000 of them, enough to fill up the Super Dome—every seat and the aisles in the Super Dome stadium—have no parents at all. They think no one wants them. They are all ages, shapes, colors, and creeds. They are all loveable kids. They just do not have anybody to love them and to call their own.

This Senator worked hard with many other Senators to pass this treaty. We did. It is a big deal to a lot of people in the world. It is helping pave the way for the possibility that we could establish laws and rules that would help connect orphans to parents.

If you have ever seen a child who has been adopted—I know hundreds of people who have been affected positively by adoption, including my own family, who have had wonderful outcomes. It is not what we read about in the press, the one or two adoptions that go wrong. But throughout the world, there are parents grateful for the blessing to raise children and children grateful that they have been attached to a family. As you know, that is the building block of our society. Our society cannot be strong if our families are not strong, and families can be built to be strong physically, emotionally, and spiritually through adoption. Senator HELMS knows that.

I wanted to say on this special day that we honor him, he can be honored for a lot of his work, but I think that his contributions to children and his consistent belief in children with special needs deserve to be recognized. I join my colleagues honoring him, and I am glad he is back with us in the Senate to end his long career.

Mr. ALLEN. Madam President, I join my colleagues in honoring the senior Senator from North Carolina, Mr. HELMS, who will be retiring at the end of this Congress. In his five terms in the U.S. Senate, Senator HELMS has been a distinguished leader on behalf of his home State of North Carolina and freedom-loving people throughout the world.

When I arrived in the Senate at the beginning of this Congress, Senator HELMS had already served a remarkable 28 years. It has been an honor to serve under the strong leadership of this gentleman on the Foreign Relations Committee.

Senator HELMS has been a strong advocate for those rights that Thomas Jefferson proclaimed in our Declaration of Independence are ''inalienable''—life, liberty, and the pursuit of happiness.

He has led the initiative to promote a peaceful transition to democracy and respect for human rights in Cuba. Fidel Castro oppresses his people, violates workers' rights, falsely imprisons them, and denies them the freedom of religion. Castro intentionally violates internationally accepted standards of basic human rights to maintain power over the Cuban people.

In response, Senator HELMS sponsored a bill to help the people of Cuba regain their freedom and prepare themselves for the transition to democracy. I am proud to be a co-sponsor of that bill.

Senator HELMS has been a leader in reminding us to put the needs of the Cuban people before the tyrannical agenda of the dictator, Fidel Castro. Castro seeks to retain his monopoly on political power by any means possible. Under his rule, Cuba is one of seven states designated by the State Department as a state sponsor of terrorism, and Senator HELMS has not been fooled into propping up this regime with U.S. taxpayer money.

Not just with respect to Cuba, but around the world, Senator HELMS has been a champion of freedom and democracy. Senator HELMS and I have also worked together to support the people of Taiwan through the Senate Taiwan Caucus.

All the while Senator HELMS has been tackling international abuses and supporting democracy around the world, never once has he forgotten the people of North Carolina and the sovereignty of the United States.

The Senator has been a strong, dedicated advocate for farmers and people who live and work in small towns, especially when he was chairman of the Senate Agriculture, Nutrition, and Forestry Committee.

Senator HELMS and I are working together to lift the Japanese ban on U.S. poultry. We have also worked together on the Farm Bill, ensuring that peanut farmers get the highest target price possible for their peanuts. With Senator HELMS' key help, the IRS has just announced that it will treat peanut quota buyouts as capital gains, not ordinary income. This is good news for devastated peanut farmers in southeast Virginia and northeast North Carolina.

Regrettably, I have had only a couple of years to work with Senator HELMS. But it has been a true honor and wonderful pleasure. On behalf of all the good people of Virginia, I offer my best wishes to Senator HELMS and his family. And, I especially thank him for his

guidance, encouragement and friendship that I shall cherish forever.

Mr. BUNNING. Madam President, for nearly 30 years now, my good friend and fellow colleague Senator JESSE HELMS of North Carolina has been a stalwart of conservative thinking and values for this legislative body. He has represented the very best of what the Republican party has to offer and I would personally like to thank Senator HELMS for his vigor and grit. Now more than ever, it is important that this Senate and this nation realize and appreciate the work Senator HELMS has done for the people of North Carolina and the citizens of the United States of America.

Throughout his tenure in the United States Senate, Senator HELMS has been a true fighter, a heavy weight champion for America's values. He fought against communism throughout the entirety of the Cold War. He fought for and still fights for the protection of the American people against foreign and domestic threats. For 30 years, he has battled and fought against liberalism in an attempt to bring conservative values and ideas back to this nation and to this congress.

''Senator No,'' as he has come to be known, has developed a long list of enemies on the other side of the aisle and in certain media outlets. But let's not forget what Winston Churchill said about having enemies. ''You have enemies? Good. That means you've stood up for something, sometime in your life.'' Whether or not you have agreed with one word or action Senator HELMS has said or taken in his 30 years as a Senator in the United States Congress, you have to agree with and admire his determination and strength. Once again, I thank Senator HELMS for being a guiding light in a sometimes dark world.

Mrs. FEINSTEIN. Madam President, I rise today to honor my colleague, Senator JESSE HELMS, and to thank him for his service to his country and the U.S. Senate. Senator HELMS is retiring after 30 years in the Senate and I wish him and his wife, Dot, all the best.

Senator HELMS and I have not always agreed on the issues. But any disagreements we may have had has never gotten in the way of a constructive and cordial working relationship. We served together on the Senate Foreign Relations Committee for several years and currently serve together on the Rules and Administration Committee.

I have admired his dedication to his views, though I may strongly disagree with them, and his commitment to his constituents in North Carolina. There were certainly several occasions when I wished I had Senator HELMS fighting on my side.

When the battle was done, there were no hard feelings. As several of my colleagues here today have mentioned, you would be hard pressed to find a nicer man in the U.S. Senate. Whether you are a page, maintenance worker, staffer, Senator, President, Republican or Democrat, Senator HELMS treats you with the same amount of respect and courtesy. That is a fitting tribute to a man who has dedicated himself to a life of public service.

Again, I thank Senator HELMS for his time in the Senate. This body will certainly not be the same without him.

Mr. CRAIG. Madam President, allow me to add my voice to the chorus of regard for the distinguished senior Senator from North Carolina, JESSE HELMS.

There is a word we use a lot around here the word ''gentleman.'' Perhaps as a result of the demands of Senate protocol, our colleagues frequently use the word in addressing one another. It is thrown around so regularly that it has almost become as meaningless as ''mister'' in modern Congressional parlance.

However, ''gentleman'' is more than a meaningless title in the case of Jesse Helms. I am not alone in referring to him as ''the conservative gentleman of the Senate'' because that is precisely what he is: an unfailingly gentle, kind, and courteous man. Even in the heat of battle, slicing through the opposition as he so often does, he maintains not just the integrity of his principles, but the integrity of his performance. Even when he establishes himself as the immovable object to block bad policy, as he also has done so often, he does it graciously.

Senator HELMS' restraint is all the more significant in view of the turbulence of the debates he has waded into. This is a man who does not back away from challenges but confronts them. His dedication to principle is unshakeable, and he is an invaluable ally in stormy political passages. As fellow skeptics of the United Nations and particularly, of the International Criminal Court, I appreciated having his support last year in preventing the United States' endorsement of that institution. Surely one of JESSE HELMS' lasting legacies will be his mark on our country's foreign policy. But that is only one small part of the profound impact he has had on our laws and our culture.

Senator HELMS' leadership and articulate championship of conservative ideals have inspired countless admirers of many generations. I can attest to the fact that the ''Jesse Helms fan club'' extends to my own Senate staff, who proudly display the photos they have had taken with Senator HELMS, and talk about his generosity in taking time to visit with them—visits they will remember for the rest of their lives. For my part, I consider it a privilege to have served with, and learned from, a man of his caliber.

Senator HELMS has been an extraordinary advocate for the people of North Carolina and, indeed, this Nation. His clear vision and steady guidance will be sorely missed when he leaves the Senate in the coming months. I join my colleagues today in congratulating JESSE HELMS on his distinguished career, thanking him for the contributions he has made to the Senate and the United States, and wishing him all the best in the next chapter of his remarkable life.

Mr. HATCH. Madam President, It is always a sad day in the U.S. Senate when we prepare to bid good-bye to a dear friend and fellow Senator. But when you have been here as long as I have, and you are saying good-bye to a gentleman who was here when I arrived, and whom I first considered a senior Senator and now can also call a friend, it is particularly bittersweet.

Many of my colleagues have spoken eloquently already about the senior senator from North Carolina, my friend JESSE HELMS. I would like to associate myself with these remarks of tribute and respect. If we spent the rest of the year praising JESSE, we would still not do justice to this man.

So I would like to take a moment here to comment on the leadership JESSE HELMS assumed in his pivotal role as ranking member and chairman of the Senate Foreign Relations Committee.

Oh, the wags worried, Mr. President, when the Republicans retook the Senate in 1994. What would this mean for the country that JESSE HELMS would chair the committee that conducts the oversight over this nation's foreign policies and institutions of diplomacy? There was one cartoon I found particularly amusing: There was JESSE, scowling at his desk, on which sat a globe cut in half, with only the United States showing. The JESSE they portrayed was an isolationist, but the JESSE we know is merely an unabashed defender of the U.S. national interest.

In this very chamber, JESSE has often argued that the State Department has lost the perspective of advancing our interests. Foreign aid, the good senator from North Carolina is famous for saying, ''went down rat holes.''

JESSE sees foreign policy from the perspective of preserving and advancing the national interest. Call it ''parochial,'' if you will, but JESSE is a traditional conservative: the sovereignty of the nation state was at the core of the international system, and if order is to prevail, it would remain at the core. And no sovereignty was more jealously protected than the sovereign of this country under our Constitution.

Of course, you can't be a traditional conservative without recognizing the virtues of freedom and the threats of tyranny. You can't believe in the United States and ignore that the world presents—and continues to present threats to these freedoms emanating from all forms of tyranny. And JESSE has fought against them all.

There is no stauncher anti-communist than JESSE HELMS, and I admire him for this. Whether it is Latin American communism under the Castro dictatorship or Sandinista state, or the Soviet managers of the Gulags internal and external, JESSE has stood up to them and has outlived most of them.

No man stands for freedom against communism more steadfastly than JESSE HELMS. To do so was the fundamental attribute, in my opinion, of a conscientious internationalist.

The foes of JESSE HELMS know that he is relentless. His friends know that he devoted. Small democracies around the world and I think of Israel and Taiwan have in JESSE HELMS a stalwart defender.

JESSE's internationalism, doubted by many, has transformed the world. Let me give you but a few brief examples:

After years of frustration in Washington, JESSE could no longer tolerate the waste and ideological neglect emanating from the United Nations. Building on policies of restricting funding to that body that began in this Senate in the 1980s, JESSE drafted legislation setting targets of reform and reduced U.S. contributions that most people believed the U.N. would never comply with. JESSE was anti-U.N., many charged, and wanted the U.S. to withdraw from that body into further isolationism.

This was nonsense, of course, JESSE, who was parodied as an anachronistic reactionary, is in fact an internationalist visionary. He knew that the American public would soon cease to tolerate inequitable funding requests for a broken international bureaucracy. He knew that the way to irrelevancy for the U.N. was the path it was on. JESSE cut another path, in landmark legislation that gained, ultimately the vast majority of the support of members on both sides of this aisle, to demand that the U.N. reform its bureaucracy and reinvigorate its relationship with the U.S. and the U.S. Congress.

The U.N. heard the message and responded. And it is a better organization for it. The fact that President Bush was able to address that body two weeks ago from a position of mutual respect, and that we will be able to work constructively with that body in the coming difficult months ahead, has a great deal to do with the foresight of JESSE HELMS.

In recent years, JESSE has promoted the American Servicemembers Protection Act, which I have been proud to cosponsor, to defend U.S. military from prosecution of an ill-focused United Nations International Criminal Court. Not a popular cause among the multilateralists, abroad and in our own government, but JESSE HELMS has always been about doing what's right for America, not what's popular.

This legislation was recently signed into law. And guess what, Mr. President. The European Union, the professional advocate of all things multilateral, is coming around to recognizing that the U.S. must have as a component of bilateral relations formally exclusions our servicemen who sacrifice so much for their country and should be accountable only to their country's laws and commander-in-chief. Once again, JESSE HELMS eschewed the conventional wisdom, saw over the horizon, and strengthened America's position in the world.

And my friend JESSE HELMS knows that, when America's position in the world is strengthened, the security of the world is advanced. This is the kind of internationalism that I admire.

Most people are not focusing now, among the debate over Iraq, on the fact that NATO is engaging in another expansion, bringing in seven nations of central and eastern Europe into this military organization of democracies. The alliance will be stronger for this, and U.S. national security will be more secure.

This is the second enlargement after the end of the Cold War. The first was completed in 1999, when Poland, Hungary and the Czech Republic became members. In 1998, this body, where we must ratify any North Atlantic Treaty amendments, had a historic debate on whether to allow these members. JESSE HELMS shepherded that debate, and U.S. national security interests were advanced.

All of us know that there is so much to JESSE HELMS that we cannot do him justice in our remarks of appreciation. Constituents, colleagues, foreign friends—all of these know this of this man.

A few years ago, I had a meeting with an impressive songwriter named Bono, who came to my office seeking support for debt reduction in the poorest countries of the world. I was impressed with Bono and his work, and I was impressed that he wanted to work within the system, respecting economics while advocating compassion. He had my support. As he left his office, I asked where he was going. Bono told me, ''I'm going to meet Senator HELMS.'' That will be interesting, I thought to myself.

As is now well-known, Bono and JESSE HIT IT OFF. AND TODAY JESSE HELMS is a leader in supporting the U.S. contribution to fighting that terrible pandemic in Africa.

Many have tried to define JESSE HELMS by what he opposed. I will remember him for what he supported: Freedom, human rights, and strong and independent America, free to spread its good in the world.

I thank my good friend for his years of service, for his friendship to me, for his impeccable courtesy in debates whether we agreed or not. We will never see the likes of a Senator HELMS again.

Mr. COCHRAN. Madam President, it was good today to hear the many heartfelt sentiments and compliments being expressed in the Senate about our distinguished colleague from North Carolina. I want to be counted among those who respect JESSE HELMS for his conscientious and diligent service in the Senate and for the generosity of spirit he displays and the affection he has for his fellow Senators and the staff and employees of the Senate.

If you could ask all of the Senate pages who have served here during the time Senator HELMS has been in the Senate who their favorite Senator was, I am sure they would tell you it was JESSE HELMS. He takes time to get to know them all and to greet them each day. He really cares about them and he wants them to know they are appreciated. That is the way Senator HELMS has treated everyone in the Senate. He has a heart of gold.

When Senator HELMS was Chairman of the Agriculture Committee, I appreciated the fairness and respect he showed to all of the members of our committee. He was especially helpful to me and I will always be grateful to him for his friendship.

I wish for him much happiness and satisfaction in the years ahead.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, I thank all Senators who have been so kind this morning.

I have been sitting here at this desk wondering who on Earth is this Helms fellow whom my colleagues keep talking about. To be sure, there are newspaper editors in North Carolina who will tell you that any kind words uttered about Jesse Helms are, at best, exaggerations.

So it goes without saying that I am grateful for the generosity of my colleagues. It reminds me of the first time I came to Washington, DC to work in this Capitol Building, back in 1950. I had come to Washington with a remarkable Senator, Willis Smith, who had the highest and finest credentials as one of the Nation's leading and most respected attorneys.

Senator SMITH deserves a tribute all his own. He was, among other distinctions, chairman of the Board of Trustees of Duke University, and former president of the American Bar Association. I was honored that he had shown the faith in me that led him to bring me with him to Washington as his administrative assistant.

The Senate was a far less hectic place during the 2½ years I worked for Senator Willis Smith, before his tragic and untimely death in 1952. All of us who worked in the Senate at that time had the privilege to know some of the true pillars of the Senate, men who were the cornerstone of America in the 20th century, among them, a special friend of mine, Richard Russell of Georgia. Senator Russell was so kind to have taken an interest in me in those years, and I vividly remember many conversations with this remarkable American. Once, he told me something, for example, that I never have forgotten. He commented: ''Jesse, a Senator who goes onto the Senate floor without knowing the rules is only half prepared. And a man who walks onto the Senate floor with command of the rules can cut Senators lacking such knowledge to ribbons.''

I never imagined that more than 20 years later, in 1972, the turn of events would lead me to be persuaded to become the Republican candidate for U.S.

Senate from North Carolina. Nor did I ever expect to have the good fortune to win. But on election night 1972, at 9:17 p.m., Walter Cronkite came on the television and said, ''Down in North Carolina, a fellow named Jesse Helms has got himself elected to the Senate.''

So, I went off by myself and prayed for guidance. Then, after spending some time with my family, I remembered that comment by Senator Russell. I determined that I would do the best I could to learn something about rules of the Senate.

It developed as soon as I was sworn into the Senate in January 1973 that I had the great fortune to have a teacher like Senator Jim Allen of Alabama. Once a week, I would go to Senator ALLEN's office, and he would conduct an impromptu classroom in Senate procedure. Then, as often as I could, I would come to this Chamber and preside over the Senate.

So as a freshman Senator, I had a wonderful opportunity to preside over the Senate. That enabled me, working with that great man Dr. Floyd Riddick, Chief Parliamentarian of the Senate, to learn the rules backwards and forwards. True to Senator Russell's words, those rules came in handy during some spirited battles around here. And as the years went by, I won some and lost some, but I always had the comfort of knowing I had done what I thought was right in the best way I knew how.

I recall the time that I mentioned the late Senator Dick Russell in debate one afternoon. Later that evening, Majority Leader Mike Mansfield thanked me for my reference to Senator Russell. Senator Mansfield mentioned that former Senators who departed by reason of death or expiration of their tenures here were often quickly forgotten.

Senator Mansfield was right about this. As will be true in my case, most Senators who have completed their service will be forgotten, just as surely as others have faded into history.

As I approach the end of my five terms in the Senate, I realize that being remembered isn't important. What is important is standing up for what you believe to be right, hoping that you have done everything you can to preserve the moral and spiritual principles that made America great in the first place.

My father, rest his soul, was a good man who taught me many things. In my office, there is an inscription of something he told me many years ago. ''Son,'' he said, ''The Lord doesn't expect you to win. He just expects you to try.''

With the remarkable Dot Helms at my side, we have done our best to live up to my father's admonition. And while we are certainly not perfect, and we certainly haven't always had all the answers, we have the comfort of feeling that we have done the best we can. Nobody can claim to have had a better life, or to be more blessed and honored by the people of North Carolina than Dot Helms and me.

Every so often, a reporter will ask me what I consider to be my legacy after 30 years in the Senate. Now ''legacy'' is a fancy word for the son of a small town police and fire chief, so I never know how to answer such a question.

But there is one thing I should mention that has given me particular satisfaction during my Senate career. When I was first elected, it was, as I have mentioned, a genuine surprise. I never expected to win. And one of the things I promised myself on that November night was that I would never, ever, fail to see a young person, or a group of young people, who wanted to see me.

Now the young lady who keeps track of such things in my office recently told me that I have had the chance to visit with more than 100,000 young people during my nearly 30 years in the Senate. I have been the beneficiary of the time I have spent with these young folks.

It is in them that I have seen the promise of what I regard as the ''Miracle of America.'' They are bright, curious, throughly decent young folks who are committed to preserving the ideals of America as a country devoted to freedom and opportunity.

As Dot Helms and I prepare to go home—this time for good—we are grateful to young people who have visited us. Dot and I are convinced that America's future is in fine hands.

They are not my legacy; they are America's legacy, and I thank the Lord for them every day.

I thank the Chair, I thank my colleagues, and I thank the people of North Carolina for allowing me the honor of serving in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

MEASURE READ THE FIRST TIME—S.J. RES. 46

Mr. LIEBERMAN. Madam President, along with Senators WARNER, BAYH, and MCCAIN, I have a joint resolution at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The bill clerk read as follows:

A joint resolution (S.J. Res. 46) authorizing the use of U.S. Armed Forces against Iraq.

Mr. LIEBERMAN. Madam President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection has been heard.

The joint resolution will receive a second reading on the next legislative day.

USE OF U.S. ARMED FORCES AGAINST IRAQ

Mr. LIEBERMAN. Madam President, along with my dear friends and colleagues, Senators WARNER, BAYH, and MCCAIN, I am proud to introduce this bipartisan resolution which would authorize the President of the United States to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq, and to enforce all relevant United Nations Security Council resolutions regarding Iraq.

There is no more fateful or difficult decision that we as Senators are ever called upon to make than a decision as to whether and when and how to authorize the President as Commander in Chief to put the men and women of the U.S. military into battle.

Each Member of the Senate must make this decision at this hour according to their personal conscience and their sense of what is best for the security of the people of the United States of America.

For my part, and that of my colleagues, I have made that decision. For more than a decade now, Saddam Hussein has threatened the peace and security of his region and the wider world. We went to war in 1991 to roll back his aggression—an invasion of Kuwait—because we determined across party lines that Saddam Hussein had ambitions that were hostile to America's security and the peace of the world to become the dominant power in the Arab world which, if ever realized, would be bad for the Arab world, bad for the peace and security of the broader region, and very bad for the people of the United States. We won that war in Kuwait—Operation Desert Storm—but Saddam Hussein has continued for the decade since then, notwithstanding documents that Iraq signed to conclude the gulf war, to thwart the rule of law internationally, to deceive and deny all that he had promised to do at the end of the gulf war, and all that the United Nations called on him to do in the years since then. He has continued, without question, to develop weapons of mass destruction and the means to deliver them on distant targets. He has continued to earn a dubious place on that small list of countries that the State Department considers state sponsors of terrorism.

Even today, Iraq has provided shelter for significant figures within al-Qaida who struck us on September 11, as they have fled from American military forces in Afghanistan.

President Bush has said that the hour of truth has arrived. We can no longer tolerate the intransigence and danger posed by Saddam Hussein. He has gone to the U.N. and sought support from the international community.

This resolution is our attempt to express our support of the President as Commander in Chief in seeking international backing for action against Saddam Hussein. It is also a way to strengthen the President's hand as Commander in Chief. If Saddam Hussein does not comply, or if the United Nations is not willing to take action to

enforce its orders, in my opinion, this is the last chance for Saddam Hussein but also the best chance for the international community to come together to prove that resolutions of the United Nations mean more and have more weight than the paper on which they are written.

It is also the hour for Members of Congress to draw together across party lines to support the national security of the United States. A debate will follow in the days ahead. It is an important debate that should not be rushed. It should be reflective. Ultimately, I am confident the resolution that Senators WARNER, BAYH, MCCAIN, and I are introducing will enjoy the broad, bipartisan support that our national security demands at this time.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I commend our distinguished colleagues, Senator LIEBERMAN and Senator BAYH, for joining my good friend, Senator MCCAIN, and myself as we introduce this resolution on behalf of the leadership in the Senate. Certainly, those leaders will join us on this.

I remember in 1991, Senator Dole, Senator MCCAIN, and I led the effort on this side of the aisle, and my good friend and colleague of these many years joined us. There was a historic debate. We will now embark this great body of deliberation on a similar debate on this extremely important resolution.

I commend our President for the leadership he has shown. This issue would not be in the forefront worldwide, the forefront in the U.N., and now in the forefront of the U.S. Congress had not this very bold and courageous President undertaken the difficult task of pointing out the perilous times in which we live with regard to terrorism and, most particularly, the threats posed not by the people of Iraq, but by Saddam Hussein and his regime.

Madam President, I wish to commend Leader LOTT. We met with him this morning. We have been meeting with him through the day. Senator MCCAIN and I and others have been a part of his working group to achieve the maximum bipartisan support obtainable on this resolution. I am confident that will be achieved. I am very confident, given the leadership of our two distinguished colleagues joining us here today, because it is important there be a solid phalanx of the House of Representatives, which will have an identical resolution, and the Senate joining together behind our President and speaking with one voice, as our President and the Secretary of State, working through the United Nations, achieving, hopefully, a resolution which will comport with the President's historic address to the United Nations, and also a resolution that will reflect the United Nations is going to stand up as an organization and live up to its charter and take on the responsibility of bringing this question of weapons of mass destruction in Iraq to a conclusion so this world can be more peaceful.

I thank my colleagues, most particularly the four of us who are here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, morning business is supposed to conclude at 12:30 p.m. I know there has been some adjustment on the time because of tributes to Senator HELMS. Since we are not going to be able to vote on the bill that would be called up, for reasons I do not understand—we are not going to be able to vote on cloture until tomorrow—I ask unanimous consent morning business be extended until 1:45 p.m. today, with Senators allowed to speak therein for a period of up to 10 minutes each.

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

Mr. REID. Madam President, there are a number of people in the Chamber wishing to speak. We have been able to offer tributes to Senator HELMS, and people are also talking about substantive issues, such as the Senator from Connecticut, the Senator from Virginia, now the Senator from Indiana, and the Senator from Arizona, who wishes to speak. If we need more time, I am sure we can do that.

The majority leader is contemplating a vote today at 2 o'clock on a nomination. We have not worked it out with the minority. We are trying to do that.

The PRESIDING OFFICER. The Senator from Indiana.

USE OF ARMED FORCES AGAINST IRAQ

Mr. BAYH. I thank the Chair. Madam President, I am pleased to join with my colleagues today on a bipartisan basis to authorize the President of the United States to use appropriate force to defend the national security interests of our country.

I join in this effort with a sense of regret that events have come to this. No one can contemplate the use of military force with much satisfaction, but I also approach this debate with the firm conviction that the time has come to unite, to take those steps that are necessary to protect our country, including the use of force, because all other avenues have been exhausted and seem unlikely to lead to the result of protecting the American people.

Iraq presents a very significant potential threat to our country. Saddam Hussein possesses chemical, biological, and some day will possess, if events are allowed to run their course, nuclear weapons. If there is one thing we can say with absolute certainty, it is he is developing these weapons for no benign purpose. He does not need them to retain his power within Iraq, but in all likelihood will use these terrible weapons to project that power, to intimidate other states in the region, and potentially one day for use against us as well.

If there is even a 10 or 15-percent chance of smallpox or anthrax or a crude nuclear device could one day be placed in the hands of suicidal terrorists for use against the United States of America, this is a risk we cannot afford to run. We have attempted diplomacy without effect. We have attempted economic sanctions to no effect.

Regrettably, my colleagues and I have concluded the President needs the authorization to use force to protect our country from this sort of eventuality. Of course, we will continue to negotiate with the United Nations. Of course, we will gather our allies. But the time has come to unite, to do what it takes to defend our country.

I am pleased to join with my colleagues, Senators WARNER, MCCAIN, and LIEBERMAN, in giving the President the authority he needs to do exactly that.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise today to join my three colleagues, Senator WARNER, the distinguished ranking member and former chairman of the Armed Services Committee, Senator BAYH, and Senator LIEBERMAN. I am always honored to have my name associated with these three outstanding public servants.

This resolution, we should make very clear, is the text of the resolution agreed to this morning by the President of the United States and congressional leaders. This is the exact text of a resolution that was agreed to in hopes the debate will take place on two exact resolutions in both Houses of the Congress. I believe with open, spirited debate and discussion, we will come to a consensus which is broad based, and following a debate which I think will be illuminating and educational to the American people, as well as our colleagues.

America is at war with terrorists who murdered our people one year ago. We now contemplate carrying the battle to a new front—Iraq—where a tyrant who has the capabilities and the intentions to do us harm is plotting, biding his time until his capabilities give him the means to carry out his ambitions, perhaps through cooperation with terrorists—when confronting him will be much harder and impose a terrible cost.

Saddam Hussein is in patent violation of the terms of the Gulf war ceasefire and 16 United Nations Security Council resolutions. He possesses weaponized chemical and biological weapons and is aggressively developing nuclear weapons. He holds the perverse distinction of having used weapons of mass destruction against both his own

people and his enemies—the only dictator on Earth who has done so. As our President has said, Saddam Hussein's Iraq is a grave and gathering danger, a clear threat to American security and the security of our friends in the region.

As I just mentioned, Congress must debate the question of war with Iraq. It is appropriate and right for the people of the United States to have their voices heard in this debate through their representatives in Congress. But as the President has said, the nation must speak with one voice once we determine to take a course that will most likely send our nation's young men and women to war.

The President has patiently worked with Congressional leaders to craft a resolution authorizing him to take necessary action in Iraq to defend American national security and enforce all relevant U.N. Security Council resolutions. The resolution is a product of compromise that protects both congressional prerogatives and the authority of the Commander in Chief to use whatever means he determines necessary to protect American security.

The President's authority is not absolute on these matters. But he is the Commander in Chief, and he has made clear that congressional action to tie his hands, to limit the way he can respond to threats to the security of the American people, will damage our country's ability to respond to the clear and present danger posed by Saddam Hussein's Iraq.

There is a reason why the Constitution vests shared power in the President and the Congress on matters of war. But there is also a reason why the Constitution recognizes the President of the United States as Commander in Chief. Limiting the President's ability to defend the United States, when Congress and the President agree on the nature of the threat posed to the United States by Iraq, is unwise.

No resolution tying the President's hands or limiting the President's ability to respond to a clearly defined threat can anticipate the decisions the President will have to make in coming weeks and months, with American forces deployed overseas on his orders, to defend American security. We cannot foresee the course or end of this conflict, even though to most of us the threat is abundantly clear, and the course of action we must pursue is apparent. That's why there is one Commander in Chief, not 535 of them. Restricting the President's flexibility to conduct military action against a threat that has been defined and identified makes the United States less capable of responding to that threat.

Supporting the President in his role as Commander in Chief does not necessarily mean supporting the President's policy on matters of national security. In 1995, President Clinton determined to deploy American forces to Bosnia to uphold a fragile peace in a land where many said peace was not possible. Until that time, I had serious concerns about the administration's policy in the Balkans. But once the President made his decision, I worked with Senator Bob Dole, Senator WARNER and many of my colleagues to make sure the President—a President from the other party whom we had criticized harshly for his conduct of national security policy—had the support he needed to enforce the peace in Bosnia. I think my friend Senator Dole would agree with me that it was one of the high points of our service in the Senate.

Thanks to the President's leadership over the past few months, the Congress has been moving steadily to support the President's determination to hold Saddam Hussein accountable to the world. I urge all my colleagues to renew their efforts to come together on one resolution—to show the world we are united with the President to enforce the terms of the gulf war ceasefire and prevent Saddam Hussein from threatening our and the world's security ever again.

Again, I want to thank Senator LIEBERMAN, Senator BAYH, and Senator WARNER, and I especially would like to mention Senator LIEBERMAN and Senator BAYH have shown some courage on the floor of the Senate, as Senator WARNER and I have had to do in the past, when perhaps the majority of our party may not have been in complete agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, this concludes the introduction of this matter to the Senate. I thank my friend JOHN MCCAIN for his leadership on this issue from the very beginning, as he consulted in the process with Senator LOTT and others with regard to this resolution.

If those who wish to join us would kindly indicate their expressions of support to the leaders, myself, Senator MCCAIN, and Senator LOTT. Before leaving the floor, Senator HELMS indicated his strong support, and in due course we will constitute the cosponsors of this resolution as we move forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from Vermont.

BIPARTISAN SUPPORT OF H.R. 2215

Mr. LEAHY. Madam President, I take a moment while the Senator from Alabama is here. I thank Senator SESSIONS for his statement yesterday in support of the bipartisan conference report on DOJ authorization. I do that because I know he opposes a significant piece of it, Senator HATCH's legislation regarding automobile dealer arbitration, but I applaud Senator SESSIONS for reaching beyond that for the better bill, the overall bill.

I compliment his work on the conference report on the Paul Coverdell Forensic Sciences Improvement Grants, the Center for Domestic Preparedness in Alabama, and a number of other States.

In a hurried time, and sometimes partisan Senate, we do not take enough time to acknowledge and appreciate work done by those on the other side of the aisle. I take this moment to express my appreciation of the work of the Senator from Alabama, Mr. SESSIONS.

Mr. LEAHY. Mr. President, it is the intention of Senator HATCH and I to move to suspend paragraphs 2 and 3 of rule XXVIII of the Standing Rules of the Senate for consideration of the conference report on H.R. 2215, the Department of Justice Appropriations Authorization Act.

TRIBUTE TO STROM THURMOND

Mr. GRAMM. Let me also say that I put a statement in the RECORD today about STROM THURMOND. I was busy trying to deal with homeland security when we had the time to speak on STROM THURMOND. But I do want to relate one story about STROM, which is in my statement in the RECORD. When I was elected, like many new Senators do, before we went into session I brought my two sons to the Senate. I guess one of them was about 8 and one of them was about 10—or maybe 10 and 12, I lose track.

Anyway, we found my desk. So I said to my sons: Do you all want to sit in my chair? By this time they had looked around at all of the desks, and they decided they didn't want to sit in my chair. They wanted to sit in Barry Goldwater's chair and STROM THURMOND's chair.

I guess at the time, my feelings were a little hurt. But looking back, when I am sitting on the front porch of a nursing home somewhere and nobody remembers who I am or what I ever did, I am going to be able to say to myself: I knew and I served with the great STROM THURMOND. An absolutely remarkable man, not because he is 100 years old, in the Senate, but because he is forever young—not in a physical sense. My God, his physical capacities are amazing.

I remember one night, it was about 2 in the morning, we were in session. Senator BYRD was keeping us here to debate something. I was dog tired. I was talking to STROM, and he was lamenting that his brother had died because he hadn't taken care of himself and burned the candle at both ends.

I said to STROM: How old was your brother? He was 89 years old. But to STROM, that was not taking care of yourself.

The amazing thing about STROM THURMOND's eternal youth is not physical, it is mental. This is a man in his long career who could learn new lessons. This is a man who is not ashamed to say: I am not as ignorant as I used to be. This is a man who could admit to changing his mind.

We are in the only profession where people look down on you if you learn something; that somehow you are inconsistent if you thought one way one day and you acquire more information and you change your mind.

The most amazing thing about STROM THURMOND to me is that through all of his public service, from supreme court justice in South Carolina, from superintendent of schools, to general in the Army on D-Day—we all know the story about one of our colleagues going over with President Reagan and saying to STROM he should have been there at Normandy, and STROM said he was there. And he was there when it counted, on June 6, 1944—is that eternal youth, that ability to learn something new, to have a new perspective and to change that makes STROM THURMOND the most remarkable person with whom I have served.

HOMELAND SECURITY AND TERRORISM INSURANCE

Mr. GRAMM. Finally, seeing I have another colleague come to the floor, I want to say something about two issues that are before us that I am frustrated with, as, I am sure, are many of my colleagues. But in both cases, our problem is the power of special interests as pitted against the public interest. We are trying to do a homeland security bill, and it is not easy because to change the way Government does business is to take on a powerful political constituency, the Government employee labor unions. They are organized and they are active. We are all aware that we are having an election next month. Members are being forced to choose between national security and political security, to choose whether we are putting business as usual and work rules negotiated between the Government and unions above protecting the lives of our citizens.

It is frustrating to me that even when people's lives are on the line, powerful special interests can wield the kind of power that the Government employee labor unions have been able to bring to bear on this issue.

I had always thought when we started this debate that when we were talking about protecting the lives of Americans, we were going to give the President the benefit of the doubt. But at least to this point we have not.

A second issue is terrorism insurance. I was with the President yesterday. Many of our colleagues were there. He was talking about $16 billion of projects, 300,000 construction hard-hat jobs that we were not creating because people were afraid to build high-profile projects because they cannot buy terrorism insurance. The President has asked us to move forward on a bill.

In October, the House had already acted on the bill and, on a bipartisan basis, Senator DODD, Senator SARBANES, Senator ENZI, and I worked out a compromise which was agreed to by the Treasury that had a compromise on the issue of: Can you sue somebody who is a victim of terrorism for punitive damages?

The President's view is very strong on the subject; that is, when somebody has been the victim of terrorism, it is like someone coming onto a hospital ship to prey on them by filing lawsuits against them. Lawsuits against terrorists is fine, but for victims of terrorism there shouldn't be punitive damages.

We worked out a compromise on a bipartisan basis. But the plaintiff's bar came out against that compromise, and, as a result, we have never been able to do anything from that point on.

Again, it is the case where there is a powerful special interest that is preventing us from promoting the public interest.

I am hopeful in the remaining days of this session—and I believe unless the end point is changed, today is Wednesday, so tomorrow is Thursday; we are probably not going to do a lot of work on Friday or Monday. Then we are planning to adjourn Thursday, or Friday, or Saturday at the latest—if we are ever going to do something on homeland security and terrorism insurance, we had better get on with it.

The amazing thing is that it is apparently going to be very easy for us to pass a resolution giving the President the power to go to war. I support that because I think American security interests are at stake. We can do that because there is no well-organized, powerful political special interest group that supports Saddam Hussein. But we can't do homeland security and we can't do terrorism insurance because there are organized, effective, powerful special interest groups that oppose what we are trying to do. I hope we can overcome that hurdle. I hope in the process we can pass these two important bills.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Alaska.

TRIBUTE TO SENATOR JESSE HELMS AND SENATOR STROM THURMOND

Mr. MURKOWSKI. Mr. President, I am sorry I could not get the floor earlier. But I assume we are still in morning business, and that I may proceed with reference to a couple of our colleagues who are leaving. I was unavoidably detained in a conference meeting with the House of Representatives on the status of the energy bill.

First, I think it is important as we see our friends depart from this body to talk about what is outstanding in our own minds relative to their contributions. One could go on at great length relative to the contributions of Senator STROM THURMOND and Senator JESSE HELMS. But one of the things outstanding in my mind is the tours that Senator THURMOND used to give when we had a social event here in the Capitol. Upon the conclusion of the event, he would offer to take at least some of the guests on a night tour of the Capitol, and he would recite instances that occurred 30, 40, 50, and almost 200 years ago relative to the sacred surroundings and the Old Chamber where the Supreme Court originally was here in the Capitol, and reflect humorous stories of who sat where and what their personal traits might be.

Looking back on my 22 years in the Senate, I treasure those moments. My wife Nancy and I often have talked about them. Unfortunately, his health does not allow him to conduct those tours anymore, but for those who were fortunate enough to share a few moments of his humor on those tours, the historical references, his magnificent memory, and the reference to the uniqueness of the Senate, and the outstanding highlights of the various careers of those who have come and gone, it was truly a memorable experience.

Today, we set aside time for Members to comment on Senator HELMS who is also leaving us. Again, it is a matter of individual impressions that Members leave you with.

Without exception, Senator HELMS' comments on this floor back in 1983 stand out in my memory as certainly the most significant, most timely, and most on target references to a frightening situation that occurred. That was the shooting down of the Korean Airlines flight 007, which was shot down by a Soviet Sukhoi 15 fighter jet on September 1, 1983. That flight was on its way from Anchorage, AK, to Seoul, Korea. There were 269 lives lost, including a Congressman, Larry McDonald.

At that time, Senator HELMS and Senator Symms, the former Senator from Idaho, were on another Korean Airlines flight that was in transit in Anchorage the same time as the Korean Airlines flight 007.

I was in the Senate Chamber when Senator HELMS delivered his floor statement on September 15, 1983. There were many who were commenting and making statements, but by far the most moving statement was Senator HELMS'. I am going to take the liberty of quoting a bit of his statement at that time. Let me quote the statement of Senator HELMS as follows:

> Mr. HELMS. I was on the Korean airplane that landed in Anchorage for refueling 20 minutes after the ill-fated plane. Both planes were on the ground for more than an hour, meaning that both planes were there together for the better part of an hour. Most of the passengers on both planes went into the terminal.
>
> It so happens that the distinguished Congressman from Georgia, Representative Larry McDonald, did not, or I did not see him. But in the lounge of the terminal I saw one of the most delightful young families

anybody could ever hope to see. A young man and his wife-the young was going to Seoul, as I understand, to head up Eastman Kodak's organization there. They had two little girls, aged 5 and 3.

The mother was sitting reading Bible stories to those two little girls when we entered. The little girl was sitting on her mother's lap and the 5–year-old was sitting on the arm of the chair. And when the mother had finished reading to the children, I went over and introduced myself.

In the conversation, he offered to take the children and read them a story while their mother went to refresh herself. They were on his lap. They were playing games—the same games he played with his own grandchildren. He said:

They were on my lap and we were playing little games that I play with my grandchildren.

If I live to be 1,000, I say to the Senator, I will never forget those two little girls, who had a right to live and love and be loved, but who will never have that right because of this criminal, brutal, premeditated, cowardly act by the Soviet Union.

I will forever remember the giggles and the laughter-they hugged my neck and they kissed me on the cheek. Finally, their plane was called, and my last sight of them as they scampered out the door was their waving ''bye-bye'' to this fellow and blowing kisses to me.

I tell you that you could have heard a pin drop in this body when he delivered that message. It was a tough message. But he was right on target. Those children had a right to live, a right to be loved, and it was finished—snuffed out in that premeditated act by the Soviet Union by the shooting down of Korean Airlines flight 007.

Senator HELMS is certainly known for calling a spade a spade. But that day I thought he was right on target in calling the atrocity what it was—a cold-blooded murder. I will never forget the comments the Senator made at that time, and they will live with me always.

I admire Senator HELMS, what he stands for, and the contribution he has made to this body.

TRIBUTES TO STROM THURMOND

Mr. SMITH of New Hampshire. Mr. President, I rise to congratulate Senator STROM THURMOND on his remarkable tenure as a U.S. Senator.

As a history teacher, I taught my students about Senator THURMOND. As a Congressman, I always admired Senator THURMOND's leadership, and his willingness to speak out for his beliefs. As a Senator, it has been an honor to serve with Senator THURMOND.

He is a true patriot, a true civil servant. He has served his country in countless ways, and in every case, he has pursued this service with vigor.

He showed his dedication to the United States by serving in the army during World War II. Senator THURMOND originally signed up for an administrative position, but he eventually went to both the European and Pacific theaters.

He served with the storied 82d Airborne Division and landed in Normandy on D–Day. His combat service earned him eighteen citations, including the Bronze Star for Valor, a Purple Heart, the Belgian Order of the Crown, and the French Croix de Guerre. He continued his military career as a Major General of the U.S. Army Reserve. He also acted as National President of the Reserve Officers Association.

It is easy to forget this heroism, because it was so long ago and he has accomplished so much since them, But, for me, as a Veteran, and as someone who lost his father in service to his country, I believe we each owe Senator THURMOND our gratitude for his courage in his military service.

Senator THURMOND was first elected to the Senate 48 years ago. It was then, in 1954, that the people of South Carolina elected Senator THURMOND by a write-in vote, the only time in history that this has ever happened.

However, Senator THURMOND had made his mark well before he was elected to the Senate. He showed his dedication to South Carolina by serving as city and county attorney, State senator, circuit judge, and Governor.

As a former teacher, coach, and school board chairman, I believe there is no more noble public service than teaching. Between heroic military service and a half century of political service, STROM THURMOND managed to set aside time to teach future generations.

He was a teacher in South Carolina. He was also an athletic coach. He later went on to serve as the Superintendent of Education for Edgefield County, SC.

As a U.S. Senator, STROM THURMOND has accomplished numerous achievements. As you all may know, in 1996 Senator THURMOND became the oldest serving Senator in history. A few months later, he became the longest serving Senator in United States history.

In 1998 Senator THURMOND cast his 15,000th vote on the Senate floor. While these milestones are significant, it is what he did with this time that makes these records important.

Senator THURMOND well remembers the great baseball Hall of Famer Lou Gehrig. They used to call him the Iron Horse. He never missed a game. He always gave 100 percent. He was the essence of sportsmanship.

STROM THURMOND is the Iron Horse of the Senate. He is the essence of statesman, of public servant. He has given 100 percent for his entire career, and those of us who are privileged to know him draw energy and inspiration from his example.

I will always remember any time I came in early in the morning to open the Senate. It was always Senator THURMOND presiding. As President protempore, he did not have to do that. He could appoint someone else to do it. But, that's just how STROM THURMOND is. It is part of his character.

Of course, I have always admired his dedication to his conservative values. Throughout his life Senator THURMOND was a Democrat, a Dixiecrat, and a Republican, but most importantly he was always a patriot.

His unflinching devotion to his country manifested itself in his service and chairmanship of the Senate Armed Services Committee. Moreover, his unflagging dedication to justice was represented by another chairmanship, that of the Senate Judiciary Committee. As a Senator who has served with Senator THURMOND on both of these committees, I have had the privilege of seeing a great legislator in action.

As a veteran, I am thankful for all that Senator THURMOND has done, such as serving on the Veterans' Affairs Committee for over 30 years. As a former teacher, I commend his work with the youth of South Carolina when he was an educator. As a Senator, I admire his forthrightness and dedication to his principles. As an American, he makes me proud.

Senator THURMOND, thank you for your many years of devotion to this country and the ideals that make it strong.

Mr. GRAMM. Mr. President, when I first came to the Senate, like many members, I took my two sons onto the floor of the Senate before the session started and found my desk. I asked them if they wanted to sit in my chair. One son chose Barry Goldwater's seat to sit in, and the other son chose STROM THURMOND's seat. Looking back, that is easy for me to understand.

There are so many things you could say about STROM, but there is one thing I can say about STROM THURMOND that I am certain of and that is, someday I will proudly tell my grandchildren that I served in the U.S. Senate with STROM THURMOND. Like those happy band of brothers who fought with King Harry on St. Crispin's Day, I will tell my grandchildren how I fought with a great man, a great leader, to accomplish great deeds.

He has had a profound and lasting impact on our country. But there is something more remarkable. He is eternally young. Not just in being a 100-year-old Senator, but young in the ability to adopt new ideas, to change as circumstances change, and in the process to grow, even during the longest tenure in the Senate in history. I love STROM THURMOND. I admire him, and for my whole life, I will be proud that I was able to call him colleague and friend.

CONFERENCE ON ENERGY

Mr. MURKOWSKI. Mr. President, I wish to share with my colleagues an update on the conference on energy.

As we all know, our President has asked for an energy bill. The bill was reported out of the House and the Senate, H.R. 4. We have been in conference for several days, off and on. Today we took up one of the more controversial provisions; that is, the disposition of ANWR.

The House, in its offer to the Senate, proposed adding 10.2 million acres of wildernesses as an addition to the Nation's wilderness proposal. That would constitute about 72 million acres of wilderness in my State of Alaska.

Without going into a lot of detail, I think we have to ask ourselves, indeed, if the Democratic leadership really wants an energy bill. From the beginning of this process, the committee of jurisdiction, the Energy and Natural Resources Committee, was not allowed to develop a bill out of the committee but, rather, it was developed out of the leader's office.

Since that time, we have seen an effort to try to develop compromises, but clearly the presence of the majority leader has not been very evident. So I think we have to ask ourselves, on the issues in contention—whether it be climate, whether it be ethanol, whether it be electricity, whether it be the tax aspects, or the renewable portfolio standards—all of it suggests that a compromise is, indeed, possible in the sense of discussing what is certainly one of the lightning rod issues, and that is the opening of ANWR.

With the offer by the House to create an additional 10.2 million acres, as a proposal to the Senate, it causes us concern relative to a provision when the State of Alaska accepted statehood. In the terms of statehood, there was a provision that there would be a ''no more'' clause; that means no more land designated without the concurrence of Alaskans. Nevertheless, this offer has been made.

I hope the issue of the disposition of the energy bill does not become a political issue. We are nearing, of course, the elections. I recognize the temptation to suggest that the environmental groups, which are opposed to ANWR, are a force to be reckoned with in the coming election or the criticism of the Republicans, that they might be too close to the energy industry. I hope these arguments are not used as excuses for not getting a bill.

Our President has asked for our bill. Our constituents have asked that we pass an energy bill. We have an obligation to do what is right for America, and that is to come to grips with the reality that we are, at this time, clearly in a conflict, the nature of which we can only hope will not result in outright war with Iraq.

But the irony of that can best be associated with a quick overview of what we have been doing since 1992. We have been enforcing a no-fly zone over Iraq. In enforcing that no-fly zone, we have taken out targets in Iraq. We have endangered our young men and women in uniform who have been enforcing the no-fly zone.

We have, in turn, imported anywhere from 600,000 to 900,000 barrels of oil a day from Iraq. It is almost as if we take his oil, put it in our airplanes, and go bomb him and enforce the no-fly zone. And he takes the money we pay for the oil and develops weapons of mass destruction, whether it be biological, chemical, or developing a nuclear capability. He develops a delivery system and aims it at our ally, Israel.

So unless we lessen our dependence on imported oil by developing more oil here at home, why, clearly, we are going to continue to have to depend on foreign sources, such as Saddam Hussein in Iraq.

For those who wonder about the merits of opening this area, I remind my colleagues that in 1995 the Senate passed an authorization to open ANWR. It was in the omnibus bill. President Clinton vetoed it. Had that been done, we would have that oil on line now, and we certainly would have an idea of the magnitude of the fields that exist in that area.

The last point I want to make is its contribution to jobs and the economy. It is estimated there would be some 750,000 new jobs associated with opening this area, including development of 19 new U.S. flag-built tankers that would be built in U.S. yards.

So I urge my colleagues to come together and recognize, in the spirit of compromise, we should resolve the issues remaining in the energy bill. We should report out the bill containing ANWR, which will reduce our dependence on imported oil, and move on with what is good for America, and that is to lessen our dependence on foreign oil, follow the recommendations of the President, and pass an energy bill.

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.

TERRORISM INSURANCE

Mr. REID. Mr. President, every morning I get up and I read the local paper, the Washington Post. There is always breaking news in the newspaper, of course. I try to go to the sports page first because there is always some good news there, at least. I was terribly disappointed today in looking at the front section of the Washington Post. There is an ad here. If this ad were a product and not an issue, there would certainly be some type of legal action for false advertising.

I just am so disappointed in the Business Roundtable and American Insurance Association. I am not disappointed in the Chamber of Commerce because they have never done anything my entire political career to make me feel good in the first place, so this just adds to what they normally do. But I personally have worked on terrorism insurance for a year now. To have them, the Business Roundtable and the American Insurance Association, run an ad blaming the Democrats for not having terrorism insurance is despicable. They should be ashamed of themselves. They know it is a lie, a falsehood, a travesty. President Bush gave this speech, and he is quoted here in Pennsylvania with a bunch of labor people, saying:

> We need an insurance bill to cover potential terrorist acts, so that hard hats in America can get back to work. And I want a bill on my desk that says we care more about working people and less about trial lawyers.

That is wrong. If the Federal Election Commission did what they should do, they should charge this as a contribution in kind for the Bush reelection campaign. Blaming the trial bar is something that goes back to biblical times, Shakespearean times. When things don't go right, blame the lawyers.

The chronology of delay over this important legislation is well documented. That is why I am so terribly disappointed. The people who make up this Business Roundtable are from hotels, some of whom are in Nevada, and all over this country. They know this is a lie. I cannot say it any other way. It is a lie. It is false advertising.

I know the chronology. I was here trying to move this legislation forward. We asked, on many occasions, unanimous consent to go to the legislation. Finally, after months—not days or weeks but months—we got to go to the bill. Then the delay was in full view to everyone. After weeks, we forced legislation out here. We, the Democrats, tried to get it on the floor. We finally got it on the floor. This was bipartisan. Some Republicans, after it got to the floor, helped us. But they held it up; we did not hold it up. After it passed, with lots of procedural delays and efforts to slow it down, we thought, oh, boy, it is over with. Everybody wants it going to conference. But, oh, no. It took months to get a conference. They would not agree to the appointment of conferees. You know, there were a few problems. Senator DASCHLE said we will have three Democrats and two Republicans. After all, we are in the majority. No, they don't want that. We are in charge of the Senate. That is a prerogative we have. After months, Senator DASCHLE said, OK, I will make it 4 to 3. They still did not agree to it. We gave them what they wanted and they still didn't agree because it was all a big stall.

Now, finally, they agreed to a conference, but nothing happened in conference. Months have gone by. I hear on the floor: Please do something. I have a staff person assigned—not full-time but he spends a great deal of time on this legislation. Senator DASCHLE has someone who spends the same amount of time on this piece of legislation.

Meetings have been held. The person Senator DASCHLE has working is an outstanding lawyer. He was in the counsel's office in the White House. He

was the one who did all the judges for us. He is someone who knows what is going on.

We have made presentation after presentation to no avail. Senator DODD has spent weeks of his time on this issue. This is not a tort reform issue. It is an issue to allow insurance companies to sell terrorism insurance to allow construction projects to go forward in Las Vegas and other places in the country.

The insurance companies, as they are good at doing, have jacked up the prices so it is hard to get insurance. This legislation is an effort to allow them to receive some help if, in fact, there is an act of terrorism.

My office spoke with people when they complained about this: We had tremendous pressure from the White House to sign on to this advertisement. What is this all about, pressure to sign on to something that is false, misleading, untrue?

When President George Bush was campaigning, he said he was going to change the tone in Washington. I have been in Washington a long time now. I have never seen the tone this way. During the Reagan years, there were some disagreements, but what a fine person to get along with. He and his people were easy to get along with. Here we cannot get along—it is very tough. The atmosphere is extremely difficult. Change the tone? He has changed the tone, there is no question about that, but it is for the worse. I guess he just did not complete his sentence in all the debates and other statements he made. This is a very venomous environment.

Legislation is the art of compromise. I personally do not think this legislation dealing with terrorism insurance should have anything to do with tort reform, but they have forced the issue. The compromise has some tort reform in it. Legislation is a compromise. The White House has been unwilling to compromise, unwilling to meet. They are now putting pressure on lobbyists to fund full-page ads, pro-Bush ads in the Post and more pressure on congressional Republicans to do anything they can to stop this legislation.

I know, I have had friends on the other side tell me they do not want this legislation; they do not think it is necessary. But why not do it like adults? Stand up and say this is bad legislation, not have this charade.

If anyone is truly interested in the real White House strategy, read the story in the New York Times today about this legislation:

> Mr. Bush's push for the measure reflects a no-lose political strategy. If Congress reaches an agreement on the measure, he can rightly claim credit for it. If it fails, he can blame Congressional Democrats, and in particular the Senate majority leader, Tom Daschle, for the failure.

That is what it is all about. I believe people of the State of Nevada deserve more; the people of this country deserve more. I have no problem when there are honest disagreements on legislation, but I have been on the ground, so to speak. I have watched this; I have been right here; I have been making the unanimous consent requests. Over the month, I bet I have offered 25 unanimous consent requests right from here. There were objections to appointment of conferees and getting the bill to the floor. But to have this:

> We agree, Mr. President, there's too much at stake. . . .
>
> Congress, why the delay?
>
> The time is now. Pass Terrorism Insurance Legislation.

Six months ago, the President in 30 seconds could have had the legislation on his desk, but this has been a big stall to make the trial lawyers look like the enemy of the American people, and that simply is wrong.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 4 o'clock today, with Senators allowed to speak therein, for a period not to exceed 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I ask that I might proceed for no more than 5 minutes as though in morning business.

The PRESIDING OFFICER. We are in morning business.

Mr. LEAHY. I thank the distinguished Presiding Officer.

TRIBUTE TO SENATOR STROM THURMOND

Mr. LEAHY. Mr. President, I pay tribute to a colleague of ours whose career of public service may never be matched again in the history of our country. My friend STROM THURMOND sits on the other side of the aisle of the Senate Chamber, but I consider him a friend with whom I have worked closely, and I will miss him.

I remember when I was first sworn into the Senate in January of 1975. Because of a tied vote in the State of New Hampshire that election year, it was a matter that did not get resolved until we actually went back and did the election over in the middle of the year. I was the most junior Member of a 99–Member Senate. We did not have the Hart Building at the time. We had the Russell Building and the Dirksen Building, and a couple of us very junior Members were in basement offices. Senator Garn of Utah, Senator Laxalt of Nevada, and I were down in the dungeons. When we were sworn in, I had a small reception down there. I invited Members of the Senate to come, not thinking that anybody would actually show up. There were far more noteworthy people being sworn in that day, some to begin subsequent terms, others newly elected.

I remember standing there with my mother and father, and one of the very first people to come through that door was STROM THURMOND, walking arm in arm with John Stennis of Mississippi. I remember STROM welcoming me to the Senate and telling my mother and father I seemed like a nice young man, and that I might actually have a career ahead of me.

I note that has been the routine of STROM THURMOND, to welcome new Senators from either party. He has done it with hundreds of Senators. This one remembers it well.

We often worked in the field of antitrust laws. We worked together on the National Cooperative Production amendments of 1993, the very first high-technology bill signed by President Clinton, and to improve the protections against anticompetitive conduct in the Digital Performance Right in Sound Recordings Act.

Senator THURMOND has been a legislator. I must admit, when Senator THURMOND and I have worked together, it has raised some eyebrows, and when we have introduced legislation together, some have remarked that either it is brilliant legislation or one of us has not gotten around to reading it. But there are so many issues that we did join together. Of course, there have been occasions when he and I have sat on opposite sides of an issue, but even though there were issues about which we felt deeply, Senator THURMOND always conducted himself with the utmost integrity. He has always told the Senate how he felt. He has done so with the people of South Carolina first and foremost in his mind.

I recall him inviting me down to talk to the STROM THURMOND Institute at Clemson. He wanted to put on a debate on economic matters. He had an impartial moderator from the Heritage Foundation. When I walked in, I saw half the Republican party of South Carolina and the Heritage Foundation. I knew I was to be the sacrificial lamb, and I was loving every minute of it. When they stated how much time would be allotted, he stated he should have twice as much time as I because I spoke twice as fast as he did.

We had a very good meeting. I am sure I did not change his mind, or most of the minds of the audience, on a couple of issues. We walked out of there arm in arm, laughing, having a good time. I remember a couple of days later STROM coming on the floor and slapping me on the back and saying, I want to thank the king of Vermont, as he said, for going down with him.

One of the strangest meetings during that time was when we were in the Senate dining room and I introduced

him to Jerry Garcia of the Grateful Dead. It was a meeting of cultures, very different cultures.

I share with Senator THURMOND the distinction of being from a State that has provided the Senate Judiciary Committee with three chairmen over the history of the committee. South Carolina and the State of Vermont have each had three different people who have shared the Senate Judiciary Committee. With that in mind, I have always asked what I call the STROM THURMOND question at judicial hearings. He has always reminded nominees that the people and lawyers who appear before them, whatever their position in the case, whether rich or poor, white or black, man or woman, whatever their religious or political affiliation, deserve respect and fairness. He has reminded everyone of that.

I will miss my friend STROM. He has been named President pro tempore emeritus for a very good reason.

I have learned much from the senior Senator from South Carolina. Let me share one additional aspect of Senator THURMOND's legacy to the Senate as he completes this term and retires from office. In addition to all his longevity records and legislative achievements and buildings named for him, there is something else about him I will always remember.

When we hold hearings for Federal judges—and we have held a number this year—I am always careful to carry on a tradition that Senator THURMOND started. Senator THURMOND always reminded nominees for high office that it is essential to treat others with courtesy and respect. He always reminded nominees that the people and lawyers who appeared before them, whatever their position in the case, whether rich or poor, white or black, man or woman, whatever their religious or political affiliation, they are each and every one deserving of respect and fairness.

Senator THURMOND was right to remind judges—and even Senators—of that simple rule. It is another contribution he has made to all of us that will continue to serve us well. As I said earlier, I will miss STROM THURMOND. He has been named President-Pro-Tempore Emeritus for good reason.

21st CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. REID. Mr. President, before the Senator from Vermont leaves the floor, on a totally different matter, I direct some questions to the Senator.

It is 2 p.m.. Twenty-four hours ago we were fortunate to get this conference report on H.R. 2215. I assumed this matter would be out of here in a matter of 4 or 5 minutes. I thought maybe Senator LEAHY and Senator HATCH would talk about what a great piece of work was done in conference. It is 24 hours later and this legislation has gone nowhere. In fact, the majority last night learned there would not be even a vote allowed, and we had to file cloture.

This legislation deals with combating terrorism. It is entitled: 21st Century Department of Justice Appropriations Authorization Act. The title says it all. It is true, is it not, this deals with fortifying the national border security by authorizing more than $4 billion?

Mr. LEAHY. I say to my friend, the deputy majority leader, it does.

We realize, as the Senator from Nevada has pointed out, we have problems with our borders. We have to enhance our ability to monitor the borders and still keep the open borders of this country. But it will be expensive. We put this in.

Incidentally, we put this in with the strong support of the administration.

Mr. REID. Is it true, I ask my friend, we have funding for Centers for Domestic Preparedness throughout the country? Is it true we have legislation to improve implementation of a treaty banning terrorist financing? Does it deal with FBI, allow FBI agents who are in duty stations that are perilous to receive extra money? We have heard reports a better job needs to be done with the communications, and it covers that. It covers penalties for the criminals who use body armor.

I could go on literally for 15 minutes talking about what is in this conference report. There are other Senators who wish to speak. Can the Senator give me any reason why this most important piece of legislation for the people of Nevada, Vermont, and the rest of the country is not passing?

Mr. LEAHY. I know one reason. It passed the other body 400 to 4. It came over here. I was asked if we had any objection to moving it quickly. I said, absolutely not. We checked every single member on the Democratic side of the aisle, and they said they would vote for it, every man and woman. But we had a hold put on it from the Republican side of the aisle. They have held it up. They have delayed it. I cannot understand why.

Money laundering by terrorists is covered. President Bush, shortly after the attack of September 11 last year, took extraordinary steps to try to choke off some of the sources of financing of these terrorist groups. I applauded the President for doing that. I thought it was the right thing.

However, there are some major areas we could not pursue without further legislation, which the administration strongly supports, and which Republicans and Democrats strongly support.

That is part of this bill. I would like to turn the spigot off for terrorists' money. That is in this bill.

The President of the United States would sign this bill immediately once it got onto his desk. Why the Republicans are holding it up, frankly, I don't know. I know they are holding it up, but I don't know why, especially when the President of the United States would sign this. There is much antiterrorism in here, everything from the authorization of Boys and Girls Clubs to hazardous duty pay for Federal law enforcement officers.

This is sort of like voting to acknowledge the sun rises in the east. I don't know what the controversy is.

Mr. REID. The reason it is being held up is the same reason our 13 appropriations bills are being held up, the same reason the election reform, conference reports, bankruptcy, terrorism, Patients' Bill of Rights, generic drugs, all these most important pieces of legislation are held up. It appears clearly they want to be able to say the Senate, controlled by the Democrats, has been unable to accomplish anything. However, we cannot accomplish anything unless we get help from the 49 on the other side. They are trying to show their strength in not allowing us to do anything.

Mr. LEAHY. The Senator is right. Unfortunately, in holding this up, they are taking from the President of the United States tools needed to fight international terrorism. They are turning their back on the law enforcement people of this country.

We have an authorization for a charter change for the Veterans of Foreign Wars, something they have all supported, we have all supported, Democrats are all for. Republicans are holding that up. There was a charter change in here for the American Legion. All 51 on this side of the aisle have supported it. It is being held up on the Republican side. AMVETS, a charter change for American Veterans. That is being held up by the other side. We support it.

This may be the kind of political posturing people think they have to have in an election year. I think it is a crying shame.

I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Illinois.

Mr. DURBIN. Mr. President, before I make a few comments about the state of the economy, let me talk about the state of business in the Senate. I concur completely with the Senator from Vermont, chairman of the Senate Judiciary Committee, on which I am proud to serve. I cannot imagine what is holding up this legislation. This legislation is designed to restore law and order in this country. It is designed to fight terrorism. There are elements that are absolutely common sense.

It is the first time, I believe, in over 20 years we are reauthorizing the Department of Justice. We are establishing the Violence Against Women Act, to protect areas of domestic abuse. We are talking about drug abuse education, prevention, and treatment. We have a provision in here to provide resources to the Boys and Girls Clubs of America, which in the city of Chicago and across my State of Illinois are so successful in reaching out to young people.

Time and time again, this bill addresses things the Department of Justice needs. It is quite a commentary on

the Senate that the Republican minority has held this bill up. They will not let us bring it to a vote. They won't let us bring it to the floor. I think it is unfortunate. I think we should have a vote on it, and I think if we do it will pass overwhelmingly and the President will gladly sign it. But we are caught up in a last-minute hurry to try to finish the session, and unfortunately some of the most commonsense priorities are victims of some political agenda. I hope this does not hold up this bill any longer.

STATE OF THE ECONOMY

Mr. DURBIN. Mr. President, I rise at this moment to speak to the state of the economy and to call to the attention of the Senate what has transpired in America in the 2 weeks since the majority leader, Senator DASCHLE, brought to the attention of this country how sadly our economy is performing.

Earlier I came to the floor and one of my Republican colleagues came to the floor and greeted me and said: DURBIN, you have it all wrong. The economy is better. Can't you feel it? The economy is much better. I have the facts to prove it.

I am anxious to see his presentation, and I am anxious to see how many people across America would agree with him because let me tell you what has happened in news reports in the last 2 weeks. These are news reports.

First, our stock market has had its worst quarter since 1987—15 years. It is the worst month of September in the stock market since 1937, 65 years ago. It has also been reported that the number of Americans without health insurance increased by 1.4 million last year, to 41.2 million.

The trend line, which had been moving in the opposite direction with more people having health insurance, is moving in the wrong direction now—fewer and fewer Americans with the protection of health insurance. May I add for a moment, have you asked anybody about the cost of health insurance lately? Small businesses, large businesses, labor unions, workers alike, the cost of health insurance is breaking the bank at businesses across America. It is breaking the bank when it comes to labor unions that try to take care of their retirees. It is something that has not been addressed by this Congress or this President.

The poverty rate rose last year for the first time in 10 years, from 11.3 percent to 11.7 percent. The prosperity of the previous administration has finally run out. More and more people are falling into poverty.

Real median household income fell last year by $934. The spending power of American families in real terms dropped by over $900. That is the first drop in 9 years.

Housing starts fell 2.2 percent in August. Unemployment insurance claims remain high, the 4-week average stays above 400,000, and the U.S. manufacturing jobs shrank in September for the first time since January.

My colleague on the Republican side says I just don't get it; things are really getting better out there. I don't think they are. I think, frankly, we are not yet into recovery. When I talk to people who are leaders in business and keep an eye on the economy, they don't think we are either. They look at numbers and the numbers are pretty compelling.

Take a look at this economic report. This is the average annual percentage change in the Standard & Poor's 500. We went all the way back to the Harding administration—Warren G. Harding, the former President—to see what had happened in the stock market. Here is what we learned.

There has only been one other time in history when we have seen such a dramatic, precipitous decline in the value of the stock market. Sadly, that was during the Great Depression under Herbert Hoover when the stock market declined some 30 percent. We are talking about the S&P 500 declining 30 percent in value. Under President Bush's current administration that same percentage has gone down 21 percent. I don't have to tell that to anybody listening to this speech because more than half of Americans own some stocks, whether it is their personal savings or college savings accounts for their kids or grandkids or their pension plans. They know what has happened here. The nest egg you put aside and counted on for the future has been diminishing over the last year and a half. The economy is not strong. Yet you wouldn't believe it when you listen to the comments that are made.

Here is a comment from the President, September 5, just a few weeks ago.

> I'm optimistic about our economy. I'm optimistic about job growth.

That is the President. Vice President CHENEY, on August 7:

> . . . there is no doubt of our nation's (economic) strength.

Paul O'Neill, Secretary of the Treasury, September 25, just a few days ago:

> The latest indicators look good.

That is our Secretary of the Treasury. What is he reading? Who is he listening to? This is a man who is supposed to be charting the course of economic policy in our country and he thinks things are looking good, a chicken in every pot. I don't think so.

Take a look at the economic record of this administration. We went back to President Eisenhower to take a look at the annual growth rate of private sector jobs. Incidentally, the President said he is optimistic about job growth. Look at job growth under this administration. Every single President has had positive job growth in the private sector except one, President George W. Bush. He is optimistic. Well, he may be optimistic about the future, but a realistic view of his administration is it has been disastrous. We have lost jobs across America and people know this. They understand the uncertainty they face.

Take a look as well at the average rate of change in the real gross domestic product. This is the sum total of the value of goods and services produced in America. We went back to President Eisenhower. Every year you see a pretty substantial growth but one—look at this. Under President George W. Bush we have the lowest economic growth in 50 years in America. The President has said, ''I'm optimistic about the economy.'' But look at the economy. It is weak. It is an economy that has taken its toll on workers and families and businesses and on the savings of retirees.

Take a look at these jobs we have lost. More than 2 million jobs have been lost under the Bush administration. We have had 111.7 million private sector jobs when the President took office. Today we are down to 109.6 million. In the words of Secretary of the Treasury Paul O'Neill, ''The latest indicators look good.'' I don't see it. It doesn't look good for 2 million people who have lost their jobs since this President took office.

Now take a look at what has happened when it comes to Government spending. The debt held by the public—I am almost afraid to bring up the issue of national debt and deficit with Senator HOLLINGS on the floor. This is his passion. But he knows as well as I do, the debt held by the public in 2008 had been projected, when the President took office, at $36 billion. That projection has gone from $36 billion to now $3.8 trillion. We are swimming in this red ink under this administration. It wasn't the case when he came to office.

This has all transpired under this President and his watch. What does it mean in terms of our Federal interest costs? Look at this. When the President came to office, they estimated the total Federal net interest spending for 10 years would be $620 billion. That is when President Bush took office. Today the estimate is up to $1.9 trillion—interest paid on national debt created by deficits with which we are presently living.

We left an administration that was in surplus. We left an administration that was paying down the national debt. We are now in an administration adding to the national debt, creating deficits, causing problems across our economy.

The reason? You can look at the recession which continues. You can certainly look to the war on terrorism, which has cost us dearly. None of us will shortchange the men and women who are fighting for our Nation, and that is going to cause some spending which will come out of the Social Security trust fund. But there is a third element. The third element was President Bush's tax policy. He came forward and said to America: With this fantastic surplus that I can see for 10 straight years, it is time to give the money

back to the American people. So the average family got the $300 check or the $600 check and said: That is fine. I will find something to do with that.

But the net result of all of it is we are in a situation now where we are dealing with debt and deficit which we did not anticipate. The guesses and forecasts and speculation of President Bush's best advisers were just plain wrong. The surplus that was projected for 10 years has disappeared. It is totally gone. We were not prudent. We were not cautious. We were not careful. We put in tax cuts that will be in place for 10 years and we cannot pay for them and we are going in debt. No, let me take it back. We are taking money out of the Social Security trust fund to pay for it.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. The point we are making is that we are dealing with a tax cut that frankly has brought us back down into a deficit situation and increased our national debt and increased the interest on which future generations will pay. That tax cut, when you look at benefits of it—take a look. If you happen to be down making $9,300 a year, the President's tax cut is worth $66.

Average annual tax cut by income range: If you are making $20,000 a year, it is worth $375. If you are up to $39,000 a year, it is $600. If you are making $56,000 a year, it is $1,000. If you are making $97,000 a year, it is about $2,200. If you are making $220,000, it is worth $3,000 to you. But hold on tight. If you are in the top 1 percent of wage earners in America making an average of $1.1 million a year, the President's tax cut is worth $53,000. It is small change down here for most working families. But it is $53,000 for people who are already making $1 million a year.

You say, of course; they pay all the taxes; they should get the tax break. That isn't how it works. Under the President's plan, it doesn't directly track the taxes we are paying. So the people who are getting the biggest tax cut are not proportionately paying the most in terms of taxes to the Federal Government.

The Bush economic record and what it means to you is, in effect, a 10-year surplus has disappeared from $5.6 trillion, which was projected by the President just last year. Now we are down into a deficit situation over the same 10-year period of time.

I mentioned earlier the impact of the stock market. Everybody, I think, knows this. You see what is happening to our stock market. The value of all the stocks in the stock market when the President took office was $16.4 trillion. The value today is $11.9 trillion, and going down. We have lost $4.5 trillion in value—about 25 percent of the value of the stock market. Forget about the value of the stock market. It is the value of savings, the value of pension plans, and the value of college savings accounts. Those are the things that have taken a beating.

I think the point is clear. This administration wants to talk about every issue they can think of except economic security, except the state of the economy, and except the fact that average families, average businesses, and average individuals in this country are struggling with an economy that is flat on its back.

The best the President had to offer was a meeting in August down in Texas where he called some close friends and corporate leaders and asked, What do you think? A lot of them said, Stay the course; couldn't be doing better.

We can do a lot better. We can do better with leadership—not just from the White House, but from Congress. Sadly, this Congress will not produce legislation that will address these problems. What could we do? We believe on this side the first thing we ought to do is extend unemployment insurance benefits to the people across America who are about to run out of unemployment insurance. We should extend the benefits for another 13 to 26 weeks. We did that five times under President Bush's father, the last time we had a recession. This President has refused to do it one time. That is not fair to these people or their families.

Second, we believe we need pension protection for families across America who are vulnerable; for people who are 62 years old and wanting to take their retirement, and watched their pension disappear before their eyes, and no health care. We need protection for those employees who are in that circumstance.

What about the millions of Americans on minimum wage? It has been 5 years since we raised the minimum wage. It is stuck at $5.15 an hour. That is not going to make America stronger.

Let me also tell you when it comes to the cost of health, we should understand it is absolutely essential that we accept this as a highest priority. We heard this morning from a major union working with a major company. The people who ran the company came before them and said, Listen, we don't know what we are going to do next year. We have a $1 billion health insurance bill. We don't know how we are going to do it.

I have heard the same thing from labor unions and small businesses. This government ignores it.

We talk about tax cuts for the wealthiest instead of tax credits for businesses that offer health insurance. We talk about tax cuts for the wealthiest instead of helping average families struggling to pay to get their kids through college. Why in the world don't we make the cost of college tax-deductible for working families before we award these great tax breaks for families making over $1 million a year?

This is the agenda Americans face every day. After they turn off the news, they talk about a variety of other issues. They sit down and try to figure out how to grapple with these issues. I think this is the agenda which the American people want this Congress to work on. Sadly, because of lack of leadership downtown, and because of lack of leadership here on the Hill, we have done precious little to address the real issues facing American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF BUSINESS

Mr. REID. Mr. President, we have a couple of Senators who wish to speak. Senator HARKIN has been on the floor. I do not know if there is anyone on the minority side who wishes to speak. I would like to get a routine set up here. Does the Senator from Missouri wish to speak today?

Mr. BOND. Mr. President, to respond to my colleague from Nevada, I was preparing to speak. The Senator from New Mexico wants to bring up the health insurance bill. I just walked in to debate another matter.

Mr. REID. We will wait until the Senator from New Mexico shows up and try to work something out. Is that OK?

Mr. BOND. That works for me.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Iowa be recognized. I don't know if Senator KENNEDY is still here. He had been waiting. I ask unanimous consent that Senator HARKIN, Senator HOLLINGS, and Senator KENNEDY be recognized in that order. Following that, we would be happy to work out whatever we can with the Senator from Missouri. We had a number of speakers here today, most of whom have been for the Republicans.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I was so promptly reminded that I forgot Senator BYRD. Senator BYRD would be happy to go following Senator KENNEDY.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. I didn't hear the request.

Mr. REID. We have in order Senators HARKIN, HOLLINGS, KENNEDY, and BYRD. As I indicated to the Senator from Missouri, following one of those statements from the Democrats, if Senator DOMENICI shows up, and you and he went into a colloquy, we would be happy to stick you in there.

Mr. BOND. Mr. President, reserving the right to object, might I ask if Members on my side come, we could intersperse them in the makeup?

Mr. REID. That is why I said if Senator DOMENICI, for example, shows up, we will be happy to have a Republican in between the Democrats I announced.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, the unanimous consent request, as modified, is objected to.

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

The Senator from Iowa is recognized.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of S. 2776, the Labor, Health and Human Services, and Education appropriations bill.

Mr. BOND. Mr. President, on behalf of the minority leader, we object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the leader and the assistant majority leader, Senator REID, for attempting to bring forward this Labor, Health and Human Services, and Education bill. I am disappointed some in this body don't want us to move forward with this vital piece of legislation for the American people.

I invite my colleagues to take a hard look at the bill. It is a good one. It is a bipartisan bill. I invite my colleagues, especially on the Republican side, who objected to bringing this up to take a look at the cost of our inaction and what it will mean for America's school children this year.

As I have said, this is a bipartisan bill. It passed both the subcommittee and the full committee unanimously. One reason for that is the good allocation my subcommittee was provided by our chairman, Senator BYRD, and the ranking Member, Senator STEVENS. Another reason is the bipartisan partnership Senator SPECTER and I have enjoyed for many years. I thank each for their efforts.

Why can't we move forward now? Nothing is happening here. Look at the Senate. Nothing is happening. Nothing is happening, and we want to bring up our education bill to fund America's schools, and the Republicans won't let us. I ask why? Why is there an objection today to bringing up the funding bill for education?

I have heard the President pounding on the podium in cities and towns all across the country saying the U.S. Senate needs to act. I agree. It is time to act. It is time to live up to the promises the President and this Congress made on education. We are ready to act. We didn't object. The Republicans objected to bringing up our education bill.

Not incidentally, it is time to live up to the promise we made on a bipartisan basis to double the funding for the National Institutes of Health. With this bill, we would have completed that 5-year goal. Now that has been put on the back burner. With this bill, we could have completed that 5-year goal. And that is put on the back burner. It is all in jeopardy, as is the promise of the Leave No Child Behind Act.

Last year we came together on a bipartisan basis to demand more of our public schools. We said the status quo was not good enough; we had to do better. Now, by not acting on this bill, we have passed mandates on our public schools, mandates about leaving no child behind, and now we are not coming forward with the funding to help them.

Now we are going to do a continuing resolution. That is what they tell me. What does passing a long-term continuing resolution mean? I talk about that with my constituents. I talk about a CR, a continuing resolution, and their eyes glaze over. What does that mean?

In real terms, the objection by the minority side today means $3.2 billion less for education overall for this year, the one we are in now, and $1.5 billion less for title I, which is most important for implementing Leave No Child Behind.

Since the objection was made on behalf of the minority leader, the Senator from Mississippi, I point out that in Mississippi that would be $5.3 million less this year for title I if we do not get this bill through.

The ink isn't even dry on the Leave No Child Behind bill and already we are undercutting the schools. I have talked with a lot of my principals in Iowa and they are deeply concerned about what is going to happen when they have to meet their annual yearly progress standards and yet we have not given them the tools by which they can do so. It will be a cruel joke on them to have passed Leave No Child Behind and not pass the funding.

How about special education? A long-term continuing resolution, without this bill, means $1 billion less for the Individuals with Disabilities Education Act. Again, since this objection was made on behalf of the Senator from Mississippi, I will point out that for Mississippi it means they will get $10.7 million less this year for special education because the minority leader objected to moving to the education appropriations bill.

It is time we pass the money for special education. Last year Senator HAGEL and I came together on a bipartisan amendment to do it, but the President and the House punted and said no. And they are doing it again.

I say to colleagues, ask your principals and your school boards about their need for special education funding and you will find out how much it is needed. Because this objection was made today, $1 billion less will be made available to our public schools in America.

For student financial aid—for those going to college—a long-term CR means $100 less for the maximum Pell grant, and not a single dollar more for student loans and other college aid.

In my own State of Iowa, because of the downturn in the economy, we have seen a 20-percent tuition increase at our public universities. These schools are critical to helping middle-class kids climb the ladder of opportunity. Yet today the minority leader says no to helping these middle-class kids get a college education.

The world has changed a lot from a year ago. There is no denying that. We have different priorities, as well we should. But if we cannot ensure that every child in America has the best public education, then what kind of a nation are we fighting for?

President Kennedy once said of education:

> Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation.
>
> It is the private hopes and the private dreams of the families of these kids in public schools—in elementary school and high school, and now wanting to go to college—it is their private hopes and dreams that are being stunted by the objection by the minority leader today in not going to the education funding bill.

We are here in the Senate. We are not doing a cotton-picking thing. We are just sitting around. Why? Because the minority leader will not let us do anything. They may think it is good politics. Maybe they can go out there and now argue: Well, we can't get anything done in the Senate. We can't get anything done in the Senate. Well, not because of what the Democrats are doing. We want to bring up the education funding bill. It is the minority leader who is objecting. The Republican leader is objecting.

We could bring it up. As I say one more time, this education funding bill passed the subcommittee and the full committee unanimously—unanimously. So for what possible reason would the minority leader object to bringing up the education funding bill when we are not doing anything anyway? It would seem to me we could bring it up, debate it this afternoon, and probably get it passed tomorrow, since it was supported unanimously on both sides of the aisle.

It is time for us to act to get the money out for special education, title I, for elementary and secondary education, help for our middle-class kids going to college. The minority leader today has said no. He said that politics comes first. I think our kids should come first.

Well, they have objected today, Mr. Leader. I will attempt again tomorrow to bring up the education funding bill, and every day that we are here, to bring it up to let the American people know that we, on this side, and I, as chairman of the subcommittee that funds education, want to bring it up. We want to get it through. I am just sorry that the minority leader has objected.

The PRESIDING OFFICER. The Senator from Missouri.

INACTION ON APPROPRIATIONS BILLS

Mr. BOND. Mr. President, on one point I agree with my colleague from

Iowa: This Senate is dysfunctional. We have not done our work. It is a new year. It has already begun. We have not passed and sent to the President a single appropriations bill.

But I have to differ very strongly with his accusation, which is totally unfounded, that the objection I raised was for political purposes. The objection is raised because this body has before it an appropriations bill. We have the Interior appropriations bill before us, and it has been stalled by my colleagues on the other side. We need to vote on that bill.

One of the reasons we are in this problem is because we have not passed a budget, the first time since 1974 we have not passed a budget. I serve on the Budget Committee. I happen to believe that the budget that was reported out by the majority, on a party-line vote, was and is indefensible. The fact that the majority leader has not brought it up tends to confirm my suspicion.

But when you do not have a budget, you have a great difficulty trying to pass appropriations bills. We have passed good bills out of the Appropriations Committee. And I happen to have not only a great interest in the Labor, Health, and Human Services bill, but in the VA–HUD and independent agencies bill. We have to get those done. And we are going to get those done. It looks as if we are going to have to wait for a new Congress to do it. We are going to get those funds out there because they are vitally needed. And we have, in all of these bills, incorporated many important projects and programs that need to be funded.

But we are stuck. We have been almost, I guess it is, 5 weeks now on Interior. Why haven't we voted on and passed out an Interior bill? Why not? Because Senators from the West—and I include myself in that; it is close; we are on the west side of the Mississippi River—want to have the same protection for our forests, for the neighbors of the forests, for the people who work in the forests—the firefighters—for the people who live by the forests, for the trees themselves, the wildlife in the forests, we want to have the same protection from devastating catastrophic forest fires.

Senators CRAIG, DOMENICI, and KYL offered an amendment which I was proud to support. Very simply, that amendment gave, with many more limitations, the same kind of flexibility to the Forest Service in other States that it has in South Dakota, which is desperately needed.

The Senator from South Dakota included a provision nobody knew about in the Defense bill that said you could go in and clean out the high-density fuel and the volatile compounds lining the floors of the forests in South Dakota, but he made it just for South Dakota.

Fires are raging in the West, in California, Arizona, Colorado, Utah. They are threatened in Missouri. We said: We want the same protection for our forests. We want to be able to use sound forest management, which means getting the dead, diseased logs out of the forest before a spark from lightning or a manmade spark or some kind of machine sets them on fire and causes a catastrophic fire that outraces the wildlife, that burns old-growth trees, that kills people. Over 20 firefighters are dead in the West from these catastrophic fires. It is burning up property.

Do you know what the result is? The environment suffers tremendously because wildlife cannot escape from these fast-moving fires. The forest floor is baked so hard that nothing will grow for decades. What we are saying is, sound forestry management demands that you clean out the high-fuel areas to prevent catastrophic fires. It makes common sense. Except there are special interest groups, specifically the Sierra Club and others, that say you cannot vote for that bill. They have too much political clout.

If we are talking about politics, holding up the appropriations, let's look at the politics holding up the Interior appropriations bill. That is where the politics are being played. That is why people throughout the West and anywhere where there are national forests are in danger of catastrophic forest fires, because the majority refuses to make their Members vote between cleaning up the forests, preventing the fires, protecting their people, and the Sierra Club. They don't want to make that choice.

That choice is easy. If we can get a vote on it, one way or the other, you may beat us. You may have enough votes to say, no, we don't want to give you that protection. But at least we want to have a vote. Then we can pass the Interior bill. We could get to Labor-HHS. We could get to the CJS bill on which my colleague from South Carolina has worked so hard. We can get to the VA-HUD-independent agencies bill on which I have worked with my colleague from Maryland.

There is politics in the holding up of the appropriations. The politics are not on this side.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

THE ECONOMY

Mr. HOLLINGS. Mr. President, earlier this morning I heard a distinguished colleague on this side of the aisle refer to ending the fiscal year with a $150 to $160 billion deficit.

Thereafter, I was astounded to hear a colleague from the other side of the aisle say tax cuts increase revenues. If that latter statement were true, we would just come here and cut taxes every day because that is what we need, revenues. Ever since this President took office, we have run the most astounding debt of a free country. Instead of paying down the debt, there isn't any question, when he came here he started cutting taxes. He put in an economic team headed by Larry Lindsey—the only fellow in America who thinks the economy is good.

Until you get rid of that economic team and stop this singsong about cutting taxes, and instead start paying down the debt, the economy is not going to recover.

Let me go right to what the debt is because today is October 2, two days since the end of fiscal year 2002. Under law, the Treasurer of the United States is required to publish the public debt every day. We ended the fiscal year 2002 on September 30, with a deficit of $421 billion, and a debt of $6.2 trillion, up from $5.8 trillion last year.

I have been up here 36 years. This is the biggest deficit we have ever had. George the first gave us a $402 billion deficit. He exceeded the $400 billion mark. Now George the second, topped it with $421 billion. The Senator from Oklahoma said that if you cut the taxes, you increase the revenues. George the first called that voodoo. This is voodoo two.

Here is how we got into this particular dilemma, because we all are guilty on both sides of the aisle and on both sides of the Capitol. It was Mark Twain who said that the truth is such a precious thing, it should be used very sparingly.

Well, not really kidding about the truth, going to the seriousness of the truth, it was never better stated than by my friend James Fallows, in his book ''Breaking the News'' back in 1996, when he related the debate over how you constitute and maintain a strong democratic government.

The debate was between Walter Lippmann and John Dewey, the famous educator. It was Lippmann's contention that what you really need to do is get the best of minds in the particular disciplines—the best fellow on education, the best on forestry and fires, the best fellow on health care, the best fellow on defense, and whatever it is, the experts in the fields—to sit around the table and agree on the needs of the country and their expert solution to the problem of those needs.

John Dewey, the famous educator, said: No, all we need to do is have the free press tell the truth to the American people. And out of those truths, emanating through their representatives, their Senators in Government in Washington, would come the proper programs to strengthen and maintain that democracy.

That for the first time ever gave me the understanding of Jefferson's observation that as between a free government and a free press, he would choose the latter. Obviously, of course, with that free press telling the truth, we would always maintain a strong democracy. But we haven't been telling the truth.

I have been trying for a good 20-some years now, since I was chairman of the Budget Committee, to get us to tell the

truth: Simply, how much in revenues the Government took in, and how many expenditures there were. We need to find out what the net is, so we know whether we ended up with a surplus or with a deficit. Using this technique, the fiscal year 2002 deficit, that ended just two days ago, was $421 billion.

How many Senators, time and time again, say: We have to hold the deficit to $165 billion, but we are not going to touch Social Security? How many Senators have said we have a $5.6 trillion surplus, but we are not going to touch Social Security?

Let me go to the Social Security story. In 1935, under Franklin Delano Roosevelt, we passed the most formative of governmental programs. Between 1930 and 1969, we never used Social Security moneys to pay the Government's debt. However, in 1971, I was here when we had the famous expert on government finance, Congressman Wilbur Mills, and he started up into New Hampshire running for the Presidency, promising a 10-percent increase in the cost of living adjustment to the Social Security recipient.

He said that we have such a surplus in the Social Security trust fund, he would give them a full 10 percent. Of course, President Nixon came back and said in the campaign: If he gives you 10 percent, I will give you 15 percent. With that one-upmanship during the 1970s, we were drained, and the Social Security trust fund almost went into the red by 1980.

We appointed the famous Greenspan Commission, which came out with a report in January 1983 called the ''National Commission on Social Security Reform.'' You will see under section 21—and I read from it:

> A majority of the members of the National Commission recommends that the operations of the Social Security trust funds should be removed from the unified budget.

It took this Senator from 1983 until 1990—7 years—to get a vote on this. I finally got it out of the Budget Committee, but not unanimously. There was one vote by someone who said they would ''chase me down like a dog in the streets'' when I was recommending an increase in taxes in 1993. There was one Senator on that Budget Committee, who would surprise everybody, who said, no, he didn't want to put Social Security off budget. But when we came to a vote on the floor, 98 Senators voted for it. President George Herbert Walker Bush, on November 5, 1990, signed section 13.301 of the Budget Act into law, which states:

> Notwithstanding any other provision of law, the receipts and disbursements of the Social Security trust fund shall not be counted in any budget of the United States Government.

There it is. That is the law of the land. Unfortunately, there is no penalty if you don't follow it. I tried to get a penalty saying you would forfeit your own Social Security if ever you quoted a budget including the Social Security trust funds.

I ask unanimous consent that this section be printed in the CONGRESSIONAL RECORD at this time, along with section 31 of the report.

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

> (21) A majority of the members of the National Commission recommends that the operations of the OASI, DI, HI, and SMI Trust Funds should be removed from the unified budget. Some of those who do not support this recommendation believe that the situation would be adequately handled if the operations of the Social Security program were displayed within the present unified Federal budget as a separate budget function, apart from other income security programs.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. HOLLINGS. I ask unanimous consent for another 10 minutes.

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

Mr. HOLLINGS. Mr. President, in 1993, that same Alan Greenspan went down to Arkansas. To meet with President-Elect Bill Clinton at an economic conference. He said what we really needed to do is pay down the debt; then President Clinton came to town, and without a single Republican vote, we cut spending and we increased taxes. That is when the Senator from Texas, Mr. GRAMM, said: If you increase taxes on Social Security, they will be hunting you Democrats down like dogs in the street and shooting you.

Well, I voted to increase taxes on Social Security. I voted to increase taxes on gasoline. I voted to increase taxes on whom? The stock crowd in New York. And the stock crowd in New York rejoiced. They turned around and said: The Government in Washington finally has gotten serious and is going to pay down the bill—that huge debt—and we are going to start investing. Then we had an 8-year economic boom.

Along comes candidate George W. Bush. When candidate Bush came on that campaign trail, I will never forget it. It was about this time, the year before last. He said he was going to cut taxes. I was watching it, being an old Budget Committee chairman and thinking, How in the world are they going to do this? They didn't have any taxes to cut. We got right into the black under President Clinton's economic plan. We were hearing about going in the absolute opposite direction and arguing now why. Everybody knows why.

Immediately after his election in November, on the Friday of that particular week, Vice President CHENEY said we were going to cut taxes. Everybody started taking him seriously. This was not just a campaign statement. Then I can tell you who pulled the plug on the economy—irrationally exuberant Alan Greenspan himself. He appeared on January 25—I ask unanimous consent this be printed in the RECORD.

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

TESTIMONY OF CHAIRMAN ALAN GREENSPAN

(BEFORE THE COMMITTEE ON THE BUDGET, U.S. SENATE, JANUARY 25, 2001)

OUTLOOK FOR THE FEDERAL BUDGET AND IMPLICATIONS FOR FISCAL POLICY

I am pleased to appear here today to discuss some of the important issues surrounding the outlook for the federal budget and the attendant implications for the formulation of fiscal policy. In doing so, I want to emphasize that I speak for myself and not necessarily for the Federal Reserve.

The challenges you face both in shaping a budget for the coming year and in designing a longer-run strategy for fiscal policy were brought into sharp focus by the release last week of the Clinton Administration's final budget projections, which showed further upward revisions of on-budget surpluses for the next decade. The Congressional Budget Office also is expected to again raise its projections when it issues its report next week.

The key factor driving the cumulative upward revisions in the budget picture in recent years has been the extraordinary pickup in the growth of labor productivity experienced in this country since the mid-1990s. Between the early 1970s and 1995, output per hour in the nonfarm business sector rose about 1½ percent per year, on average. Since 1995, however, productivity growth has accelerated markedly, about doubling the earlier pace, even after taking account of the impetus from cyclical forces. Though hardly definitive, the apparent sustained growth in measured productivity in the face of a pronounced slowing in the growth of aggregate demand during the second half of last year was an important test of the extent of the improvement in structural productivity. These most recent indications have added to the accumulating evidence that the apparent increases in the growth of output per hour are more than transitory.

It is these observations that appear to be causing economists, including those who contributed to the OMB and the CBO budget projections, to raise their forecasts of the economy's long-term growth rates and budget surpluses. This increased optimism receives support from the forward-looking indicators of technical innovation and structural productivity growth, which have shown few signs of weakening despite the marked curtailment in recent months of capital investment plans for equipment and software.

To be sure, these impressive upward revisions to the growth of structural productivity and economic potential are based on inferences drawn from economic relationships that are different from anything we have considered in recent decades. The resulting budget projections, therefore, are necessarily subject to a relatively wide range of error. Reflecting the uncertainties of forecasting well into the future, neither the OMB nor the CBO projects productivity to continue to improve at the stepped-up pace of the past few years. Both expect productivity growth rates through the next decade to average roughly 2¼ to 2½ percent per year—far above the average pace from the early 1970s to the mid-1990s, but still below that of the past five years.

Had the innovations of recent decades, especially in information technologies, not come to fruition, productivity growth during the past five to seven years, arguably, would have continued to languish at the rate of the preceding twenty years. The sharp increase in prospective long-term rates of return on high-tech investments would not have emerged as it did in the early 1990s, and the associated surge in stock prices would surely have been largely absent. The accompanying wealth effect, so evidently critical to the growth of economic activity since the mid-1990s, would never have materialized.

In contrast, the experience of the past five to seven years has been truly without recent precedent. The doubling of the growth rate of output per hour has caused individuals' real taxable income to grow nearly 2½ times as fast as it did over the preceding ten years and resulted in the substantial surplus of receipts over outlays that we are now experiencing. Not only did taxable income rise with the faster growth of GDP, but the associated large increase in asset prices and capital gains created additional tax liabilities not directly related to income from current production.

The most recent projections from the OMB indicate that, if current policies remain in place, the total unified surplus will reach $800 billion in fiscal year 2011, including an on-budget surplus of $500 billion. The CBO reportedly will be showing even larger surpluses. Moreover, the admittedly quite uncertain long-term budget exercises released by the CBO last October maintain an implicit on-budget surplus under baseline assumptions well past 2030 despite the budgetary pressures from the aging of the baby-boom generation, especially on the major health programs.

The most recent projections, granted their tentativeness, nonetheless make clear that the highly desirable goal of paying off the federal debt is in reach before the end of the decade. This is in marked contrast to the perspective of a year ago when the elimination of the debt did not appear likely until the next decade.

But continuing to run surpluses beyond the point at which we reach zero or near-zero federal debt brings to center stage the critical longer-term fiscal policy issue of whether the federal government should accumulate large quantities of private (more technically nonfederal) assets. At zero debt, the continuing unified budget surpluses currently projected imply a major accumulation of private assets by the federal government. This development should factor materially into the policies you and the Administration choose to pursue.

I believe, as I have noted in the past, that the federal government should eschew private asset accumulation because it would be exceptionally difficult to insulate the government's investment decisions from political pressures. Thus, over time, having the federal government hold significant amounts of private assets would risk sub-optimal performance by our capital markets, diminished economic efficiency, and lower overall standards of living than would be achieved otherwise.

Short of an extraordinarily rapid and highly undesirable short-term dissipation of unified surpluses or a transferring of assets to individual privatized accounts, it appears difficult to avoid at least some accumulation of private assets by the government.

Private asset accumulation may be forced upon us well short of reaching zero debt. Obviously, savings bonds and state and local government series bonds are not readily redeemable before maturity. But the more important issue is the potentially rising cost of retiring marketable Treasury debt. While shorter-term marketable securities could be allowed to run off as they mature, longer-term issues would have to be retired before maturity through debt buybacks. The magnitudes are large: As of January 1, for example, there was in excess of three quarters of a trillion dollars in outstanding nonmarketable securities, such as savings bonds and state and local series issues, and marketable securities (excluding those held by the Federal Reserve) that do not mature and could not be called before 2011. Some holders of long-term Treasury securities may be reluctant to give them up, especially those who highly value the risk-free status of those issues. Inducing such holders, including foreign holders, to willingly offer to sell their securities prior to maturity could require paying premiums that far exceed any realistic value of retiring the debt before maturity.

Decisions about what type of private assets to acquire and to which federal accounts they should be directed must be made well before the policy is actually implemented, which could occur in as little as five to seven years from now. These choices have important implications for the balance of saving and, hence, investment in our economy. For example, transferring government savings to individual private accounts as a means of avoiding the accumulation of private assets in the government accounts could significantly affect how social security will be funded in the future.

Short of some privatization, it would be preferable in my judgment to allocate the required private assets to the social security trust funds, rather than to on-budget accounts. To be sure, such trust fund investments are subject to the same concerns about political pressures as on-budget investments would be. The expectation that the retirement of the baby-boom generation will eventually require a drawdown of these fund balances does, however, provide some mitigation of these concerns.

Returning to the broader picture, I continue to believe, as I have testified previously, that all else being equal, a declining level of federal debt is desirable because it holds down long-term real interest rates, thereby lowering the cost of capital and elevating private investment. The rapid capital deepening that has occurred in the U.S. economy in recent years is a testament to these benefits. But the sequence of upward revisions to the budget surplus projections for several years now has reshaped the choices and opportunities before us. Indeed, in almost any credible baseline scenario, short of a major and prolonged economic contraction, the full benefits of debt reduction are now achieved before the end of this decade—a prospect that did not seem likely only a year or even six months ago.

The most recent data significantly raise the probability that sufficient resources will be available to undertake both debt reduction and surplus lowering policy initiatives. Accordingly, the tradeoff faced earlier appears no longer an issue. The emerging key fiscal policy need is to address the implications of maintaining surpluses beyond the point at which publicly held debt is effectively eliminated.

The time has come, in my judgement, to consider a budgetary strategy that is consistent with a preemptive smoothing of the glide path to zero federal debt or, more realistically, to the level of federal debt that is an effective irreducible minimum. Certainly, we should make sure that social security surpluses are large enough to meet our long-term needs and seriously consider explicit mechanisms that will help ensure that outcome. Special care must be taken not to conclude that wraps on fiscal discipline are no longer necessary. At the same time, we must avoid a situation in which we come upon the level of irreducible debt so abruptly that the only alternative to the accumulation of private assets would be a sharp reduction in taxes and/or increase in expenditures, because these actions might occur at a time when sizable economic stimulus would be inappropriate. In other words, budget policy should strive to limit potential disruptions by making the on-budget surplus economically inconsequential when the debt is effectively paid off.

In general, as I have testified previously, if long-term fiscal stability is the criterion, it is far better, in my judgment, that the surpluses be lowered by tax reductions than by spending increases. The flurry of increases in outlays that occurred near the conclusion of last fall's budget deliberations is troubling because it makes the previous year's lack of discipline less likely to have been an aberration.

To be sure, with the burgeoning federal surpluses, fiscal policy has not yet been unduly compromised by such actions. But history illustrates the difficulty of keeping spending in check, especially in programs that are open-ended commitments, which too often have led to much larger outlays than initially envisioned. It is important to recognize that government expenditures are claims against real resources and that, while those claims may be unlimited, our capacity to meet them is ultimately constrained by the growth in productivity. Moreover, the greater the drain of resources from the private sector, arguably, the lower the growth potential of the economy. In contrast to most spending programs, tax reductions have downside limits. They cannot be open-ended.

Lately there has been much discussion of cutting taxes to confront the evident pronounced weakening in recent economic performance. Such tax initiatives, however, historically have proved difficult to implement in the time frame in which recessions have developed and ended. For example, although President Ford proposed in January of 1975 that withholding rates be reduced, this easiest of tax changes was not implemented until May, when the recession was officially over and the recovery was gathering force. Of course, had that recession lingered through the rest of 1975 and beyond, the tax cuts would certainly have been helpful. In today's context, where tax reduction appears required in any event over the next several years to assist in forestalling the accumulation of private assets, starting that process sooner rather than later likely would help smooth the transition to longer-term fiscal balance. And should current economic weakness spread beyond what now appears likely, having a tax cut in place may, in fact, do noticeably good.

As for tax policy over the longer run, most economists believe that it should be directed at setting rates at the levels required to meet spending commitments, while doing so in a manner that minimizes distortions, increases efficiency, and enhances incentives for saving, investment, and work.

In recognition of the uncertainties in the economic and budget outlook, it is important that any long-term tax plan, or spending initiative for that matter, be phased in. Conceivably, it could include provisions that, in some way, would limit surplus-reducing actions if specified targets for the budget surplus and federal debt were not satisfied. Only if the probability was very low that prospective tax cuts or new outlay initiatives would send the on-budget accounts into deficit, would unconditional initiatives appear prudent.

The reason for caution, of course, rests on the tentativeness of our projections. What if, for example, the forces driving the surge in tax revenues in recent years begin to dissipate or reverse in ways that we do not foresee? Indeed, we still do not have a full understanding of the exceptional strength in individual income tax receipts during the latter 1990s. To the extent that some of the surprise has been indirectly associated with the surge in asset values in the 1990s, the softness in equity prices over the past year has highlighted some of the risks going forward.

Indeed, the current economic weakness may reveal a less favorable relationship between tax receipts, income, and asset prices than has been assumed in recent projections.

Until we receive full detail on the distribution by income of individual tax liabilities for 1999, 2000, and perhaps 2001, we are making little more than informed guesses of certain key relationships between income and tax receipts.

To be sure, unless later sources do reveal major changes in tax liability determination, receipts should be reasonably well-maintained in the near term, as the effects of earlier gains in asset values continue to feed through with a lag into tax liabilities. But the longer-run effects of movements in asset values are much more difficult to assess, and those uncertainties would intensify should equity prices remain significantly off their peaks. Of course, the uncertainties in the receipts outlook do seem less troubling in view of the cushion provided by the recent sizable upward revisions to the ten-year surplus projections. But the risk of adverse movements in receipt is still real, and the probability of dropping back into deficit as a consequence of imprudent fiscal policies is not negligible.

In the end, the outlook for federal budget surpluses rests fundamentally on expectations of longer-term trends in productivity, fashioned by judgments about the technologies that underlie these trends. Economists have long noted that the diffusion of technology starts slowly, accelerates, and then slows with maturity. But knowing where we now stand in that sequence is difficult—if not impossible—in real time. As the CBO and the OMB acknowledge, they have been cautious in their interpretation of recent productivity developments and in their assumptions going forward. That seems appropriate given the uncertainties that surround even these relatively moderate estimates for productivity growth. Faced with these uncertainties, it is crucial that we develop budgetary strategies that deal with any disappointments that could occur.

That said, as I have argued for some time, there is a distinct possibility that much of the development and diffusion of new technologies in the current wave of innovation still lies ahead, and we cannot rule out productivity growth rates greater than is assumed in the official budget projections. Obviously, if that turns out to be the case, the existing level of tax rates would have to be reduced to remain consistent with currently projected budget outlays.

The changes in the budget outlook over the past several years are truly remarkable. Little more than a decade ago, the Congress established budget controls that were considered successful because they were instrumental in squeezing the burgeoning budget deficit to tolerable dimensions. Nevertheless, despite the sharp curtailment of defense expenditures under way during those years, few believed that a surplus was anywhere on the horizon. And the notion that the rapidly mounting federal debt could be paid off would not have been taken seriously.

But let me end on a cautionary note. With today's euphoria surrounding the surpluses, it is not difficult to imagine in the hard-earned fiscal restraint developed in recent years rapidly . . .

He said that ''by continuing to run surpluses beyond the point of which we reach zero, Federal debt brings to center stage the critical longer term fiscal policy issue of whether the Federal Government should accumulate large quantities of private assets. I believe that the Federal Government should eschew private assets accumulation. Of course, having the Federal Government hold the significant amounts of private assets would risk sub-optimal performance of our capital markets, diminish economic efficiency, and lower overall standards of living.''

He talked of ''burgeoning Federal surpluses.'' That was just last year, in January. He said that surpluses should be lowered by tax reductions rather than by spending increases.

He said:

The most recent data significantly raised the probability that sufficient resources will be available to undertake both debt reduction and surplus lowering.

Does anybody here need better permission than that, than to have Alan Greenspan give you the stamp of approval for cutting taxes?

Mr. President, the President talked a month later, in February, in his State of the Union, and he said:

To make sure the retirement savings of America's seniors are not diverted in any other program, my budget projects all $2.6 trillion of the Social Security surplus for Social Security, and for Social Security alone. At the end of these 10 years, we will have paid down all of the debt. That is more debt repaid more quickly than has ever been repaid by any nation in history.

He says, going further:

My budget sets aside almost a trillion dollars over 10 years for additional needs.

I could read more. But don't come now and say we have huge deficits because of 9/11. The cost of 9/11 is under $32 billion. The terrorism war didn't cause this huge deficit. If it did, the President said just a year ago, he had a trillion dollars ready to take care of anything unexpected.

So there you are, Mr. President. What we did is to give out some rebates. I had an amendment on the floor on this. We passed it in June and paid it out around September. It was too late; it wasn't enough. More than anything else, it didn't give the payroll taxpayers—the ones who would spend the money, the people who were pulling the wagon, paying the taxes, keeping the schools going, and everything else of that kind, working around the clock—they didn't get any particular tax cut.

So then this August I moved finally on the budget with respect to the SEC certification. If the SEC was busy asking the CEOs of America's largest companies to swear that their financial reports were in order, I thought that Mitch Daniels should do the same for the Office of Management and Budget.

Here on this chart we have listed more than 600 CEOs who complied. On August 14, the deadline day, there were only two exceptions—the CEO of the IT Group, Mitch Daniels of the United States of America. Let me scratch out the IT Group because they have since been heard from.

I wrote Mitch Daniels, the Director of the Office of Management and Budget, and I said: Are you going to also certify on August 14? The next day, the New York Times reported that Mr. Daniels said he would have a reply to Mr. HOLLINGS ready in a day or two.

That was on August 15. I still do not have a reply. I guess he wants an extension.

How are we going to get truth in budgeting? It is very interesting that we passed, in 1994, the Pension Reform Act whereby companies are not allowed to use pension money of corporations to pay off company debt. We had Carl Icahn and all of those quick artists who took money from these corporations and ran.

Unfortunately, our friend, the famous pitcher, Denny McLain in Detroit, when he headed up a corporation and took money, was convicted of a felony. I said: If you can find the jail where he is serving—I am confident he is out by now—tell him next time to run for the U.S. Senate. Instead of a jail term, you get the Good Government Award. That is what we have going on.

You cannot treat expenditures as revenues. That is exactly Kenny Boy Lay's Enron program, but Kenny Boy did not invent it. We invented it up here under voodoo Reagan and now with voodoo Bush 2, George W. He broke the Government. He has the sorriest economic team you have ever seen. He still naively does not understand the economy, asking for tax cuts. He is continuing to wreck us, and until he gets rid of that team and quits talking tax cuts and starts talking economic sense, the market will never turn around, I can tell you that right now.

Mr. President, let's please tell the truth. I ask unanimous consent that the public debt to the penny by the Treasurer of the United States, Secretary O'Neill, be printed in the RECORD showing we ended fiscal year 2002 with a $421 billion deficit.

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

THE DEBT TO THE PENNY

	Amount
Current: 9–30–2002	$6,228,235,965,597.16
Current month:	
9–27–2002	6,193,334,713,434.45
9–26–2002	6,195,917,334,028.10
9–25–2002	6,201,863,128,192.67
9–24–2002	6,202,454,383,502.58
9–23–2002	6,201,634,677,013.67
9–20–2002	6,199,849,505,001.03
9–19–2002	6,199,158,297,617.64
9–18–2002	6,203,601,028,501.77
9–17–2002	6,206,073,469,907.30
9–16–2002	6,198,239,142,009.48
9–13–2002	6,206,509,037,316.48
9–12–2002	6,207,448,344,943.44
9–11–2002	6,212,731,396,360.16
9–10–2002	6,206,134,982,821.32
9–9–2002	6,200,848,240,187.31
9–6–2002	6,203,279,922,857.50
9–5–2002	6,203,621,876,964.50
9–4–2002	6,201,449,286,859.25
9–3–2002	6,194,089,703,019.91
Prior months:	
8–30–2002	6,210,481,675,956.26
7–31–2002	6,159,740,790,009.39
6–28–2002	6,126,468,760,400.48
5–31–2002	6,019,332,312,247.55
4–30–2002	5,984,677,357,213.86
3–29–2002	6,006,031,606,265.38
2–28–2002	6,003,453,016,583.85
1–31–2002	5,937,228,743,476.27
12–31–2001	5,943,438,563,436.13
11–30–2001	5,888,896,887,571.34
10–31–2001	5,815,983,290,402.24
Prior fiscal years:	
9–28–2001	5,807,463,412,200.06
9–29–2000	5,674,178,209,886.86
9–30–1999	5,656,270,901,615.43
9–30–1998	5,526,193,008,897.62
9–30–1997	5,413,146,011,397.34
9–30–1996	5,224,810,939,135.73
9–29–1995	4,973,982,900,709.39
9–30–1994	4,692,749,910,013.32

THE DEBT TO THE PENNY—Continued

	Amount
9–30–1993	4,411,488,883,139.38
9–30–1992	4,064,620,655,521.66
9–30–1991	3,665,303,351,697.03
9–28–1990	3,233,313,451,777.25
9–29–1989	2,857,430,960,187.32
9–30–1988	2,602,337,712,041.16
9–30–1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that in the order of speakers already identified, Senator KENNEDY be removed from the list and that following Senator BYRD—Senator BYRD has indicated he will speak for 20 or 25 minutes—Senator ENZI then be recognized, followed by Senator DORGAN. Following that, Senators BOND, BINGAMAN, and LINCOLN will then be next recognized. They have some legislation on which they want to have a colloquy. Following Senator DORGAN, we will have a presentation by Senators BOND, BINGAMAN, and LINCOLN.

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

The Senator from West Virginia.

APPROPRIATIONS BILLS: AT AN IMPASSE

Mr. BYRD. I thank the Chair. I also extend my thanks to the distinguished Democratic whip for his help in arranging for me to speak at this moment.

Mr. President, today is October 2. In 2 days, the continuing resolution that Congress approved last week will expire. While the days flip by on the calendar, the work on appropriations bills remains at an impasse, a standstill.

As a result of White House efforts to slow down the appropriations process—and those efforts have been successful—not 1 of the 13 appropriations bills has been sent to the President as of October 1, the beginning of the new fiscal year. This is the worst record for progress in the appropriations process since 1987.

In 1987, my wife and I celebrated our 50th wedding anniversary. Here it is 15 years later, so we are now 65 years along on our journey, but how much further along are we in the appropriations process? Let me say again, this is the worst record for progress in the appropriations process since 1987.

I would be very unhappy to say this with respect to my wife's and my journey of wedding anniversaries. Fifteen of them have passed since we had our worst year in 1987 in the appropriations process. So today, 15 years later, we are as bad as we were then.

As a result of White House intransigence on total discretionary spending for this fiscal year, the other body, the House of Representatives, has not taken up a single appropriations bill on the House floor for 10 weeks—10 weeks. God created the Earth and all of the universe and created man in 1 week—6 days and rested on the 7th. Here we are, the House has not taken up an appropriations bill on the floor for 10 weeks—10 weeks. Rather than working with the House Appropriations Committee and moderates in their own party on a level of spending that could be approved on the House floor, the House Republican leadership, at the request of the White House, simply shut the appropriations process down. That is it.

As a result, one of the most fundamental duties of the President and the Congress—namely, to make careful and responsible choices about how to spend the taxpayers' hard-earned dollars—has been put on automatic pilot.

While the days slip away, the 4 million veterans in this country who rely on the Veterans Administration for their health care will have to worry as to whether or not that care is going to be available for them.

While the days slip away, the 11,420 FBI agents who are supposed to be combating the war on terrorism will have to wonder whether they have the necessary resources to continue to fight that war. Why? Because of this administration's do-nothing policy when it comes to the appropriations process. Slow down the process. Stall.

While the days slip away, the Government's effort to root out corporate fraud would be put on hold.

While the days slip away, the President appears to be satisfied to forget his ''no child left behind'' promise and turn the commitment to educating America's children into another unfunded mandate, another unfulfilled promise.

The President is quick to champion homeland security on the political speech tour. Yes, he will stand out there with a backdrop of marines, a backdrop of soldiers, a backdrop of sailors, a backdrop of the National Guard, and he will say: Congress, pass my homeland security bill.

The President is quick to champion homeland security on the hustings when he is making fundraising trips, raising big dollars for the campaign. He is quick to champion homeland security, but his budget priorities reflect an entirely different agenda. The administration's adamant refusal to move off the dime in these appropriations discussions could jeopardize homeland security—and already has jeopardized homeland security.

No matter when or how or whether any new Department of Homeland Security is created, by jeopardizing the appropriations bills, the White House jeopardizes critical funds for the new Transportation Security Administration. Many of the requirements of the Transportation Security Act require large expenditures in the first quarter of fiscal year 2003. Are they going to flow?

Local airports are required to purchase explosive detection equipment to keep bombs from being placed on airliners. To do that, the airports need help. But the administration's refusal to be more flexible in its appropriations approach means that help is not on the way.

Federal funds are also needed to hire new Federal screeners to make our Nation's seaports more secure. Is help on the way?

Help is not on the way.

The Immigration and Naturalization Service is at a critical juncture in developing a comprehensive entry and exit system to protect our Nation's borders. The Senate bill provides $362 million for this initiative. Is help on the way? No. The administration's inflexibility means that help is not on the way.

The Customs Service is scheduled to hire more than 620 agents and inspectors to serve at the Nation's high-risk land and seaports of entry. Homeland security? The Senate provides the funding for the Customs Service. But is help on the way? No. The administration is being inflexible. Help is not on the way.

Thousands of FEMA fire grants, grants for interoperable communications equipment, grants to upgrade emergency operations centers, grants to upgrade search and rescue teams, grants for emergency responder training, and grants to improve State and local planning would be funded under the Senate's appropriations bill. Is help on the way? No. The administration is inflexible.

These are the special interests, I suppose, that the President was talking about, these firemen, policemen, and emergency health personnel who appeared before the Senate Appropriations Committee last spring in support of more money for homeland security.

So here are these special interests—the firemen, the policemen, the emergency help personnel, the people from the hospitals, and the nurses who came before our Senate Appropriations Committee and pleaded for more money for homeland security. Are these the special interests the President is talking about?

Help is not on the way.

Talk is cheap. Homeland security is not cheap. By forcing the Government to operate on autopilot, the administration wants the Nation to fight terrorism at home with one hand tied behind our backs. The President needs to come out of the White House war room long enough to focus on the situation at home. There is no need to go to Iraq, no need to go to the Middle East. The war on terrorism is being waged at home.

Is help on the way? No.

By December 31, 2.3 million unemployed Americans will be cut off from employment assistance. As the days slip away, our Nation's farmers and ranchers are left with no assistance in the face of the worst drought since the Dust Bowl days of the 1930s. I remember those Dust Bowl days of the 1930s.

I was beginning my last 4 years in high school in the 1930s. That is when mechanically sliced bread first came along. ''The greatest thing since sliced bread,'' we hear. That goes back to the 1930s.

The promise made to America's senior citizens for an effective prescription drug benefit is left for another day. Help is not on the way.

A weakened economy and rising health care costs are the main reasons for the growth in the number of the uninsured. When people lose their jobs, they often lose their health coverage.

The number of unemployed men and women has increased by about 2 million since January 2001, so it should come as no surprise that the number of uninsured is also going up, up, up. Health insurance premiums also increased by 12.7 percent during the past year, making coverage less affordable for employers and workers.

According to the Census Bureau, the number of people with employment-based health coverage dropped in 2001 for the first time since 1993. What is the response to this situation from the Bush administration? What is the response?

What? I can't hear you. A deafening silence.

In 2001, the 30 top earning corporate executives took home $3.1 billion, an average of $104 million. We are talking about the 30 top earning corporate executives. What did they do to earn their money?

They bilked shareholders. The 30 top-earning corporate executives took home $3.123 billion, an average of $104 million.

Why be a U.S. Senator? Why be a Senator? Why be anything else? Become a corporate executive. Not all of them are like that, but there are some bad apples there.

Compared to the national median income in 2001, these 30 corporate executives earned the equivalent of 73,955 households. I would never believe it, but these 30 corporate executives earned the equivalent of 73,955 households.

What is the response to this inequity from the Bush administration? What? A deafening silence. Have I lost my hearing? What has happened? Here I am, 85 years old, and I have no ear plugs in all these years. What? A deafening silence. Deafening.

Unfortunately for the American people, it is not a record on which to look back with pride. It is a record that rejects compromise in favor of obstinance. It is a record that rejects progress in favor of partisanship. It is a record that puts politics ahead of the American people.

As for the appropriations bills, the ranking member of the full committee, the senior Senator from Alaska, Mr. STEVENS, and I have urged the administration and the House Republican leadership to move closer to the Senate levels in these bills. The 13 bills approved by the Senate Appropriations Committee total $768.1 billion. These bills are consistent with the committee allocation approved by a vote of 29–0 in June. The bills are consistent with the $768.1 billion allocation that was approved by the Senate Budget Committee when it reported its budget resolution last March. The bills are consistent with the $768.1 billion allocation that was supported by 59 Members of the Senate when the allocation was voted on during floor debate on the Defense Authorization bill on June 20.

The Senate bills do not promote an explosive growth in spending. The big growth in the bills is for the 13-percent hike proposed by the President for Defense and the 25-percent increase proposed by the President for homeland defense. The fight with the President is over the Senate's desire to provide a 2.6 percent increase for domestic programs, barely enough to cover inflation.

Clearly, a bipartisan effort in the Senate has produced good pieces of legislation. But progress on these bills is at an impasse because the House leadership, under direction from the administration, will not move beyond its arbitrary funding level of $759 billion. Just $9 billion between us, $9 billion. Yet the administration will not move. On the other hand, someone asked Larry Lindsey, the President's top economic adviser, at the White House the other day: How much will the war cost? Maybe $100 billion, maybe $200 billion. That is nothing.

That was his response. That is nothing.

Yet we have come to a standstill because of $9 billion that the Appropriations Committee in the House and the Appropriations Committee in the Senate believe is needed for domestic programs that benefit the Nation's families, children, and veterans.

By its calculated machinations, the administration is turning its back to the needs of the American people at the exact moment where those needs are reaching the breaking point.

This should not be about political winners or losers. This year, of all years, we should not play political games with the appropriations bills. But it seems as if the administration is more than willing to roll the dice with these important bills. And I fear that their gamble will come up snake eyes.

Time and again, the President called on Congress to pass the Defense appropriations bill before the break for the election. I agree with the President. We should pass that bill. The Senate's bipartisan Defense package is $1.2 billion above the House-passed level. The Senate, which some claim is uninterested in defense and in the security of the Nation, provided significantly more resources for our soldiers, sailors, and airmen than the House. This Senate has answered the call and responded to the needs of the military. Congress should not pinch pennies at this time for the men and women in our Armed Forces, and I continue to urge the House to move closer to the Senate level.

We are making progress on the Defense package, and I hope that we can conference those bills soon. But, in order to do that, we need the House Republican leadership and the administration to be more flexible in their approach. Taking such a hard line on these appropriations bills threatens the security of the country forces Congress to gut vital domestic initiatives.

The atmosphere of the White House is a heady one. It can cause even the most level-headed occupant to focus on what is important inside the Washington beltway and to forget what is important in the rest of the Nation. I, for one, do not forget what is important to America. I recognize, as do many Members of this body, the importance of these appropriations bills to the future progress and security of this Nation. I recognize the importance of these appropriations bills to the farmers, to the teachers and their students, and to the veterans. I recognize the importance of these bills to future breakthroughs in medical research and cancer treatments. I recognize the importance of these bills to our Nation's energy independence and to our transportation network. Without these bills, promises will remain unfulfilled, problems will remain unattended, and progress will be stalled.

Tomorrow, the House is expected to debate a second continuing resolution that would simply extend the first continuing resolution through Friday, October 11, and I will recommend that the Senate approve that resolution without controversy. But we should not continue to place the Government on autopilot. We should complete work on our appropriations bills.

I urge the administration and the House Republican leadership to join this Senate in passing 13 responsible pieces of legislation that respond to the needs of the Nation, at home and abroad. I urge that arbitrary budget figures be left at the door and we complete our work before adjourning this session of Congress.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

COMPLETING THE SENATE'S BUSINESS

Mr. ENZI. Mr. President, as people can probably tell, we are getting down to the end of this session. As such, there is a lot of business that still needs to be completed. Many of my colleague have expressed their concerns that the Senate has not completed its business for this session. We all have similar concerns. Every once in a while, I am compelled to come to the floor and explain what is going on. There is not a scorecard around here. There is not a program that anyone can follow. So sometimes it is a little difficult to know what is really happening in the Senate.

I know there is a little confusion among the American public about our progress because I go back to Wyoming almost every weekend. I go out on Friday because we usually do not have votes on Fridays. I travel to a different part of Wyoming each weekend and I return to Washington on Sunday. One of the things I have learned in my 5½ years of being a Senator from Wyoming is that it is really a big State with numerous communities. Each side of Wyoming is approximately 400 miles on a side, one of those two big square States in the West. If they had not invented the square, we would not be able to exist.

Wyoming has 267 towns and one-third of those towns do not have any population. I go to those towns, too, because there actually are people who congregate at those places. There is a post office or a school or some other public facility, or a ranch that people go to discuss issues.

For example, two weeks ago, I was invited to a pork barbecue—very unusual in Wyoming. We usually have beef barbecues, but this was a pork barbecue at three ranches north of Lusk, Wyoming in Niobrara County. The population of the entire county—and it is bigger than most eastern States—is a little over 3,000 people. Most of the population lives in one town, Lusk. The ranch where the barbecue was hosted is just three ranches north near Lusk. It turned out that three ranches north is 61 miles and then you are still not there. After driving 61 miles, you turn off the highway and drive back another 25 miles on dirt roads to get to the ranch where the barbecue was being held. During the last 25 miles, I forded a crick to get to the house.

I do not know how many of my colleagues have recently forded a crick to get to some of their constituents. But when I got to the ranch, there were approximately 200 people sitting on hay bales, listening to a band, eating the barbecue, and talking about what was going to happen in their State legislative district.

Some of our State legislative districts in Wyoming are pretty long and wind around so they have enough people within the borders to qualify as a legislative district. Previously, the record for people traveling to attend one of my meetings was no more 40 or 50 miles. That is how close neighbors live next to one another out in that part of the country. At this particular meeting, we set a new record. One of the families had traveled to over 180 miles to attend my meeting. Surprisingly enough, they still live in that same house State legislative district, which gives you an idea about the number of miles that we have travel out in the West.

One of the things I have discovered during my weekly trips to Wyoming is what the people in my home State are really thinking and worrying about. I am here to tell you they have two main worries right now.

One of my constituents' worries is the drought. Wyomingites are experiencing the third year of a tragic drought. People have had to sell off their livestock. When all areas affected by this drought start to sell off livestock, it drives the prices down. It particularly drives the prices down if there is a packer concentration that sets those prices.

Packer concentration is another little problem we have in Wyoming, which coincides with our State's current drought. I am sure people in America have not noticed their beef prices going down. No, their beef prices have been increasing. But the ranchers' prices have been decreasing. It is an effect of the drought—with some phony economics built in. Nevertheless, Wyomingites are very interested in the drought. My constituents also are very interested in what is going to happen in Iraq.

I was able to travel to New York on the floor of the United Nations General Assembly when the President delivered his speech to the General Assembly. Each session, the President is allowed to appoint two people from the Congress to be United Nations delegates. President Bush appointed Senator SARBANES and me to represent the Congress at the General Assembly, giving us diplomatic status and rank. It is actually very exciting. If the Ambassador is not there, we have the right to sit in the U.S. Ambassador's seat and cast votes on United Nations resolutions. We also have the opportunity to address the United Nations.

It was interesting attending the session in which President Bush delivered his speech to the United Nations General Assembly. When the President was first introduced, the people who applauded were primarily from the United States. It was a strange situation for the President of the United States because they are used to having people stand and applaud. For the General Assembly attendees, it was not a big shock about the lack of applause because we had just heard the Brazilian head of state's speech and he did not receive applause at the beginning or end of his speech.

President Bush gave his speech, giving an outstanding delivery. It was fascinating to watch the delegates around the floor as their body language demonstrated that they were loosening up. As all of you who watched the speech know, when President Bush finished, he received applause—pretty unanimous applause. He made a point, and I have to tell you that after he finished, the other heads of state, as they gave their speeches, used the theme that the President used. They took Iraq to task and Iraq heard it. Because the heads of state have talked about Iraq—and it is still talk—Iraqi officials have talked about allowing inspectors in the country.

However, we still have a long way to go. There is more important work that we have to accomplish to show the resolve of the United States and that we are going to disarm Saddam Hussein. If we cannot disarm Hussein, we are going to replace him. In the next week, the Congress will be debating a resolution concerning Iraq. It was introduced in a bipartisan manner in the Senate earlier today, and it is going to be one of the really important debates of this body. It will take us at least a few days to complete.

I have to tell you that after the President's speech was over, the delegates had a little time to talk among themselves. We wandered around and met other delegates, and also overheard their conversations. I was very pleased at how well the delegates accepted the President's comments about Iraq. Again, if the United Nations does its job, sticks together and does what all of the heads of states have been saying, we can solve the Iraq problem and we can solve it within the realm of the United Nations. I am sure that would be everyone's preference.

While I am explaining what is going on in the Congress, I have to backtrack a little bit because the Congress has had a little different situation this year and we have numerous loose ends that remain out there. We have heard about why the appropriations bills are stalled out. I want to take time to explain why that has happened. Homeland security is stalled out, and I want to explain why that has happened. We also have an energy conference that is out. We have the military construction and defense appropriations, that have already passed this body and passed the House and are now being conferenced. We have terrorism insurance, which has passed both bodies and is being conferenced. We have the Patients' Bill of Rights, and other bills, for which conference committees have been selected.

We work through a committee process in the Congress. The committee process allows a select group of people who are intensely interested in a particular policy area get together as a committee and they review a bill from all of the perspectives of all committee members. It is the easiest place to work a bill because groups can drop off where they have common interests in a particular section of that bill and work out compromises easier than can be done on the floor. So I would say about 80 percent of the work that we do get done is during the committee process.

One of the reasons that people sometimes think the Senate is a divisive body is that this is the room in which we debate the other 20 percent—the 20 percent that we did not work out in the committee.

One of the things you will notice is when we complete a bill, we agree on about 80 percent, which we had originally agreed upon during the committee process. It makes us look a little divisive, but it is part of the philosophy that keeps the legislative process moving. The committee process gets things done in the Senate.

This year, we debated the energy bill for approximately 8 weeks. It did not go through committee. You were able to see the entire bill crafted and debated on the Senate floor without the flexibility found during the committee process. This occurred because the Senate Energy Committee was stopped from working on its version of the energy bill. There was some bipartisan agreement on the energy bill during the committee process, and then the committee was told to stop working on it. Consequently, it took us a long time to work through the energy bill on the Senate floor, and I do not think it is a bill that, because of the complexities of doing it with 100 votes, really reflected what could have been accomplished in committee.

We worked on prescription drugs, which is one of the most critical needs for seniors in this country. What happened on prescription drugs? It did not come out of committee. Normally the Senate Finance Committee, which has an extensive expertise on health care, Medicare, and Social Security, handles those issues. But the committee was not able to handle it. The Senate voted on three different prescription drug bills this year, which took many weeks of debate and time to discuss each one. None of them had enough votes to pass the parliamentary requirements to move forward in the Senate, even though one of them was a tripartisan bill.

There is another unique thing that has happened this year in the Senate. We are not operating with a budget. The last budget agreement ended yesterday. It presents some real complications for us to be able to get our work done. It presents even bigger complications for maintaining any kind of a balanced budget—or as close as possible—when the economy is down and a war is occurring. We need a budget, but we do not currently have a budget.

Another thing that has happened is when bills come to the Senate floor, usually each side gets to introduce some amendments. Each side is allowed to introduce and vote on their own amendments. Lately, what we have been having is a full tree. You will hear that comment around here. I need to better explain this terminology. The full tree means that one side puts in all the amendments that can be debated, so the other side is blocked from being able to offer any amendments. There were some promises in June that was not going to happen. Promises have not been kept. Once we finally were given the opportunity to put in an amendment, we have not had an opportunity to vote on it.

I mentioned earlier the extreme drought that is occurring in Wyoming. Throughout the West, we are having forest fires. The fiscal year 2003 Interior appropriations bill has an amendment that would provide for a demonstration project to show what a healthy forest could be. It does not do much, but it would allow for some demonstrations to show what could be done in our forests to have the kind of forests everyone envisions. There needs to be a good debate on what we envision as a healthy forest. In the meantime, of course, the fires rage on and we are not allowed to vote on the healthy forest demonstration project.

The fire demonstration project is extremely critical to the West. About 8 million acres have burned out thus far. For people who do not deal a lot with acres, it really does not mean much to them. An acre is about the size of a football field. But that is hard to relate to 8 million acres. It is the equivalent of a four-mile-wide strip from Washington, DC, to Los Angeles that has been burned off this year. This year's fires have caused in excess of 25 deaths, and untold houses being burned to the ground. Those people who did not have their homes burned to the ground are now facing blackened stubble.

Something needs to be done about it. There are some preventive actions we can take. Outside Yellowstone Park, there is a pine beetle forest, which means pine beetles have gotten into the trees and girdled them. The beetles cut off all the nutrition to trees, and the trees die. The first year they are dead, they have rusty pine needles. Pine needles burn extremely well. After the first year, you have a dead standing tree. Dead trees burn pretty well, too. After that, the trees fall over, deteriorate, and become part of the undergrowth and create further problems.

There are things we could be doing to prevent these fires. Good stewardship of our forests would increase habitat for animals and provide more safety. We cannot do much, but we could do the worst first by being allowed to vote on an amendment to address wildfire suppression. The FY 2003 Interior appropriations bill has languished here for approximately five weeks. During the past month, we have debated the Interior appropriations bill in the mornings. In the afternoon, we have debated the homeland security bill. Again, after getting through a loaded amendment tree, we wind up in a situation where we cannot get a vote on the President's version of the homeland security bill. I think it is very discourteous to the President to not be allowed an opportunity to have a vote on his version of the homeland security bill. Why not? I suspect it would pass the same as the fire amendment.

It is a definite dilemma. Do we let the President's homeland security version of the bill pass, or do we just stifle it? If it gets stifled, nothing can happen on this policy issue. We have some work to do. It is time we did it. It could be done by allowing some votes on some key policy issues.

There has always been cooperation in the Senate for the 5½ years I have been here in allowing people to have a vote on their amendments. Sometimes we did some really unique parliamentary procedures in that we let two versions be voted on side by side, even though one was an amendment to the other. During the time the Republicans were in the majority, the minority was allowed votes on their bills, but we are now not getting votes on our bills. There is some point at which you have to say: if we cannot vote on it, we will stop the process until we do get a vote. The easy way to solve that is to let us have a vote on this important healthy forest demonstration project and the President's version of the homeland security bill.

Also, let us have a vote on the President's homeland security. The significant difference in the versions is whether we are going to take away the right of the President to address ceratin personnel issues and make him subject, during emergencies, to stacks of regulations. Should the President have to go by huge stacks of regulations to make management decisions in a time of crisis while maintaining a secure homeland?

There is going to be a lot of frustration in the next few days because there is a great need to get the Senate's work done. We are the ones charged with getting the appropriations bills done. We need to complete the FY 2003 appropriations process. We should start that process with the budget so that we have a road map of what we are doing, and then fill in the blanks on the appropriations while staying within a balanced budget.

When I first arrived here in the Senate, we had a huge controversy. The very first thing I debated was the balanced budget constitutional amendment. People who remember 5½ years ago will remember that a constitutional amendment has a much higher criteria for passing than any other bill. It was defeated by one vote. The reason was defeated by one vote was because everybody here said we can balance the budget, and those who opposed the amendment said we can balance the budget without a balanced budget constitutional amendment.

We did balance the budget for a while. We did it. I am very proud of it. While we were balancing the budget, the economy went up. When we stopped balancing the budget, the Congress said there were surpluses available to spend beyond what was allocated for before, then economy started down. Having a balanced budget gives importance to the economy of this country. It gives people more reliance on what we are doing, and more confidence in what we are doing. At the moment, we are not instilling a lot of confidence.

Granted, there is a war going on, and a war affects the budget. And it should.

Earlier, Senator HOLLINGS had some charts when he was describing the amount of the national debt. I knew a fellow named Steve Tarver who used to live in Gillette. He used to get a hold of me on a regular basis and ask: How much is the national debt? If we are paying down the national debt, how come the interest isn't going down? It is because of phony accounting.

We have gotten on the corporations for their accounting standards. Now it is time for us to get on our own selves for our accounting methods. For example, the Social Security trust fund, it neither funds nor trusts, and we should be taking care of it.

We could pay the debt down to nothing over a 30-year period. I have had charts on the floor to show how that could be done. There are emergencies that come up. The 30 years, incidentally, corresponds with the time of a house mortgage. We buy houses, and sometimes we pass those on to our descendants. Sometimes that has a remaining bill with it, and they keep paying them down.

That is what we are doing with the country. We could take the national debt and pay it off over a 30-year period, where if we did not spend the difference on the interest payment, when we reduced it, on other things, we could pay off more of the principal. So then it would be a relatively small payment. It is a huge payment, using the interest we are paying now, which we are not able to spend on anything else at a future date. As far as the war is concerned, that would be a second mortgage on the house with a much shorter term.

So there is not any excuse for us not to be paying down the national debt in good times, and taking out second mortgages in bad times.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. Mr. President, I appreciate the indulgence of the Chair in letting me expound on this a little bit. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota, Mr. DORGAN, is recognized.

IRAQ

Mr. DORGAN. Mr. President, it has been interesting, today, to listen to some of the discussion on the floor of the Senate about the economy. The reason it has been interesting is there is not a great deal of discussion these days about the economy. Most of the discussion here in Congress especially, and on the front pages of America's newspapers, has been about the subject of Iraq and national security.

That is important. There is no question about that. The issues of service, duty, honor, patriotism, national security—all of those issues are deadly serious business for our country. When we talk about sending America's sons and daughters to war, that is deadly serious business, and the Constitution has something to say about it. The Constitution provides that the Congress shall make that decision.

Let me just say, on these issues—I am going to speak about the economy, but I have been troubled lately by some of the things I have read about national security, especially about a new doctrine that is being developed, or has been developed, and announced by some, talking about preemptive strikes—that our country has a right to preemptively strike a potential adversary. That has never been this country's approach to dealing with international affairs.

I think about this notion of preemptive strikes, and I think about how we might feel, as a country, if some other countries in the world said to us: Oh, by the way, we have a new policy. Our policy is: preemptive strikes on neighboring countries that we worry might very well threaten our national security interests.

We need to have a long, thoughtful, and sober discussion about that kind of policy change. And I expect we will do that.

First, however, we will debate a resolution on Iraq here in the Senate beginning this week. Again, as I indicated, that is a very serious business. My hope is that our country will speak with one voice on these issues, we will work through it, and then speak with one voice. And my hope is that voice will be a voice that says: It is best always, to the extent we can, especially dealing with a problem like this, to confront the country of Iraq with, if necessary, coercive and by-force inspections in Iraq, to rid that country of any weapons of mass destruction they have, and do so with coalition partners, other countries around the world, that are willing to, and that should, assume that burden with us. But that is for another time, and I will speak another day on that subject.

THE ECONOMY

Mr. DORGAN. Mr. President, let me talk, just for a moment, about the economy.

I have listened to some of the discussion, and I know there is a tendency to talk about the economy and to talk about, the other side is to blame. It is always the other side that is to blame. It does not matter which side you are on, you are just pointing in the opposite direction. And I suppose there is some blame that can be availed to virtually everyone in Government for our problems with respect to the American economy.

I worry, however, there is not very much attention being paid to the economy. Today's speeches in the Senate represent a departure because in most cases nobody wants to talk about the economy these days.

We have very serious, relentless, difficult problems in the American economy. Just take a look at what is going on in the economy. More people are out of work. More people are losing their jobs. More people are losing money in their 401(k) accounts. The stock market is behaving like a yo-yo.

The big budget surpluses that we were told last year would last forever—most of us did not believe that, but that is what we were told: These budget surpluses will last for as long as you can count, so plan on the next 10 years of having consistent surpluses, and let's spend it now in the form of tax cuts—well, those surpluses have now turned into deficits, and big deficits. Big surpluses have turned into big deficits.

On top of all that, we have corporate scandals that have developed and been unearthed in recent months in this country that shake the confidence of the American people in this economy of ours. I will talk just a bit more about that in a while.

But I am not here to say the President is solely to blame for what is going on. I do wish he would provide more leadership at this moment and say, yes, the economy is in trouble, instead of having Larry Lindsey trot out here and say: The fundamentals are sound. Let's hang in here. Don't worry about it.

This economy is in significant difficulty. I think it is time for us to recognize that. It is time for us to have an economic summit with the President, invite the best minds in this country to come together, have the executive branch, the President, and the legislative branch sit down together and evaluate: What do we do about a fiscal policy that does not add up?

It is true, as my friend from Wyoming just said, we do not have a budget this year. Why don't we have a budget? We have a fiscal policy that does not add up. There isn't anybody in this Chamber who can make sense of this fiscal policy, and they know it. It does not add up. This fiscal policy was a policy developed a year and a half ago, in which we were told: We will have surpluses as far as the eye can see, so let's have a $1.7 trillion tax cut over 10 years, and then hold our hands over our eyes and think things will turn out just fine. Well, they have not turned out just fine.

I think it is incumbent on us, on behalf of the interests of the American people, to sit at the same table and decide we are all constituents of the same interest, and that interest is the long-term economic progress and opportunity here in the United States.

We need an economy that grows. There is no social program we have worked on in this country—none—that is as important as a good job that pays well. There is no program we work on that is as important to the American people as a good job that pays well because that makes virtually everything else possible. If we do not have an economy that grows and expands and provides opportunity, then we have some significant future trouble.

Let me talk, just a little, about what it means when our economy isn't doing well. I spent time this morning at a hearing. The airline industry came in. We had a hearing in the Commerce Committee. The airline industry lost $7 billion last year—$7 billion.

We have carriers that have filed for bankruptcy; more probably will. And they say: Look, we have a huge problem. Fewer people are flying. Some

worry about safety. Some are concerned about the hassle factor at airports. The economy is in trouble, so fewer people get on airplanes.

So you have an industry in trouble. That is just one industry. And that was just this morning. Nonetheless, it is indicative of what is happening in our economy. And the result is, when you have a soft economy, and the kind of trouble we are heading towards, and that we have already experienced, it means things, such as health care—the kind of health care that families need and expect—is not affordable, not available. It means we do not deal with the education problems we are supposed to be dealing with.

Leave No Child Behind—that was a slogan last year, and a piece of legislation passed last year. But then the proposal comes out of the budget, and it leaves all kinds of kids behind because the money does not exist to do it because the fiscal policy is out of whack.

We have talked about the corporate scandals that undermine confidence in this economy, and we passed a piece of legislation dealing with it. But it is just one piece of legislation, and it falls short of what is necessary.

Also, if you are not disgusted about these corporate scandals, then there is something fundamentally wrong.

Tyco Corporation. The CEO of Tyco has since been arrested. He has a $6,000 gold and burgundy, floral patterned shower curtain, paid for by his company—a $6,000 shower curtain.

Did anybody in this Chamber ever see a $6,000 shower curtain? How about a $17,000 toilet kit, a traveling toilet kit, or a $445 pin cushion; has anybody ever seen that in their life?

There are stories about Tyco having paid $15,000 in corporate money for an umbrella stand. People ask: How could you spend $15,000 for an umbrella stand? The decorator said this was an 1840s antique stand in the shape of a 3-foot high poodle. That is how you spend that kind of money for an umbrella stand.

Staying with Tyco one more time: A birthday party paid for with corporate funds, it cost $1 million. They are fleecing investors. The guests come into the pool area—this is related by the person who arranged the birthday party. They actually transported people to Europe for the birthday party of the wife of the CEO of the corporation using corporate funds. The band was playing. There was a big ice sculpture of David, lots of shellfish and caviar at his feet; a waiter pouring Stoli vodka into the statue's back so that it came out his private parts into a crystal glass.

I don't know. I grew up in a small town. Maybe it is just me that doesn't understand this, or maybe this is nuts. Maybe it is just nuts. But there is story after story after story of avarice and greed in board rooms, in executive suites.

Here is a story about the Securities and Exchange Commission. It says the SEC now says it is unlikely they will pursue Enron's board of directors.

The board of directors of Enron had a professor do a study of what was going on inside the company. The board of directors' own study said what was happening inside Enron ''is appalling.'' Here is the SEC saying: We are not going to worry about these board of directors of Enron. We are not doing an inquiry into their responsibility. That is a low priority.

A former SEC chief accountant says this:

> If you don't go after this board, you are telling the public you ain't ever going after any board.

What is the SEC doing? Are they not reading this stuff? Are they just missing what is going on in this country? What about the corporate responsibility bill we passed some while ago? I tried to offer an amendment. A couple people here blocked it for 3 days so the bill passed without it. Let me describe it and why there is unfinished business dealing with the economy with respect to corporate scandals.

Of the 25 largest bankruptcies in America, 208 corporate executives took out $3.3 billion prior to the bankruptcies. As the corporations were run into the ground, the people at the top filled their pockets with gold, and the investors lost their shirts. We couldn't do a thing about it because I couldn't offer the amendment.

There was unfinished business, and we should address it here in this Congress.

Here is a story about the Treasury Department, the IRS. It says they are seeking now quick settlements in pending tax shelter probes. The IRS is seeking quick settlements in many of its tax shelter cases raising questions about how effective its crackdown on tax avoidance schemes will be. What does this mean? It means that Treasury has been concerned—and I have been, certainly—about these aggressive tax schemes to avoid paying taxes.

Instead of going after them, what are they going to do? They will do quick settlements. They are going to move to settle these cases very quickly. And what is that going to do to discourage additional aggressive tax schemes? Nothing, unfortunately.

We have serious problems. I am talking about corporate responsibility, but I talked about our fiscal policy that doesn't add up. I know we could just stand here and point fingers back and forth. That doesn't make any sense. We all serve the same interests.

Ogden Nash wrote a poem talking about a guy who drank too much and a woman who nagged.

She scolds because he drinks, she thinks. He drinks because she scolds, he thinks. And neither will admit what is true: He is a drunk; she is a shrew.

Well, the fact is, we both have some responsibility on this area of the American economy and what to do about it. I say to the President—not in the way of pointing fingers—we have to start dealing with this. We can't ignore it. We can't pretend a fiscal policy that added up to, or we thought added up 18 months ago, is a fiscal policy that works today. We have been through a recession. Now we are in a weak economy. Big budget surpluses have now become big budget deficits. We were hit with terrible terrorist attacks on 9/11. We went through corporate scandals which undermined confidence in the American economy.

Let's not pretend that things are fine. They are not fine. A week from this Friday, we will do an economic forum in the Russell Building Caucus Room. I am hoping we can get a debate going. I will invite both sides. We will do it through the Democratic Policy Committee. I want to hear from every side. If somebody thinks this fiscal policy is great, good, come and defend it.

I happen to think we need some significant changes. I will be there to talk about it. But let's get some people together to talk about what is happening and think through what we can do about it.

There is an old saying when everybody in the room is thinking the same thing, nobody is thinking very much. That is true here. It is true at the White House. If they think this economy is great, they are wrong. They are not thinking very much.

We need a fiscal policy that relates to these days. When we were attacked on September 11, the President said we will embark on a war on terrorism. I supported that. Then he said we need $45 billion more for defense this year. I supported that. We need nearly $30 billion more for homeland security this year. I supported that.

The question is, Where is the money coming from? Who is going to pay for it, when and how? My point is we had better decide, the President and the Congress, to pay attention to this economy and fix the problems that exist and do it now. We don't have a choice.

Our responsibility is to fix what is wrong. This deals with virtually everything we have talked about all of this year: Health care, education, pensions, corporate governance, all of it.

My colleague said we haven't even passed a budget. He is right about that. It is because none of it adds up. Everybody knows it doesn't add up.

John Adams used to write letters to Abigail. In the book McCullough wrote about John Adams, he chronicled the discussions John had with Abigail in those letters. He would ask his wife: Where is the leadership? Where will the leadership come from as we try to put this country together? There is only us: Washington, Jefferson, Madison, Mason, Franklin, myself.

Of course, ''only us'' in restrospect is some of the greatest talent ever gathered in the history of the earth. They put a country together.

But it is fair to ask again now, especially given the problems and challenges we face, where is the leadership? I hope next Friday we can begin a discussion and a debate that leads to an

economic summit in which we try to put together an economic policy that moves the country forward. Ignoring the problems is not in our best interest. It is not going to solve the country's problems.

We face some significant challenges in national security dealing with the war on terrorism, dealing with Iraq, and a range of other issues. I respect that. But that ought not allow us to take a pass on the economy. It ought not allow the President to not want to talk about the economy. We have very serious problems with the economy, and it is long past time that we get about the business of working together to solve them.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri was to be recognized.

Mr. REID. It is my understanding morning business time has run out; is that correct?

The PRESIDING OFFICER. The Senator is correct.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until the hour of 5:15 p.m.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

MOTHERS AND NEWBORNS HEALTH INSURANCE ACT

Mr. BINGAMAN. Madam President, I rise with the purpose of making a unanimous consent request, which I will make at the end of my remarks, the remarks of my colleague from Missouri, and the remarks of my colleague from Arkansas. The unanimous consent request will be to take up and pass S. 1724, the Mothers and Newborns Health Insurance Act of 2001. This bill was reported by the Senate Finance Committee. This legislation, introduced by Senator BOND and Senator BREAUX, would give States the option of covering pregnant women in the State Children's Health Insurance Program—the CHIP program—for the full range of pre and postpartum care.

This legislation, which as I indicated, was passed by the Finance Committee, was passed by unanimous consent. It was included in S. 1016, which was the Start Healthy, Stay Healthy Act of 2001, which I introduced earlier with Senators LUGAR, MCCAIN, CORZINE, LINCOLN, CHAFEE, MILLER, and LANDRIEU. It provides continuous health care for children throughout the first and the most fragile year of their life.

According to the Centers for Disease Control, the U.S. is 21st in the world in infant mortality. We are 26th in the world in maternal mortality. For a nation as wealthy as ours, this is an unacceptable circumstance.

The sad thing is that we know exactly how to fix this problem. Numerous studies over the years indicate that prenatal care reduces infant mortality and maternal mortality and reduces the number of low-birthweight babies. According to the American Medical Association:

> Babies born to women who do not receive prenatal care are 4 times more likely to die before their first birthday.

Current law creates some unintended consequences that this bill tries to correct. Under the Children's Health Insurance Program, women under the age of 19—that is, until they complete their 18th year—are covered for pregnancy-related services, but once they reach the age of 19, they are no longer covered. This legislation will eliminate that problem by allowing States to cover pregnant women through CHIP, regardless of their age.

This also eliminates the unfortunate separation between pregnant women and infants that has been created as a result of the CHIP program, as it currently is administered.

This is, of course, contrary to longstanding Federal and medical policy through programs such as Medicaid and the WIC Program. There is a report by the Council of Economic Advisors entitled ''The First Three Years: Investments That Pay.'' That report states:

> Poor habits or inefficient health care during pregnancy can inhibit a child's growth, development, and well-being. Many of these effects last a lifetime. . . .

The Washington Business Group on Health has found in its report entitled ''Business, Babies, and the Bottom Line'' that more than $6 in neonatal intensive care costs could be saved for every single dollar spent on prenatal care and low-birthweight babies.

Furthermore, the Agency for Health Care Research and Quality report has found that 4 of the top 10 most expensive conditions in the hospital are related to the care of infants with complications, such as respiratory distress, prematurity, heart defects, and lack of oxygen. All of these conditions can be improved—not totally eliminated but improved—through quality prenatal care.

Some might argue this legislation is unnecessary because the administration is proceeding with a regulation that goes into effect today, in fact, to allow States to cover some prenatal care through CHIP by allowing the insurance of the unborn child.

I want to take a few minutes to talk about the administration's plan to cover the fetus and not to cover women through pregnancy.

Leaving the woman out of this equation is completely contrary to the clinical guidelines of the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, which say the woman and the unborn child need to be treated together. You cannot perform fetal surgery without thinking about the consequences for the mother. You cannot prescribe unlimited prescription drugs to a pregnant woman without considering the consequences to the development of the fetus.

Moreover, if you only are covering the fetus, as this rule would, this eliminates important aspects of coverage for women during all the stages of birth; that is pregnancy, delivery, and postpartum care.

This is exactly what the administration rule proposes to do. According to today's published rule, pregnant women would not be covered during their pregnancy for cancer, medical emergencies, broken bones, or mental illness. Even lifesaving surgery for a mother would appear to be denied coverage.

Further, during delivery, coverage for epidurals is a State option and is justified only if the health of the child is affected. On the other hand, anesthesia is covered for C-sections. The rule would wrongly push women and providers toward providing C-sections to ensure coverage.

Finally, during the postpartum period, women would be denied all health coverage from the moment the child is born. Important care and treatment that includes, but is not limited to, the treatment for hemorrhage, infection, episiotomy repair, C-section repair, family planning counseling, treatment of complications after delivery, and postpartum depression would not be covered under the rule proposed by the administration.

I repeat, our country ranks 26th in the world in maternal mortality. We need to do better than this. We can do better than this for our Nation's mothers. However, let there be no mistake, this bill is also about children's health. Senator BOND's bill is appropriately named the Mothers and Newborns Health Insurance Act for a reason. We all know the importance of an infant's first year of life. Senator BOND's legislation, as amended by the Finance Committee, provides 12-month continuous coverage for children after they are born. Again, the United States ranks 21st in the world in infant mortality, and this provision will help solve that problem.

In sharp contrast, the rule that has been issued today provides an option for 12 months continuous enrollment to States, but makes the time retroactive to the period in the womb. Therefore, if 9 months of pregnancy are covered, the child would lose coverage in the third month after birth. Potentially lost would be a number of important well-baby visits, immunizations, and access to the pediatric caregiver.

This legislation, which was introduced by Senator BOND, has a large number of bipartisan cosponsors, including Senators Daschle and Lott. It should be passed into law as soon as possible. It did pass the Finance Committee unanimously.

Finally, Secretary Thompson is in very strong support of the passage of S. 724, and he has said so publicly. Also in a letter to me that is dated April 12 of this year, he wrote:

Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, lifelong determinant of health, and we should do everything we can to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our Nation. . . .I also support legislation to expand CHIP to cover pregnant women.

That is exactly what we have. In addition, Secretary Thompson was quoted in the Washington Post on September 28 as saying in relation to today's ''unborn child'' coverage rule:

There is no abortion issue as far as I'm concerned.

If this is the case, then we should pass this legislation immediately to ensure States have the option of covering pregnant women with the full range of care. It is a much simpler and better way to go, both for the health of mothers and the health of children. It is also free from the very real problem in this Congress of abortion politics.

Once again, this legislation has strong bipartisan support. I will, after my colleagues speak, ask to propound a unanimous consent request.

I ask unanimous consent that the letter from Secretary Thompson be printed in the RECORD.

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

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, April 12, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for sharing your views on our new proposal to expand health care coverage for low-income pregnant women under the State Children's Health Insurance Program (SCHIP). I believe it is not only appropriate, but indeed, medically necessary that our approach to child health care include the prenatal stage.

Prenatal care for women and their babies is a crucial part of medical care. These services can be a vital, life-long determinant of health, and we should do everything we can to make this care available for all pregnant women. It is one of the most important investments we can make for the long-term good health of our nation.

Our regulation would enable states to make use of funding already available under SCHIP to provide prenatal care for more low-income pregnant women and their babies. The proposed regulation, published in the FEDERAL REGISTER March 5, would clarify the definition of ''child'' under the SCHIP program. At present, SCHIP allows states to provide health care coverage to targeted low-income children under age 19. States may further limit their coverage to age groups within that range. The new regulation would clarify that states may include coverage for children from conception to age 19, enabling SCHIP coverage to include prenatal and delivery care to ensure the birth of healthy infants.

Although Medicaid currently provides coverage for prenatal care for some women with low incomes, implementing this new regulation will allow states to offer such coverage to additional women. States would not be required to go through the section 1115 waiver process to expand coverage for prenatal care.

By explicitly recognizing in our SCHIP regulations the health needs of children before birth, we can help states provide vital prenatal health care. I believe our approach is entirely appropriate to serve these health purposes. It has been an option for states in their Medicaid programs in the past and it should be made an option for states in their SCHIP program now. As I testified recently at a hearing held by the Health Subcommittee of the House Energy and Commerce Committee, I also support legislation to expand SCHIP to cover pregnant women. However, because legislation has not moved and because of the importance of prenatal care, I felt it was important to take this action.

I know we share the same commitment to achieving the goal of expanding health insurance coverage in order to reduce the number of uninsured.

A similar letter is being sent to the cosigners of your letter. Please feel free to call me if you have any questions or concerns.

Sincerely,

TOMMY G. THOMPSON.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank the Chair.

Madam President, I thank my colleague from New Mexico. I apologized to him earlier today. We tried to get him in the lineup so we could move on this important measure, and we did not get it done.

I rise today in very strong support of the request he is going to make because I share with him and my other colleagues on the floor the fact that S. 724, the Mothers and Newborns Health Insurance Act of 2001, is vitally important for the health care of children and pregnant women in America.

As one who spent a good deal of time concerned about the care of children, particularly health care in the very earliest years, I believe this is one of the most important steps we can take. I was one of the original sponsors of S. 724. The legislation's simple goal is to make sure more pregnant women and more children are covered by health insurance so they get a good start for the child and have access to health care services they need to make sure they are healthy.

This simply gives the States the option and flexibility to cover low-income pregnant women in the States Children Health Insurance Program, or S-CHIP, as I call it, for the full range of prenatal, delivery, and postpartum care. This bill would complement the administration's final rule that allows States to expand S-CHIP coverage to fetuses by covering additional vital health care services for the pregnant mother the rule would not cover.

Under current law, S-CHIP currently permits States to cover eligible babies once they are born, but coverage is not available to women when they are pregnant. This creates the perverse situation in which a State can provide health care for a child the day she is born, but cannot provide the critical prenatal care, both to the child and the mother's health, during the prior 9-month period. It just absolutely makes no sense. Prenatal care is essential for both the mother's health and the baby's health. No health care program that ignores this fact can fully address the issue of children's health care.

This bill will eliminate the illogical disconnect that currently exists between pregnant women and babies in the S-CHIP program.

This bill, as I believe has already been indicated by my colleague, has strong bipartisan support in the Senate and the House. It has the endorsement of the National Governors' Association and 25 other national organizations, including the March of Dimes, the American Academy of Pediatrics, American Public Health Association, National Association of Children's Hospitals, American College of Obstetricians and Gynecologists, and the Catholic Health Association. One normally speaks of the usual suspects backing a bill. In this case, the usual strong proponents are backing the bill. I can think of no stronger group to have behind this measure. I also note, the Secretary of Health and Human Services, Secretary Thompson, strongly supports passage of the legislation.

The need is great. On any given day, almost 9 million children and 400,000 pregnant women do not have health insurance coverage. For many of these women and children, they or their families simply cannot afford insurance. Many others are actually eligible for a public program like Medicaid or S-CHIP, but they do not know they are eligible and are not signed up.

Lack of health insurance can lead to numerous health problems, both for children and for pregnant women.

A pregnant mother without health coverage is much less likely to receive the health care services she needs to ensure the child is healthy, happy, and fully able to learn and grow. All women need prenatal care. Young and old, first baby or fifth, all mothers benefit from regular care during pregnancy.

Studies have shown that an uninsured pregnant woman is much less likely to get critical prenatal care that reduces the risk of health problems for both the woman and the child. Babies whose mothers receive no prenatal care or late prenatal care are at risk for many of the health problems, including birth defects, premature births, and low birth rate, a tragedy that we ought to devote every effort to eliminate.

We know prenatal care improves both birth outcomes and can save money. According to the National Center for Health Statistics, infants born to mothers who receive no prenatal care or late prenatal care are nearly twice as likely to be low birth weight, and low birth weight in pre-term births is one of the most expensive reasons for a hospital stay in the United States, with hospital charges averaging $50,000, an especially serious issue for families without health insurance.

A report by the IOM entitled ''Health Is A Family Matter'' notes:

Infants of uninsured women are more likely to die than are those of insured women.

In one region of West Virginia, the fetal death rate dropped 35.4 to 7 for

1,000 live births after the introduction of the prenatal care for the uninsured. Let me reemphasize that—35 fetal deaths for 1,000 live births. When they gave insurance and prenatal care, it dropped to 7, a reduction of 80 percent.

In addition to ensuring better health outcomes, research and State experience suggest that covering pregnant women is a highly successful outreach mechanism for enrolling children. I thank Senator BINGAMAN from New Mexico for his leadership in the Finance Committee on this vital health care issue. This bill passed the Finance Committee in the beginning of August by unanimous consent, with additional language to provide children continuous coverage through the first and most critical year of life. I commend him for that provision. It makes a strong bill even stronger.

The studies have shown time and again that babies born to mothers receiving late or no prenatal care are more likely to face complications which result in hospitalization, expensive medical treatment, and ultimately increased costs to public programs. We must close the gap in coverage between pregnant mothers and their children to improve the health of both and to address more fully the issue of children's health care.

It can be said this is a sound matter of economics, to reduce the costs, but none of us would deny that the far greater benefits are the benefits of healthy children. Numbers cannot be put on them. In this instance, this is a saving: Less money to care for needy children. But the most important benefit is less needy children, less harm to the children, less serious conditions for the children, and better families, better citizens in the future.

This is crucial legislation. I urge all of my colleagues to join in support so we can pass this bill. I thank the Senator from New Mexico for his leadership, and I hope we will be able to get this bill done before we leave.

I yield the floor.

Mrs. LINCOLN. Madam President, today I proudly rise with my Senate colleagues from New Mexico and Missouri, Senator BINGAMAN and Senator BOND, to speak about the importance of passing S. 724, the Mothers and Newborns Health Insurance Act.

I say to both Senators, I am extremely proud of the enthusiasm and compassion with which they come to this issue, neither one of them having experienced pregnancy themselves, but more importantly I am proud of the fact they have recognized the importance of this issue for mothers and children across our great Nation.

As Senator BOND has mentioned, we must pass this bill as soon as possible, and certainly before we adjourn this Senate.

This bipartisan legislation, which we passed unanimously in the Finance Committee this summer, gives States the option of covering pregnant women in the State children's health insurance program, their CHIP program. Most importantly, the bill allows coverage for postpartum care and treatment of any complications that might arise for women due to pregnancy.

It is absolutely inexcusable the numbers that Senator BINGAMAN presents to us about infant mortality and maternal mortality of women in this great country of ours, at a time when we are ahead of every other nation in every other arena and yet we look at those numbers. To me, I am ashamed of that. I am ashamed we have not taken the course of action that could help us prove to the rest of the world that we truly do value life in this country, and that we want to do all we possibly can to ensure the healthy delivery of children in this country, as well as the health of their mothers.

Myself having given birth to twins 6 years ago, I can personally attest to the importance of prenatal care. Because I did have good prenatal care, I was able to work up until several weeks before I delivered my children. I was blessed with two healthy boys and a relatively trouble-free pregnancy and delivery. Both the boys and I were able to come from the hospital within 2 days to a healthy beginning for our entire family.

Not only is prenatal care essential for quality of life, it is also cost-effective. If we do not want to do it because we value families and the importance that children play in our future, we should at least want to do it because it is cost-effective. For every dollar we spend on prenatal care, we still save more than $6 in neonatal intensive care costs; not to mention the cost to the woman who is giving birth.

It comes as no surprise that preterm births are one of the most expensive reasons for a hospital stay in the United States.

If S. 724 was law and all States elected the option, some 41,000 uninsured pregnant women could be covered. Arkansas currently covers pregnant women up to the minimum Federal requirement of 133 percent of poverty. If the State chose to implement this option, it could raise eligibility levels under S–CHIP to as much as 200 percent of poverty and receive an enhanced Federal payment for doing so. We in Arkansas could receive extra dollars enhanced payment for doing the right thing, both economically and for our families and our children.

This policy simply makes sense. It seeks to improve health care for low-income mothers and their babies while reducing costs for everyone, particularly the taxpayer. No wonder it has the support of Senator DASCHLE and Senator LOTT. Let's not delay any longer. Let's pass this legislation today.

There is no excuse for us not passing this legislation today, tomorrow, or certainly before we adjourn the Senate.

Some might wonder why this legislation is needed since the administration has just announced a final regulation on providing CHIP coverage of unborn children. The reason is simple. The administration's regulation covers the fetus but not the woman. It is beyond me that anyone could imagine when a child who was being carried by a pregnant woman, that in some way these two were separable. They are not.

This is completely contrary to the clinical standards of care established by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics. Why on Earth would we want a policy that fails to cover the health issues that may arise for a woman during her pregnancy—issues such as diabetes and hypertension?

What happens to that young mother who is pregnant and all of a sudden has a reaction to diabetes or hypertension, who is in an automobile accident and goes to the hospital?

This covers the medical care for the unborn child but not for the mother who is carrying that child? It makes no sense. Mother and baby are undeniably connected during pregnancy. They must be treated together.

Why would we want a policy that fails to cover post partum care, the 60 days of care following delivery, which can often involve serious clinical complications for the mother? This care is covered by Medicaid and most private insurance. Why wouldn't we cover it under S–CHIP if we are going to cover the unborn child? What if the new mother has a hemorrhage, an infection? She may need some episiotomy repair or have post partum depression. The administration's regulation would not cover such services because, in their words, they are not services for an eligible child. But what about the mother carrying that child?

The March of Dimes mission is to improve the health of babies worldwide; it has expressed serious concern and opposition to the President's regulation. This regulation is needlessly controversial and will therefore prevent many States from even taking up the option. Why further complicate and politicize an issue that is so important to the health of poor mothers and their babies?

Even Secretary Tommy Thompson has indicated publicly his support for S. 724 as a way to expand prenatal care to low-income women. On behalf of our Nation's mothers, fathers, and their babies, we in the Senate have the serious obligation to pass this legislation as soon as possible. It is unconscionable that we have waited this long to pass a bill that would drastically improve the lives of our most vulnerable citizens. It is beyond me why we would even wait or what opposition there might be to this sensible legislation.

I urge my colleagues, as we continue to muddle through all of what we are trying to accomplish in the final days, to help us ground ourselves in some of the issues that can actually make an enormous difference, not only economically but, more importantly, that will

actually affect the lives of some of our most vulnerable constituents.

I plead with my colleagues, let us pass this bill today or certainly before we adjourn.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I thank my colleague from Arkansas and also my colleague from Missouri for their eloquent statements in support of moving ahead and passing this legislation. The Senator from Arkansas speaks with more authority and conviction than any male Member of this body can muster in connection with this subject and this legislation. Of course, the Senator from Missouri is the prime sponsor of the very bill on which I am asking that we move ahead.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 541, which is S. 724; that the committee substitute be agreed to, the bill be read the third time and passed; that the title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the bill be placed in the RECORD at the appropriate place as if read.

Mr. NICKLES. Reserving the right to object, I ask my colleague a couple of questions. I have not looked at this issue for some time.

There is a committee substitute to S. 724?

Mr. BINGAMAN. Madam President, yes, there is a committee substitute that is essentially the bill. It is the bill we passed through the Finance Committee by unanimous consent.

Mr. NICKLES. Does the Senator remember how much that bill costs?

Mr. BINGAMAN. Madam President, in answer to the question, the bill costs right at $600 million over a 5-year period, and the cost is fully offset in the legislation.

Mr. NICKLES. Could my colleague tell me how it was offset?

Mr. BINGAMAN. In response, the offset was the increased scrutiny on the Social Security payments which we discussed in the Finance Committee as an appropriate offset. I think all Members agree that would at least raise as much money as this bill will cost the Treasury.

Mr. NICKLES. I appreciate that. I believe I heard one or two Senators say Secretary Thompson supports this bill. It is my understanding that that is not the case. Secretary Thompson may support the thrust of it. I understand he supports the regulation that goes into effect today and this bill somewhat counteracts the regulation that he is primarily responsible for promulgating. Is that correct?

Mr. BINGAMAN. Madam President, I did not hear the second part of the question.

On the question as to whether he actually supports passage of this bill, he issued a press release indicating he supports passage of S. 724, the bill we are trying to move ahead right now. This was March 6, 2002, in his testimony before the House Labor-HHS Appropriations Committee.

Mr. NICKLES. It is my understanding that Secretary Thompson has promulgated a regulation which I believe he thinks satisfies a lot of the unmet health care needs of children, including unborn children, and he supports the regulation that he promulgated and is now effective, and does not support the legislation which goes far beyond the regulation he has promulgated.

I am very particular on making sure we are accurate in our statements. I believe that is accurate. I have asked my staff to check with HHS. I have a note that says he supports the regulation but not the legislation. Maybe he did make a statement that was supportive in March, but he may well believe that was accomplished in the regulation. I have not talked to him personally. I am stating my belief.

I need to learn more about the bill. It has been months since we have looked at it. We have been doing a few other things. I object at this point. At this point I will further my contacts with those in the administration who know more about the regulation just promulgated. I compliment the Secretary on the regulation. I also wish to do a little more homework. I will check with the Secretary of Health and Human Services.

I will check with the States. I believe this is an expansion of Medicaid which I know my State is struggling to pay. As a matter of fact, the State was reducing cases, in some cases in Medicaid because they do not have the budget. Our State Medicaid director told us, do not increase any new expansions on Medicaid because we cannot afford it.

Correct me if I am wrong: I think pregnant women who have incomes less than 150 percent of poverty are now eligible for Medicaid and States have the option to take that up to 185 percent. Pregnant women with incomes of less than 185 percent of poverty are eligible for Medicaid, and I believe the legislation takes that up to 300 percent. It makes many more people eligible for Medicaid, which increases the costs to the States, which some States cannot afford.

I object at this point and will check with a couple of other people who may have reservations, and perhaps those questions can be resolved, and I will get back to my friend and colleague from New Mexico.

I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BINGAMAN. Madam President, let me say for the information of my colleague, I appreciate his willingness to look into this matter. My strong impression—and not just impression, but information I have been given—is Secretary Thompson clearly supports the regulation which his Department issued today related to the fetus, the coverage of unborn children. However, he also supports passage of this bill to provide an option to States to cover pregnant women under the CHIP Program.

It is also my information that this does not involve any expansion of Medicaid, that this is strictly a change in law that provides the option to States to cover pregnant women under the CHIP Program if they so choose. That is not, as I see it, an additional burden on any State.

Mr. NICKLES. Will the Senator yield?

Mr. BINGAMAN. Yes, I am glad to yield.

Mr. NICKLES. Did the Senator say it is his belief that this bill does not increase Medicaid coverage for pregnant women up to 300 percent of poverty?

Mr. BINGAMAN. That is certainly my understanding of the bill. I know of no provision in this bill that changes the Medicaid coverage that way.

Mr. NICKLES. We will both do a little more homework and I will be happy to talk to my friends and colleagues, both from Arkansas and from New Mexico, and see where we go from there.

Mr. BINGAMAN. Madam President, let me add one other item, since the Senator referred to it, about States not favoring this. My other information is that the National Governors Association has issued a policy or endorsement of this legislation and supports it.

I appreciate the willingness of the Senator from Oklahoma to look into this further. I will get all the information we have to him. If he has any other information that we need to see, I am glad to look at it. I hope we can move ahead as soon as possible with this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

IN MEMORY OF HARRY KIZIRIAN

Mr. REED. Mr. President, Rhode Island has lost a valiant son, the Nation has lost a heroic Marine and thousands of my neighbors have lost a true and faithful friend.

On September 13, 2002, Harry Kizirian died. His name in Rhode Island is synonymous with selfless service, love of country, commitment to family and unshakeable loyalty to his faith and to his friends.

Harry was born on July 13, 1925 at 134 Chad Brown Street in Providence, RI. He was the proud son of Armenian immigrants. His father and mother, Toros and Horopig Kizirian, came to America

to seek a better life for themselves and their family. They had endured the horror of the Armenian genocide, each losing their spouse and many in their families. In America, they hoped to find the opportunity and the tolerance that is so rare in the world. In their son, Harry, they would see the fulfillment of the great promise that America offers to the brave and the noble of heart.

Harry's youth in the vibrant Armenian community of Chad Brown Street was profoundly changed when, at the age of 15, his father died. Harry became the man of the house. While he continued his education at Mount Pleasant High School, he worked lugging beef and unloading freight cars at a meat packing plant on Canal Street. Despite his long hours of work, he still threw the hammer and put the shot for Mount Pleasant High School and captained the football team to boot.

A high school football referee, impressed with Harry's dedication and demeanor, suggested that he seek work at the Providence post office. Harry secured a temporary position sweeping floors as he finished his last two years of high school.

Harry Kizirian came of age as America faced the danger and challenge of World War II. Like so many of his generation, Harry did not hesitate to serve. He joined the United States Marine Corps the day after he graduated from high school.

After his training, Harry found himself in the first assault wave attacking Okinawa. He was 19 years old. While leading a fire team in the assault, he charged an enemy position that was pinning down a Marine platoon. He received multiple fragmentation wounds in the arms and shoulders but continued to press the attack. Eventually, he was evacuated for treatment. A month later, he returned to action.

And, he would see fearsome action in the climatic battles to secure Okinawa.

In June of 1945, Harry's unit moved to attack entrenched Japanese soldiers along a ridgeline. Corporal Kizirian observed six Marine stretcher bearers pinned down by enemy fire as they were trying to evacuate a wounded Marine. With utter disregard for his own safety, Harry placed himself in the line of fire and single-handedly attacked the enemy emplacement. Although wounded in the leg and groin, he continued the attack by dragging his body along by his elbows. He overwhelmed the position and killed the 12 enemy defenders.

For his service and sacrifice on Okinawa, Harry Kizirian was awarded the Navy Cross, two Purple Hearts, the Bronze Star with V device for Valor, the Presidential Unit Citation, the Navy Unit Citation and the Rhode Island Cross, the State's highest award for valor.

Harry was discharged from the Marine Corps in 1946 and returned to Rhode Island and to the post office. But he still bore the scars of battle. For 4 years after his discharge, Harry was in and out of Veteran's Hospitals for treatment of his wounds.

Harry's return to civilian ranks gave him a chance to meet the love of his life, Hazel Serabian. Hazel tells the story that, the first time she saw Harry, he was staring at her from the cover of The New York Times Sunday Magazine. He was featured as one of the young heroes of the Pacific battles. She later met this handsome Marine as he stopped in her hometown en route to visit the family of a fellow Marine who had died in combat. In my humble opinion, it was love at first sight and love for evermore.

Their love produced a family of wonderful sons and daughters: Tom and Richard, Joanne, Shakay and Janice. They continue the proud tradition of Harry and Hazel as public-spirited citizens in their own right. And the newest generation of Kizirians includes eight grandchildren who grew under the watchful eye and enormous love of their grandfather.

Harry, with a young family to feed, applied himself with his characteristic sincerity and diligence at the post office. But he brought something else and something special to his job: a joy of working with the men and women of the Postal Service and of helping to serve the people of Rhode Island.

Harry became the Postmaster in Providence in 1961 and led the Postal Service in Rhode Island at a time of great change. Rhode Island was one of the first postal districts in the country to build a central, automated postal facility. Harry was the key individual in opening this facility and making it work.

His leadership style was hands-on and personal. He knew the Providence post office's thousand employees by their first names. He patrolled the facility in his customary attire of suit and running shoes as he made sure that the work was done and the workers were recognized. His co-workers were a larger extension of his own family, and he followed their ups and downs with the same interest and involvement that he lavished on his own family. He established a bond of trust and love that still today is unique and enduring.

In 1986, the Postal Service announced that Harry would be ''reorganized'' out of the job. The announcement led to a flurry of activity by Senator John Chafee and Senator Claiborne Pell but to no avail. The Postal Service did not relent. The announcement was greeted by his co-workers with weeping. They weren't losing just an admired boss; they were losing a friend.

In October of 1986, two thousand of his friends and co-workers honored him at a testimonial.

One of his dearest friends, Senator John O. Pastore, paid him a special tribute. Forty years before, then Governor John O. Pastore pinned the Rhode Island Cross on Harry Kizirian. In earlier remarks, Senator Postore said simply, ''I have never met in my life anyone who has had a bad word to say about Harry Kizirian,'' And Senator Pastore's words were and are beyond reproach.

I was honored to be appointed to West Point by Senator Pastore. Both Harry and I shared a profound respect for this great man who served with extraordinary distinction in the Senate.

Harry's departure from the Postal Service merely redirected his great passion for public service to numerous other civic endeavors, including Big Brothers, the Veterans Home in Bristol, RI and the Heart Association.

When asked once about his extraordinary generosity and public service, Harry said, ''You know, the track is short; when you can help people, do it.''

I really got to know Harry in 1990 when I campaigned for my first term in Congress.

I knew about the legendary Harry Kizirian; everyone in Rhode Island knew about and admired Harry. I met him several times at meetings of postal workers. He still stayed close to his co-workers. By this time, Harry's sight was impaired. He would sit at the table and you would approach him for a word. He grasped your hand with authority and his voice was strong, but his whole demeanor was one of gentleness and consideration.

I will never forget at one of these meetings days before the election. As postal worker after postal worker approached him to thank him for countless kindnesses and asked what they could do for him, Harry said, ''if you want to do something for me, vote for this kid, Reed.''

I have never received a greater or more meaningful endorsement. His faith in me gave me great faith in myself. But, after all, that is what Harry did all of his life. He made us stronger and better because he was behind us and shared with us his strength and his decency.

In May of 1996, Rhode Islanders had a chance to honor Harry. On that day, the central Post Office in Providence, the ''house that Harry built'', was dedicated as the ''Harry Kizirian Post Office Building.'' Senator John H. Chafee sponsored the legislation in the Senate, and I sponsored the legislation in the House.

We were honored to have General Chuck Krulak, the Commandant of the Marine Corps, as a principal speaker. General Krulak captured the essence of Harry Kizirian when he said ''Harry was motivated by a selfless desire to help his fellow countrymen.'' General Krulak added a sentiment that we all felt. ''It is impossible not to admire, to respect and yes, coming from this tough Marine, to love Harry Kizirian. You have made a difference.''

A few days after I learned of Harry's death, I was attending the Fall Harvest Festival in my hometown of Cranston, Rhode Island. I encountered a gentleman and we began to talk. He quickly told me that we had both lost a good

friend, Harry Kizirian. The gentleman was a postal worker who had spent many years working for Harry. With gestures more than words, he expressed the sense of loss tempered by love and admiration that we all felt; a fitting epitaph, the unadorned and heartfelt words and sentiments of one of his workers, more poignant and profound then any sermon or speech.

When our colleague John Chafee died, I recalled these lines from the Irish poet, William Butler Yeats, fitting words for another Marine who goes to his rest.

The man is gone who guided ye, unweary, through the long bitter way.
Ye by the waves that close in our sad nation,
Be full of sudden fears,
The man is gone for his lonely station . . .
Mourn—and then onward, there is no returning
He guides ye from the tomb;
His memory now is a tall pillar, burning
Before us in the gloom!

Harry's memory warms our heart and lights our way.

He was a man who saw hard times, but refused to allow them to extinguish his generous spirit. He was a man who saw war in all its horror, but refused to surrender his soul to its brutality. He was a strong man, not for the sake of intimidation, but because he knew that true strength allows a man to be truly compassionate. He was humble. His greatest source of pride was the success of others, particularly his family. His memory, his example, sustains us and inspires us.

I close with the words of a song that I am sure Harry knew.

If the Army and the Navy
Ever look on Heaven's scenes
They will find the streets are guarded by
United States Marines

Harry Kizirian, United States Marine Corps, has joined that Heavenly guard mount.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. LEAHY. Mr. President, I did not know Senator REED's friend, but after listening to what he said, I feel as though I did know him. The distinguished senior Senator from Rhode Island is fortunate to have had such a friend, but I think his friend was fortunate to know Senator REED. I know the distinguished Presiding Officer, the Senator from Georgia, did not mind the reference to the U.S. Marine Corps. I saw the smile on his face when that reference was made.

THE 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. LEAHY. Mr. President, yesterday, the majority leader filed cloture on the bipartisan 21st Century Department of Justice Authorization Act conference report. I commend him for doing that.

This is a conference report that passed 400 to 4 last week in the other body. We will be voting on that cloture motion tomorrow. I just want to take a few moments to let Members of this body know what is in the conference report.

It was signed by all conferees—Republican and Democrat—Senator ORRIN HATCH, and Representatives SENSENBRENNER, HENRY HYDE, LAMAR SMITH, myself, and others.

I thank Senator KAY BAILEY HUTCHISON for coming to the floor yesterday to support this conference report. She has spoken to me many times about the need for more judgeships along the Texas border with Mexico to handle immigration and criminal cases. Certainly, from what Senator HUTCHISON has said about that need, she has made a compelling request, and I have included in this conference report three new judges for that part of Texas. Actually, the conference report has one more judge than we passed out of the Senate. We added another one in conference. I suspect technically one could say that was not a matter in conference, but the Senator from Texas made, I thought, a compelling reason for it.

I mention that because one of our Federal district judges from Vermont has actually gone down to Texas a couple times to help out, and every time he has gone down, he has called me up and said: They need more judges here because of the load.

So I thank Senator KAY BAILEY HUTCHISON.

I also want to thank Senator SESSIONS for his statement in support of this conference report. I mentioned to him on the floor this morning—and I want to speak again to that—there is a piece of this legislation Senator SESSIONS originally opposed. If it were here as a freestanding bill, that particular part—a small part of the bill—I believe Senator SESSIONS would vote against it. But he supports the overall bill and is voting for the whole bill. I thank him for that.

I also thank him for his work and his aid on the provisions in the conference report on the Paul Coverdell Forensic Sciences Improvement Grants and the Centers for Domestic Preparedness in Alabama and other States. He had a great deal of input, and I appreciate what he did. We tried throughout all of this effort to make this a bipartisan bill, and he helped with that.

Senator FEINSTEIN spoke on behalf of this conference report. She has been a tireless advocate for the needs of California, including the needs of the Federal judiciary along the southern border. She has helped to improve that situation.

I was glad to see we could work through that because we had tried for 7 or 8 years to add these additional judges, and they had been blocked. But I came back and said, even though it would be a different President appointing the judges—in this case, President Bush—I was in favor of adding the judges. They should be in there. Among other things, we included five judgeships for the southern district of California.

We have also included judges, as I said, for Texas, Arizona, New Mexico, Ohio, North Carolina, Illinois, and Florida. The statistics show all the judges are very much needed.

The senior Senator from California gave leadership on the James Guelff and Chris McCurley Body Armor Act, the State Criminal Alien Assistance Program reauthorization, and the anti-drug-abuse provisions in the conference report, and that has been extremely helpful.

I should tell my colleagues, this report will strengthen our Justice Department and the FBI, and increase our preparedness against terrorist attacks. It offers our children a safe place to go after school.

In this conference report, we put together years of work. Parts of about 25 different bills have been combined in this report.

I thought President Bush did absolutely the right thing after the attacks of a year ago, on September 11, as he moved very aggressively to try to clamp off money going to terrorist organizations around the world. As we know, al-Qaida received a lot of money from Saudi Arabia and other countries, and that money has floated all over.

The President moved very quickly to stop that. But then they find other ways to move it. We know they still have tens of millions—hundreds of millions of dollars perhaps—in these terrorist groups. But there is a thing in this conference report called the Madrid Protocol. If we agree to this protocol, this will greatly strengthen the hand of the President to go after this money. The White House supports it. All the antiterrorist groups and the Government support it. That is also in this bill.

I mentioned this because I have been asked questions by several Senators exactly what is included. I want them to know. I also want to thank Senator HATCH for his work in this endeavor. We spent a lot of hours in the conference. That is why it passed so overwhelmingly, with the support of both Republican and Democratic leadership in the other body. I would be happy to have it pass unanimously. We could pass it tonight for that matter. I know the legislation is a priority.

We have not authorized the Department of Justice in more than two decades. Some might ask: Why should we do it now? We have a far different Department of Justice than we had before September 11. We have a number of changes that had to be made, supported by Members on both sides of the aisle, both sides of the aisle in the other body, the President of the United States, the Attorney General, and so on.

What we have done is tried to assure the administration of justice in our Nation. Our Nation has been radically changed from a year ago. It doesn't have everything that I would have liked or everything everybody would have liked. That is because it is a conference report. It is a consensus document. We did it in a bipartisan way—Democratic chairman from this body and a Republican chairman from the other; a Republican ranking member from this body, a Democratic ranking member of the other body.

We know that it will strengthen our Justice Department and the FBI. We will increase our preparedness against terrorist attacks. We will improve our intellectual property and antitrust laws. I hope for the sake of the Justice Department and the Congress and the American people we can pass it. It is remarkable, the number of provisions in here that will help everything from an attack of terrorism, closing off money and so forth, to help with the growing drug problem that strikes not just in the big cities but our rural areas.

I come from largely a rural State. The difference between this and the other body, every Senator has significant rural areas. When my son was a student at Emory Law School, I remember going to the State of the distinguished Presiding Officer and traveling around with my son. I come from a rural area. I must say, there are some pretty rural areas in Georgia. But there are in California and Texas and New York and every other State. This helps those States, especially in small areas, do something about the scourge of drugs hitting our youngsters, our future generation.

I wanted to give a short summary. There is a lot more. This was so other Members who had been asking me in both parties what is in it, I wanted them to see. It will be voted on tomorrow. I hope as a result of this vote tomorrow we will then just pass it. The White House has indicated the President will be eager to sign it when it arrives.

This conference report will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school.

This conference report is the product of years of bipartisan work. The conference report was unanimous. By my count, the conference report includes significant portions of at least 25 legislative initiatives.

I had hoped that the conference report on H.R. 2215 would not take up much of the Senate's time. There are other matters we do need to address. The majority leader tried to pass this legislation without taking up any floor time last week, but was unable to do so because of an objection to proceeding by unanimous consent. Proceeding by unanimous consent would have ensured that we not take up the Senate's time in debate on this bipartisan legislative package. Yesterday, I came to the floor and sought to allow for two hours of debate before a vote on final passage at 4:30 p.m. We then could have moved on to other matters. Again, that proposal would have taken up a limited amount of the Senate's time. Yet, again, that limited time agreement proposal was rejected. As a result of the objection to proceeding more quickly, we are still considering this conference report and the majority leader was forced to file a cloture petition to bring it to a vote.

This legislation is neither complicated nor controversial. It passed the House 400 to 4 in short order. It was signed by every conferee, Republican or Democrat, including Senator HATCH and Representatives SENSENBRENNER, HYDE, and LAMAR SMITH. Senators SESSIONS and HUTCHISON came to the floor yesterday to support it. There is no need for extensive debate in the Senate—we can move on to consider other matters as soon as the objection is lifted so we are able to have an up or down vote on the conference report.

This legislation is a priority. Congress has not authorized the Department of Justice in more than two decades. I know that Senator HATCH and Representatives SENSENBRENNER and CONYERS share my view that it is long past time for the Judiciary Committees of the House and Senate and the Congress as a whole to restore their proper oversight role over the Department of Justice. Through Republican and Democratic administrations, we have allowed the Department of Justice to escape its accountability to the Senate and House of Representatives and through them to the American people. Congress, the people's representative, has a strong institutional interest in restoring that accountability. The House has recognized this, and has done its job. We need to do ours.

I agree with other Members who have spoken that we need to give anti-terrorism priority, but not lose sight of the other important missions of the Department of Justice. The conference report takes such a balanced approach. Some have said that there is nothing new in this legislation to fight terrorism. I think they missed some important provisions in the legislation as well as my floor statements outlining what the conference report contains to help in the anti-terrorism effort.

Let me repeat those remarks and highlight what the conference report does on this important problem. The conference report fortifies our border security by authorizing over $20 billion for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration. It also authorizes funding for Centers for Domestic Preparedness in Alabama, Texas, New Mexico, Louisiana, Nevada, Vermont and Pennsylvania, and adds additional uses for grants from the Office of Domestic Preparedness to support State and local law enforcement agencies. These provisions have strong bipartisan support, including that of Senator SESSIONS.

Another measure in the bill would correct a glitch in a new law that helps prosecutors combat the international financing of terrorism. I worked closely with the White House to pass this provision in order to bring the United States into compliance with a treaty that bans terrorist financing, but without this technical, non-controversial change, the provision may not be usable. This law is vital in stopping the flow of money to those who seek to harm our citizens. Worse yet, at a time when the President is going before the U.N. emphasizing that our enemies are not complying with international law, by blocking this minor fix, we leave ourselves open to a charge that we also are not in compliance with an important anti-terrorism treaty.

I agree with other Members who have spoken that we should do more to help the FBI Director in transforming the FBI from a crime fighting to a terrorism prevention agency and to help the FBI overcome its information technology, management and other problems to be the best that it can be. The Judiciary Committee reported unanimously the Leahy-Grassley FBI Reform Act, S. 1974, over six months ago to reach those goals, but an anonymous hold has stopped that legislation from moving forward. This conference report contains parts of that bipartisan legislation, but not the whole bill, which continues to this day to be blocked from Senate consideration and passage.

Since the attacks of September 11 and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. Reform and improvement at the FBI was already important, but the terrorist attacks suffered by this country last year have imposed even greater urgency on improving the FBI. The Bureau is our front line of domestic defense against terrorists. It needs to be as great as it can.

Even before those attacks, the Judiciary Committee's oversight hearings revealed serious problems at the FBI that needed strong congressional action to fix. We heard about a double standard in evaluations and discipline. We heard about record and information management problems and communications breakdowns between field offices and Headquarters that led to the belated production of documents in the Oklahoma City bombing case. Despite the fact that we have poured money into the FBI over the last five years, we heard that the FBI's computer systems were in dire need of modernization.

We heard about how an FBI supervisor, Robert Hanssen, was able to sell

critical secrets to the Russians undetected for years without ever getting a polygraph. We heard that there were no fewer than 15 different areas of security at the FBI that needed fixing.

The FBI Reform Act tackles these problems with improved accountability, improved security both inside and outside the FBI, and required planning to ensure the FBI is prepared to deal with the multitude of challenges we are facing. We are all indebted to Senator GRASSLEY for his leadership in the area. Working with Republicans and Democrats on the Senate Judiciary Committee we unanimously reported the FBI Reform Act more than 6 months ago only to be stymied in our bipartisan efforts by an anonymous hold.

Now, due to Republican objections, the conference report does not contain some of the important provisions in the FBI Reform Act that Senator GRASSLEY and I, and the other members of the Judiciary Committee, agreed were needed.

Among the items that are, unfortunately, not in the conference report and are being blocked from passing in the stand-alone FBI Reform bill by an anonymous hold are the following:

Title III of the FBI Reform bill that would institute a career security officer program, which senior FBI officials have testified before our Committee would be very helpful;

Title IV of the FBI Reform bill outlining the requirements for a polygraph program along the lines of what the Webster Commission recommended;

Title VII of the FBI Reform bill that takes important steps to fix some of the double standard problems and support the FBI's Office of Professional Responsibility, which FBI Ethics and OPR agents say is very important; and

Title VIII to push along implementation of secure communications networks to help facilitate FISA processing between Main Justice and the FBI. These hard-working agents and prosecutors have to hand-carry top secret FISA documents between their offices because they still lack send secure e-mail systems.

This needs to be fixed and the FBI Reform bill would help.

These should not be controversial provisions and are designed to help the FBI. Yet, passage is being blocked of both a stand-alone FBI Reform bill and those provisions we were able to include in this conference report.

Some in this body have complained that we included provisions in this conference report that were not contained in either the Senate or House-passed bills. Now, each of the proposals we have included are directly related to improving the administration of justice in the United States.

We were asked to include many of them by Republican members of the House and Senate. I would like to point, in particular, to our reauthorization of the State Criminal Alien Assistance Program, which President Bush has sought to eliminate. On March 4 of this year, Senator KYL and Senator FEINSTEIN sent me a letter asking me to include an authorization for SCAAP—which was not authorized in either the House- or Senate-passed bill—in the conference report.

I agreed with Senator KYL and Senator FEINSTEIN that we should authorize SCAAP. I still believe that it is the right thing to do.

We took the arguments seriously that we needed more judges in certain parts of the country, particularly in border States. We added another new judge for Arizona on top of the two that were added in 1998 and the third that was added in 2000. We added a number of other judges as well, as I have already detailed.

Some have criticized the conference report's authorization of funding for DEA police training in South and Central Asia, and for the United States-Thailand drug prosecutor exchange program. I believe that both of these are worthy programs that deserve the Senate's support.

I have listened to President Bush and others in his Administration and in Congress argue that terrorist organizations in Asia, including al-Qaida, have repeatedly used drug proceeds to fund their operations. The conferees wanted to do whatever we could to break the link between drug trafficking and terror, and we would all greatly appreciate the Senate's assistance in that effort.

Beyond the relationship between drug trafficking and terrorism, the production of drugs in Asia has a tremendous impact on America.

For example, more than a quarter of the heroin that is plaguing the northeastern United States, including my State of Vermont, comes from Southeast Asia. Many of the governments in that region want to work with the United States to reduce the production of drugs, and these programs will help. It is beyond me why any Senator would oppose them.

Some have complained that the conference report demands too many reports from the Department of Justice, and that these reporting requirements would interfere with the Department's ongoing counterterrorism efforts. It is true that our legislation requires a number of reports, as part of our oversight obligations over the Department of Justice. I assure the Senate, however, that if the Department of Justice comes to the House and Senate Judiciary Committees and makes a convincing case that any reporting requirement in this legislation will hinder our national security, we will work out a reasonable accommodation. I think, however, that such a turn of events is exceedingly unlikely, as no one at the Department has mentioned any such concerns.

Some Members have complained that the conference report includes pieces of legislation that had not received committee consideration. The Law Enforcement Tribute Act has been mentioned as falling in this category. In reality, the Committee reported that bill favorably on May 16.

Complaints have been raised about the motor vehicle franchise dispute resolution provision in the conference report and that this legislation was not considered by the Judiciary Committee. That complaint is misplaced. The Judiciary Committee fully considered this proposal and reported Senator HATCH's Motor Vehicle Franchise Contract Arbitration Fairness Act last October 31. It has been stalled from the Senate floor by anonymous holds. The same complaint was incorrectly leveled at the section dealing with FBI danger pay. Yet, the Judiciary Committee did consider and approve this proposal as part of the original DOJ Authorization bill, S. 1319. The complaint that the Federal Judiciary Protection Act was not considered by the Committee is likewise misplaced. On the contrary, this legislation, S. 1099, was passed the Judiciary Committee and the Senate by unanimous consent last year and in the 106th Congress, as well. The provisions on the U.S. Parole Commission were included in the conference report without Committee consideration but was included because the Bush Administration included it in its budget request and it makes sense.

Some have complained about the provision establishing the FBI police to provide protection for the FBI buildings and personnel in this time of heightened concerns about terrorist attacks. When this legislation was considered by the Judiciary Committee as part of the FBI Reform Act, S. 1974, which was reported unanimously on a bipartisan basis, no member on the Committee raised any objection at the time. Similarly, the complaint about the lack of Committee consideration of the report on information technology to keep the Congress better informed about how the FBI is updating its obsolete computer systems, is misplaced. This legislation was considered by the Judiciary Committee as part of the FBI Reform Act, S. 1974, and no objection was raised.

This conference report is a comprehensive attempt to ensure the administration of justice in our nation. It is not everything I would like or that any individual Member of Congress might have authored. It is a conference report, a consensus document, a product of the give and take with the House that is our legislative process. It will strengthen our Justice Department and the FBI, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen and protect our judiciary, and offer our children a safe place to go after school. I hope that it will merit the support of every Member of the U.S. Senate. At the very least, it deserves an up-or-down vote. I was pleased to see some Republicans come to the floor yesterday to support this conference report, and I urge those who are blocking its consideration to relent and let the Senate vote up or down without further delay or tactics of obstruction. I hope that the critics will

reconsider their opposition and their filibuster of this conference report and permit the Senate to vote up or down on this bipartisan bill. For the sake of the Justice Department, the U.S. Congress, and the American people, we should pass this legislation today.

Mr. BROWNBACK. Mr. President, with the passage of the Judiciary reauthorization bill, this body will pass a provision to extend our program to allow states to recommend J–1 visa waiver for physicians willing to practice in medically underserved areas.

It is one of the great privileges of my life to represent one of the most rural States in the Nation. For many around the world, Kansas represents rural life in America. The image is quaint; and, somehow insulated from the world by a field of wheat that arcs off into the horizon. However, as my colleagues from the heartland know, that image does not represent modern rural life.

In the Beloit co-op, Kansans gather as often to talk about global commodities futures as they do the weather. Our farmers are as likely to be reviewing GPS Satellite readings as they are next years model line of John Deeres. And, when they go to the doctor, rural Kansans are very likely in the waiting room of an Indian or Canadian citizen.

Just as Kansas relies on the world as a market, we rely on the world as a source for our health professionals. Since 1993, ninety-eight (98) waivers have been granted allowing foreign born physicians to remain in the country to practice medicine in the state of Kansas. Over fifty (50) physicians currently practicing in Kansas are in the state as a result of a J–1 visa waiver. Twenty (20) counties in the state of Kansas are considered fully served as a result of foreign born physicians who received J–1 visa waivers. Section 11018 of the Judiciary reauthorization bill before us represents a literal life-line for rural America.

The Senate passage of the bill also represents the hard work of several very dedicated legislators, including my fellow Kansan, Representative JERRY MORAN and our colleague from South Dakota Senator KENT CONRAD. It was their persistence and the hard work of several groups including: The American Hospital Association; the American Academy of Family Physicians; the Farm Bureau; the American College of Physician; the National Association of Community Health Centers; the National Rural Health Care Association; the American Immigration Lawyers Association and others, that kept this issue moving throughout this Congress.

Of course, there are many important provisions in this bill. However, for Kansans in the vast rural areas of the State, ensuring access to a doctor is one of the most significant. I thank the Chairman and Ranking member for fighting to ensure that this provision made it into the conference report.

Mr. FEINGOLD. Mr. President, I support the conference report to H.R. 2215, the Department of Justice Reauthorization bill. I congratulate the chairman and the ranking member of the Judiciary Committee for their work in completing this bill and guiding it through a long and difficult conference.

I wanted to take a moment to set the record straight on the issue of the inclusion in the conference report to H.R. 2215 of the Motor Vehicle Contract Arbitration Fairness Act. The junior Senator from Arizona complained yesterday on the floor that this bill had been added to the conference report, depriving him of the opportunity to hear a debate and perhaps offer amendments to the bill. He implied that this was some kind of secret and nefarious deal to try to bypass floor discussion of legislation that has not had adequate consideration by this body. Nothing could be further from the truth.

S. 1140, on which the provisions in the conference report are based, was introduced by the ranking member of the Judiciary Committee, Senator HATCH, and now has 64 cosponsors. Almost exactly half of those cosponsors are Republicans and half are Democrats. A companion House measure has 225 cosponsors. The bill passed the House by voice vote in the last Congress. The inclusion of these provisions in the conference report was supported by all of the Senate conferees, including the ranking member of the Judiciary Committee. The House conferees, led by the chairman of the House Judiciary Committee, also supported including these provision in the conference report.

Now why was this necessary? Well, let me point out that this bill was reported by the Judiciary Committee almost a year ago. The majority leader asked for consent to proceed to the bill and have a limited debate with the opportunity for amendments no less than three times, on May 17, June 27, and September 25. Each time, a Senator on the Republican side objected and the Senate was prevented from having the separate debate and vote that the Senator from Arizona says he wanted. So if the Senator from Arizona has a beef here, it is not with the majority leader or the conferees, but with the member of his own party who exercised his right as a Senator to block the bill from consideration on the floor of the Senate.

That Senator was exercising his right to object to a unanimous consent request, but with time running out in this Congress, the rest of the Senate has rights too. And including this bill in the conference report, with bipartisan support in the conference and in the Senate, was a reasonable step to take so that the will of a supermajority of the body would not be thwarted.

These provisions are very important to address a real unfairness that is being perpetrated on the auto dealers of this country. Franchise agreements for auto and truck dealerships are typically not negotiable between the manufacturer and the dealer. The dealer accepts the terms offered by the manufacturer, or the dealer loses the dealership, plain and simple. Dealers, therefore, have been forced to rely on the States to pass laws designed to balance the manufacturers' far greater bargaining power and to safeguard the rights of dealers.

The first State automobile statute was enacted in my home State of Wisconsin in 1937 to protect citizens from injury caused when a manufacturer or distributor induced a Wisconsin citizen to invest considerable sums of money in dealership facilities, and then canceled the dealership without cause. Since then, all States except Alaska have enacted substantive law to balance the enormous bargaining power enjoyed by manufacturers over dealers and to safeguard small business dealers from unfair automobile and truck manufacturer practices.

A little known fact is that under the Federal Arbitration Act, FAA, arbitrators are not required to apply the particular Federal or State law that would be applied by a court. That enables the stronger party, in this case the auto or truck manufacturer, to use arbitration to circumvent laws specifically enacted to regulate the dealer/manufacturer relationship. Not only is the circumvention of these laws inequitable, it also eliminates the deterrent to prohibited acts that State law provides.

A majority of States have created their own alternative dispute resolution mechanisms and forums with access to auto industry expertise that provide inexpensive, efficient, and nonjudicial resolution of disputes. For example, in Wisconsin, mandatory mediation is required before the start of an administrative hearing or court action. Arbitration is also an option if both parties agree. These State dispute resolution forums, with years of experience and precedent, are greatly responsible for the small number of manufacture-dealer lawsuits. When mandatory binding arbitration is included in dealer agreements, these specific State laws and forums established to resolve auto dealer and manufacturer disputes are effectively rendered null and void with respect to dealer agreements.

A strong bipartisan majority of this body, and of the House, has come together to say ''no'' to these unfair contract provisions. So I commend the chairman and ranking member of the Judiciary Committee for their work to include this important legislation in the DOJ authorization bill conference report. As I said before, we could have had a debate and voted on amendments to this bill if consent had been granted. That was our preferred course as well. But one Senator did not want to have that debate, and so it was necessary, in the interests of justice, to proceed in this manner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, it is my understanding the time for morning business has expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each until 6:30 this evening.

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

The Senator from Louisiana.

HURRICANE ISADORE, WETLANDS, AND IRAQ RESOLUTION

Ms. LANDRIEU. Mr. President, I rise to speak on three important matters. Let me begin with the most important matter to the people of Louisiana at this moment, which is the pending hurricane. Hurricane Lili is in the Gulf of Mexico, and she is headed Louisiana's way. Unfortunately, this will be the second major storm in less than a week we have had to protect ourselves against and prepare for the consequences of the aftermath.

Let me begin by thanking the President and FEMA, and particularly all of the FEMA officials who are now down in Louisiana helping us prepare again. FEMA Director Joe Albaugh was with us in Louisiana last week, as we dodged a bullet with Isadore—a storm that was huge in its mass but short in its intensity. As a result, while there was some sporadic flooding and some very damaging flooding to approximately 1,000, homes and businesses, including some that were ruined completely, it wasn't the widespread damage we have become familiar with in the Gulf South from hurricanes.

Hurricane Lili is packing winds of 140 miles per hour; barreling toward our coast and is likely to hit somewhere between New Orleans and Galveston. It could hit Lafayette or Lake Charles, somewhere on the coast of Louisiana.

The reason I rise to speak about this storm is not because there is a whole lot we can do in Washington, today. We will be down there this weekend. We will get to assess the damage. We can't do anything today. But there is a great deal we can do from Washington in the future to help the Gulf Coast the coasts of Louisiana, Mississippi, Texas, Alabama, Georgia and Florida.

From Washington, we can begin to focus on the kind of investments we should be making along the Gulf Coast that help protect us against the consequences of such storms—particularly as it comes to protecting the energy infrastructure in this Nation, which is so vital and crucial to the economic stability and well-being of the Nation.

We produce about 80 percent of all of the offshore oil and gas in the Nation off the coast of Louisiana. Right now, as I speak, the Gulf of Mexico has been evacuated. I have been on the phone with officers of chemical companies, and oil and gas companies, and they are shutting down refineries and platforms in the Gulf of Mexico. Why? Because you cannot keep them running when you have storms such as this, or you could gravely endanger the lives of those working out in the Gulf. I wish I could paint a more vivid picture, but over 20,000 miles of pipeline, many refineries, and thousands of platforms out in the gulf, all of which are critical to America's energy supply, will be directly threatened by Hurricane Lili. We take a lot of taxes out of the gulf region. There are a lot of taxes that the oil and gas industry pays, and that money leaves south Louisiana and Texas and goes right up to the Federal Treasury. Then it funds various projects all over the country.

You would think some of that money might come back to Louisiana to invest in Louisiana to elevate and improve our highways and provide better security to this infrastructure. After all, its through these highways and this infrastructure that energy is carried and produced to support not just Louisiana, Mississippi, and Texas, but to turn the lights on in the entire country. Even when the winds are blowing down south, we keep the lights on up north. At the energy conference—my able partner, Senator BREAUX, is going to be carrying this message as a member of the energy conference. Of course, Congressman TAUZIN from Louisiana is chairing the conference. We are going to carry this message directly into the energy conference to see if there is something we can get the Congress to do in a bipartisan way that says, yes, Louisiana, Mississippi, and Texas—the oil and gas-producing States—should share in some of these revenues so we can invest on the front end in terms of what the Gulf South needs to secure these energy resources. Congress must be fair to people in Louisiana, who are happy to serve as hosts to this offshore oil and gas industry. We are proud of the way we are doing it in a much more environmentally sensitive way. But we need help to ensure we receive a fair share of the royalties that come from our rich natural resources.

The country does not also realize the great loss of wetlands and the erosion Louisiana has experienced. Think about this. There is a hurricane coming off the Gulf of Mexico. The only thing between it and the cities or towns is the marsh. The bigger that marsh is, the greater the buffer is from the storm. It will break the wind, break the tides. As that marsh erodes away, there is nothing to break the wind or the tide, so the destruction becomes greater and greater, year after year after year.

The reason the marsh is subsiding is that we have tamed the Mississippi River. We have levied it. We levied it not just for the people in Louisiana so we would not flood, but so the ships can take grain from Kansas and Iowa. This commerce then comes down the Mississippi and can go to any number of countries. Louisiana is an importing and exporting station for so many of the goods coming into and out of this country. This benefits everyone. We are telling you and begging this Senate and this Congress to recognize benefits Louisiana provides to the Nation. Louisiana is proud of that, but we need extra Federal help to secure this marshland, to help rebuild it, and protect us. If Louisiana does not receive help the wetlands will disappear, and the people of Louisiana will be sitting ducks for future floods and storms.

I am sure Senator BREAUX and I will be back on the Senate floor on Monday and Tuesday trying to explain to everybody the horrible damage that has occurred because of Hurricane Lili and the importance of trying to be smart and invest some of these monies on the front end in Louisiana. This is not only fair and the right thing to do, but for the taxpayers, we would just as soon pay a little now or we are going to pay a lot in claims when these homes and businesses are destroyed in the Gulf South.

There is nothing we can do about keeping hurricanes from coming ashore. We cannot prevent them. People say: Senator, can't you do something? I say: If I could pass a resolution, I would. But, of course, there is nothing we can do about that. But we can be more prepared than we are.

While we are making progress, we have a long way to go. So whether it is at the energy conference, where I hope we will have a positive outcome, or in the new transportation bill where we can talk about the highways and evacuation routes in south Louisiana and the Gulf South need our attention. Not only do they serve as economic highways that are really necessary for commerce to flourish, but, as you know, when the hurricanes come, it is the only way for people to flee the storm. We don't have trains, as people do in the Northeast, to get out of harm's way. All we have in Louisiana are highways dangerously crowded with automobiles and pickup trucks. We need to make sure people can get north to higher ground. Hundreds of thousands of people in my state are jamming the highways to escape Lili and head for higher ground in north Louisiana, Arkansas, Mississippi, and Texas. Hotel rooms are scarce, and people will have trouble finding safe-haven from Lili.

So we will be back talking about it. There are opportunities in the transportation bill, and when we debate the Corps of Engineers bill, to try to make right this situation. The Senate will then debate whether to help Louisiana in a direct way—not just Louisiana, but the whole gulf coast region.

The final point I want to share is a figure I came across a couple years ago

that was startling to me. I think I spend a lot of my time worrying and thinking about coastal communities because I represent a large number of people on the coast. Two-thirds of the American people live within 50 miles of the coast. So our country is really a ring. So the coastal communities and their special needs and their special requirements deserve some more attention from Congress.

I have to say that NOAA and the Department of Commerce are really doing some very good work. I think we need a little bit more attention to our coastal communities in this country than we are giving. There are ways we can do that.

Let me turn my attention to another issue on a completely different subject. But, this a grave threat facing our Nation, and that is our potential conflict with Iraq.

I support Joint Resolution No. 46, which was introduced this morning. I am proud to be a cosponsor with Senators LIEBERMAN, WARNER, MCCAIN, and BAYH and to add my name to that resolution. I do so with the greatest of seriousness. I do so because I am convinced that this is the right course.

I commend the President and the Members of Congress who have worked in a bipartisan way to fashion a resolution that does the job, that gives us what we need, which is a tool, a weapon, in some ways, that will try to force a regime that has been recalcitrant and reluctant to abide by international law and dismantle its weapons of mass destruction. In the international community, Iraq is a regime that is quite dangerous to the people it purports to serve—and of course it does not serve—the people of Iraq. It is dangerous also to the people of the United States and to Iraq's neighbors in the Middle East.

I have the great privilege to serve on the Armed Services Committee and to chair the Emerging Threats Subcommittee. I want to stress that it is the Emerging Threats and Capabilities, because I don't want to mention only threats. We have so many great capabilities in this Nation that we do not have to cower in fear. We have the strongest military, the greatest brain power, and great technology. Most importantly, we are founded on freedom and liberty.

We have tremendous capabilities. But, we are in a great and historic process in this Nation of restructuring our Armed Forces, both in the traditional sense that we know of our Navy, Army, Marines, and Air Force, and in a totally nontraditional way, which is standing up homeland defense to fight these new threats. The new threats are people just like Saddam Hussein—rogue leaders with no decency, who play by no normal rules, who govern by fear, and at the slightest provocation, for reasons we might not understand, could either themselves use weapons of mass destruction, or allow to be used by terrorists or nonstate actors. It is clear for all to see that Saddam Hussein possesses biological and chemical weapons, and he has designs to increase his stockpile. To our knowledge, he does not have nuclear capabilities. However, evidence most certainly suggests Saddam Hussein is actively trying to develop nuclear weapons. Weapons he could use against the United States and our allies. I think a resolution such as this is important for us to express our unity, as an elected institution, that we are prepared to use force, if necessary, to dismantle weapons of mass destruction, to disarm this regime, to change this regime and try to establish for the benefit of the United States, our allies, the people of Iraq, and the world, a more worthy regime for Iraq.

What I support specifically about the resolution, and helped in some ways to craft with words, comments, and suggestions, is that this bipartisan resolution has stressed at least three important principles. The resolution requires—and I think this is very important—all diplomatic means be exhausted. This is critically important and necessary because we never want to rush to war. We do not want to be trigger happy. We want to use all diplomatic means to meet our ends.

For 10 years, we have tried many things with Iraq—economic sanctions, back channel diplomacy, meetings and conventions, and other diplomatic means to compel Saddam Hussein to comply with international law. Nothing yet has worked. But let's hope that something will work, and let's exhaust those means. Once we reach that point, this resolution authorizes the President to use all necessary force to enforce what we know is right.

I am pleased we have the diplomatic requirement in the resolution. But we know all too well that Saddam only respects force. With the threat of force, diplomacy may yet win out.

The second principle outlined in this resolution, which I greatly support, is that it is limited in scope to Iraq. The original language I thought, and many of us expressed, was somewhat vague and called for language to establish stability in the region. Such language created a lot of unanswered questions. This resolution is more clear in its language that the scope is limited to Iraq and greatly strengthens this resolution.

This resolution thoroughly makes clear that our goal is not a war against the people of Iraq, but a war against a leader who has discredited himself, thumbing his nose at 16 resolutions, and not playing by the rules of a civilized government. Should we go to war, this war will be waged to disarm Saddam Hussein, to dismantle his weapons, and to use force to change his regime.

This is not without risk. I am mindful of the risks, and I am mindful of the price that may need to be paid in terms of treasure and lives. I am also confident that it is the right resolution at the right time in the right spirit to give the President the authorization to use force to do what needs to be done, which is to dismantle this dictator's ability to wreak havoc on the civilized world.

The timing of the attack, of course, and all the military strategies should be carried out with great care and the consultation of our best military minds. It could be this year, it could be next month, it could be a year from now—whenever our military believes it is the time and everything is in place. We must be mindful not to second-guess or try to use any political influence to sway the military in terms of their strategy to accomplish this end. What Congress can do is authorize the Commander in Chief to use force, if necessary, with this specific resolution which I think is a very good document for how we should approach this possible war.

Furthermore, this resolution places a necessary vital requirement on the President to report to Congress on a periodic basis on the progress of the war. Because we, under the Constitution, of course, have a responsibility to determine if this effort should receive funding. War comes with so many great costs, and we must regularly re-evaluate the need to pay those costs of war.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. NICKLES. 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.

THE SENATE'S UNFINISHED BUSINESS

Mr. NICKLES. Mr. President, today is October 2, the second day of the new fiscal year, and this Congress has not passed any appropriations bills. We have passed a continuing resolution that takes us to next Friday, and I guess we will pass another one that takes us into the following Friday, October 11. This may be one of the poorest records we have ever had.

We do only a few things in the Senate. We pass bills, changing some laws. We may occasionally do something very important such as a war authorization or resolution dealing with Iraq. Every once in a while we might create a new Cabinet-level department. We have the Department of Homeland Defense that has been before this body for the last 4 or 5 weeks, but we have not been able to draw it to a conclusion.

Then we spend money and occasionally we change the tax laws. We spend a lot of money. That is something we do every year, but we have not gotten it done this year. We have not passed our appropriations bills. As a matter of fact, this year for the first time since 1974 we have not passed a budget.

The House has passed a budget. We did not pass a budget. Because we did not pass a budget, we have had differences with the House. The House has passed a few more appropriations bills than we have. We have only passed three. Three out of 13 is not a very good record, and none have passed conference. I hope, and I would expect, that we would be successful in passing the Department of Defense appropriations bill next week. We certainly should. I think it would be grossly irresponsible of us to leave without passing the Department of Defense appropriations bill, but we actually should have done a lot more. I believe the reason we did not is because we did not pass a budget, so we did not get that done.

Something else we did not get done is we did not confirm enough judges. We now have the Department of Justice reauthorization bill. It is the first time we have reauthorized the Department of Justice in 20 years. I have been in the Senate for 22 years, so I guess we did it back in 1982 or 1983. So maybe it is long overdue.

When I look at the conference report—and it is a fairly extensive conference report—it creates 20 new judge positions through permanent and temporary judgeships. Now, that is well and good, but we have a lot of judges who have been nominated for existing positions who have yet to be confirmed—in many cases yet to be considered. I notice we are going to set up several permanent and several temporary positions in this bill.

I do not doubt that in many cases along the border, particularly in southern California, Texas, Arizona, and others, there is a demand for new judges with the caseloads they have. So I am not disputing the fact that either permanent or temporary judges who are called for in this bill are needed, but I find it ironic when I look at the current status of judges. There are 47 judges who are now pending, many of whom have been nominated for over a year, and we are in the process of creating an additional 20 new judgeships.

Some of these people I mentioned have been nominated for over a year, many of whom were nominated on May 9, and they have yet to have a hearing. Several of these nominations are outstanding individuals, and I will mention a couple. John Roberts has been nominated for the DC Circuit. He has argued 37 cases before the United States Supreme Court. He was nominated 510 days ago, on May 9. He has yet to have a hearing.

If this is an individual who has argued 37 cases before the Supreme Court, somebody thinks he is well qualified. As a matter of fact, he has been rated well qualified by the ABA. He was managing editor of the Harvard Law Review. He is a Harvard law graduate, magna cum laude; unanimously rated well qualified by the ABA; law clerk to Supreme Court Justice Rehnquist; principal Deputy Solicitor General between 1989 and 1993.

I have requested that John Roberts have a hearing and be voted on in the Judiciary Committee, and I have not been successful. I think it is hardly fair to him, an outstanding attorney, more than well qualified, to not have even had as yet a hearing before the Judiciary Committee.

Miguel Estrada just had a hearing before the committee. I thank the chairman of the Judiciary Committee for finally having a hearing on Miguel Estrada. This is a young man who has argued 15 cases before the Supreme Court. He was unanimously rated well qualified by the ABA. He immigrated from Honduras as a teenager, could hardly speak English, and he graduated at the top of his class from Harvard Law School. He was a law clerk to Justice Kennedy. He is a former Solicitor General and assistant U.S. attorney.

He had a hearing. As of yet—maybe this will change and I hope it will change—he has not had a vote in the Judiciary Committee. Some people said they want more information from Mr. Estrada. Frankly, they are just running out the clock because they do not want to vote on him. Miguel Estrada is more than qualified. He should be confirmed. Even a ''conservative newspaper'' such as the Washington Post says he should be confirmed, and we have yet to get a vote on him in committee. I hope we will.

Michael McConnell was nominated for the Tenth Circuit. He is a professor of law at the University of Utah, unanimously rated well qualified by the ABA. He is one of the country's leading constitutional law experts. He has argued 11 cases before the United States Supreme Court. He graduated the top of his class from the Chicago Law School. He was a law clerk for Justice Brennan. Prior to that, he was Assistant Solicitor General. Again, he is eminently well qualified.

The committee held a hearing on Mr. MCCONNELL on September 18. I ask the committee to please put him on the calendar and on the agenda for the next business meeting, which is next Tuesday. I urge the committee to do so, and I hope vote affirmatively for Michael McConnell to be on the Tenth Circuit Court.

Jeffrey Sutton was nominated for the sixth circuit, which is half vacant today. It needs judges to fill the vacancies. He is rated well-qualified by ABA and qualified by ABA majority. He graduated first in his class at Ohio University College of Law. He law-clerked for Justices Powell and Scalia and argued nine cases and 50 merits amicus briefs before the Supreme Court. Prior to that, he was State Solicitor in the State of Ohio, he clerked for Supreme Court Justices and is very well qualified. Nominated 510 days ago, and has yet to get a hearing before the Judiciary Committee.

Deborah Cook, also from Ohio, also on the sixth circuit. Unanimously rated well-qualified by the ABA. She has been a Justice of the Supreme Court of the State of Ohio since 1994. She sat on the Ohio District Court of Appeals from 1991 to 1995 and chaired the Commission on Public Legal Education. She is a member of the Ohio Commission on Dispute Resolution. Again, I remind Members, the sixth circuit is almost half vacant: Seven out of the 16 spots are vacant. I urge the committee to move forward. Deborah Cook was nominated May 9, 2001, and has yet to have a hearing.

Terrence Boyle was nominated for the fourth circuit. He presently is a chief judge on the U.S. District Court in the Eastern District of North Carolina. He has held that position since 1997. He was rated unanimously well-qualified by ABA. He went to American University, Washington College of Law; was minority counsel, House Banking subcommittee; also legislative assistant to Senator HELMS; and a partner in a North Carolina law firm, and a prior district court judge. He has been a sitting judge on the U.S. District Court in North Carolina since 1997, and was nominated on May 9, 2001. He has yet to have a hearing before the Judiciary Committee.

I mention these, and urge the committee—it is not too late to move forward with some of the well-qualified people. Hearings have been held on Miguel Estrada and Michael McConnell. They can be voted on next week. I urge them to do so. I plead with them to do so.

I like to cooperate with my colleagues, and I look at the conference report on reauthorizing the Department of Justice. There are a lot of things in this bill a lot of Members would favor, and some things perhaps some have reservations about. The majority of this bill never passed by either the House or the Senate. Now I mention that to let my colleagues know there are rules against doing that in the Senate, rules to protect Members. You do not have the House pass a bill, the Senate pass a bill, and have totally extraneous measures put in a bill in conference and say: Take it or leave it. It is called rule XXVIII.

I mention to my colleagues, this is a rule to protect Members of both parties in both bodies, to make sure we follow the proper legislative process. Usually in Politics 101, we learn you pass a bill, the bill passes the House or passes the Senate, you go to conference and work out the differences, but the bill has to pass one of the Houses to go to conference. The majority of this bill did not pass either House; the majority of the bill—whole sections of the bill. I am not saying I have objections to many pieces of the bill. I don't doubt I would not vote for a lot of it.

Included in this bill are intellectual property rights. Again, never passed the House or the Senate, but it is in this bill. There is a juvenile justice section, an entire new section, there is criminal justice, civil justice, and immigration changes, improvements of criminal justice, intellectual property,

all of which never passed the House or the Senate, and would be subject to rule XXVIII if the rule was invoked.

I bring this to my colleagues' attention, knowing this rule is there and that at least this Senator, for one, realizes we have an opportunity and an obligation to legislate correctly. This Senate is becoming more and more willing to bypass committees, bypass legislative process, report bills, take up bills directly to the floor without ever going through committee, not giving committee Members the opportunity to have amendments, to have discussion, to have vetting, offer alternatives, or come up with bipartisan approaches.

I found this year very frustrating in both the Energy and Natural Resources Committees on which I serve. We had the most significant piece of legislation in the energy bill since I have been a Member, and it was not even marked up in committee. Yet we spent 7 weeks on the floor of the Senate marking it up. Not a good way to legislate. That bill is in conference. I hope we can come up with a conference report that is a good piece of legislation. That remains questionable.

We had prescription drugs many wanted to mark up in the Finance Committee. We did not do that. We bypassed the Finance Committee. The Finance Committee never had a markup on the most expensive expansion of Medicare since its creation in 1965. We had a debate on prescription drugs with several alternatives, some of which, in my opinion, were fatally flawed. Part of that is because they were not vetted. We did not have a thorough discussion in committee. If some of the obvious flaws were introduced on the floor, they would have been exposed and probably corrected, and we probably would have passed a bipartisan bill that would have had enough momentum to not only get through the Senate but be a strong force in conference, and thereby provide prescription benefits for Seniors. We did not do that because we did not go through the committee. We are breaking the process.

I did homework on the Finance Committee. In every major expansion in Medicare for the last 22 years, almost every one except one went through the committee process and ended up with a bipartisan majority on the floor of the Senate and helped become law. Usually, the Senate markup vehicle that came out of committee was strongly supported on the floor and strongly supported in conference, and was close to being the vehicle to become law. Sometimes it is adjusted with our friends and colleagues in the House.

When you take a bill directly to the floor, and I note now there are a couple of other packages that some say, rule XIV—in other words, take directly to the Calendar a provision dealing with give-backs, additional money for Medicare, some for rural hospitals, some for doctors, some for other providers. Let's bypass the committee and go directly to the floor and, yes, we will spend $40 or $50 billion in doing so, most of which will be spent the first year or two.

What happened to the committee process? Shouldn't every member of the Finance Committee have a chance to say, I think we can do a better job? Maybe we can do it more efficiently or better. No, we bypass the committee and take it directly to the floor.

Now I understand we are going to bypass the Finance Committee on a small business package. I used to be a small businessman. I have ideas what should be in that package. I would like a say-so in the amendment. We will not get a vote. No Finance Committee Member—maybe one or two that are putting the package together, but the rest of us on that committee do not get to vote. We did not get to offer an amendment. We did not get to say, we do not think that should be in, maybe something else should be in.

Should we have ''pay-fors''? What should they be? Do we have tax cuts and tax increases? What should they be? How can we best stimulate the economy? Some of us think we have something to offer in that debate, not if you bypass the committee and go straight to the floor. I object to that process. That is a process at least this Senator is going to be very reluctant to support. I don't like bypassing the committee process. I don't like introducing things that are totally extraneous to the House bill or the Senate bill and putting them in conference. I may support those provisions, but I don't think that is a good way to legislate.

I am bothered by the fact the Senate is not working. I am bothered by the fact we did not pass a budget this year for the first time since 1974. I am bothered by the fact that we are yet to pass and send to the President any appropriations bills other than a 1-week continuing resolution. I am bothered by the fact we didn't do the energy bill right. We didn't do prescription drugs right. We didn't get it done. And I am bothered by the fact I look at two-thirds of this bill and I say: Wait a minute, where did this come from, even though they may be perfectly acceptable provisions.

Some might say we have done it before. That is true. But we also have rules against doing it. I believe the rule would be upheld. I believe these were extraneous to the conference. So I think rule XXVIII would by upheld. We may find out. I haven't decided to make that point of order. I am letting my colleagues know the rule is on there for a purpose. We should follow legislative procedure. We should abide by the rules. Unfortunately, we have not done so.

I see we are going to create 20 new judgeships. I guess I am all for that, but I look at several outstanding judges, 47 of whom are yet to be voted on, 7 of whom—I just mention 7—have waited for a year and haven't even had a hearing, 2 of whom have had a hearing, Miguel Estrada and Michael McConnell, and we don't know if they are going to get a vote in the committee or not.

I think every one of the 12, I believe—or the 11 that were nominated on May 9 are entitled to a vote. People can vote up or they can vote down, they have that right. But I think to deny them even a hearing after 510 days is not fair, especially when you look at the qualifications of somebody like John Roberts, who has argued 37 cases before the Supreme Court, and he is yet to have a hearing; or Miguel Estrada, who has argued 15 cases before the Supreme Court, yet to have a hearing. Michael McConnell argued 10 cases—I take it back. Miguel Estrada has had a hearing, so has McConnell. They just have not been voted on in the committee. It is not too late. We may only have a week and a half left in the session, so I urge the Judiciary Committee to move forward on Mr. McConnell and Mr. Estrada and give these fine individuals, who have very distinguished reputations, distinguished legal careers, give them a vote in the Judiciary Committee and on the floor of the Senate.

I am confident both would be confirmed, both would be confirmed overwhelmingly and would make outstanding jurists for many years to come. I urge the Judiciary Committee to do that. I hope it will happen in the next few days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE NEW JERSEY ELECTION

Mr. SANTORUM. Mr. President, I rise briefly to express my disappointment and dismay at what is going on in the neighboring State to Pennsylvania—New Jersey. What we are seeing play out in New Jersey is not something that, as an elected official, I find particularly ennobling for public officials. This is not something that gives people a whole lot of confidence in the political process in which we are engaged.

It is obvious some are trying to change the rules right at the end of the game, and in a way to advantage one political party. I find that very disconcerting. I find it potentially—as the New Jersey Supreme Court contemplates what they are going to do in this case, seeing the precedent that could result, it could result in a lot of ridiculous things happening at the end of a lot of elections. If you find a candidate behind, you simply change horses right at the end. Instead of having the people decide, you have the courts decide.

Remember just 2 years ago a lot of people were gnashing their teeth saying elections should not be decided in the courts. They should be decided by the people on the ballot. Here we have a situation where there are people on the ballot, and now we are having people go to court to change that ballot.

That is very disconcerting. But I guess one of the things that bothers me the most is that there is a connection here in Washington, DC, to what is going on in New Jersey. The connection here in Washington, DC, as the Senator from New Jersey announced, is that it is his intention, by trying to get his name removed from the ballot, to save the Senate for the Democrats. It was not to give the people of New Jersey a choice, as many of the pundits are arguing and many of the politicos are arguing, that the people of New Jersey deserve a choice. No, this was about potentially having a candidate who was going to lose the election and that could result in the Democrats losing control of the Senate.

So from the press reports, we see lots of pressure being brought to bear on the Senator from New Jersey, from a variety of different quarters, to take one for the party and step aside so the Democrats can continue to control the Senate. That is what this is about. This is not about giving the people of New Jersey a choice. It is about trying to keep power, whether breaking the rules or not, trying to keep power.

There are a lot of discussions in this Chamber about the rule of law, that we have to respect the rule of law. We preach all over the world about the importance of the rule of law. Yet we have a statute that is in place under the Constitution because the Constitution says the legislature shall set the laws of elections within the States, not the courts. The legislature clearly acted in New Jersey.

So what are people here trying to save the Democratic majority trying to do? Well, they are trying to change the law through the courts so they have a better chance of winning the election.

Again, the disturbing part is from press reports that some of that is being orchestrated out of Washington, DC. We have a report from the Washington Post that says:

> Senate majority leader Tom Daschle warned McGreevey, the Governor of New Jersey, that substantial national party funding for the race would be in jeopardy. ''It was basically, 'Not with my money,''' Democratic officials said.

—unless they picked a particular candidate to substitute for Senator TORRICELLI.

Again, I am hearing a lot of talk that the people of New Jersey deserve a choice. Yet it sounds like the choice is being dictated here in Washington, DC.

Another quote from the Newark Star-Ledger:

> In what may be the strangest twist yet in a bizarre election year, New Jersey Democratic leaders last night chose Lautenberg as their standard bearer on the insistence of Senate majority leader Tom Daschle.

They quote a Democratic source saying:

> ''Lautenberg or nothing.'' The nothing in this case was a threat by the national Democrats to abandon New Jersey in order to put stronger campaigns for incumbent Democrats in other states where they stood a better chance of winning. . . .

So let's put this in context, the highbrow comments that ''the people of New Jersey deserve a choice.'' Let the people of New Jersey understand whose choice it was. It was not their choice. It was a choice dictated by the political operation here in Washington, DC, and according to these reports, by the Senate majority leader, as to who that choice would be for New Jerseyans to choose from.

That is deeply disturbing. That is deeply disturbing that we see this kind of interplay, in an attempt to change the outcome of an election that did not seem to be going in a positive direction.

I find it very interesting we have another case that just occurred on the unfortunate death of a Representative in Congress from Hawaii, someone who served this country through a long and distinguished career, a very popular Member of the House, and very popular in her district. What I understand is that the Democratic Party in Hawaii is not going to remove her name—is not going to remove her name from the election ballot. Why? Because she is a very popular Member and there is the suggestion that has been reported in the press that even though she is deceased, that she would probably still win the election.

Yet we have in New Jersey someone who is alive and well who they are insisting must be removed from the ballot. This is the kind of crass political calculation that undermines people's faith in the electoral and political process in this country. The sad part is, in part, some of this is being orchestrated out of Washington, DC. This is a crude attempt by those who took power in the Senate, not through the electoral process, to regain power in the Senate through the court process, not through the electoral process that has been established by the State of New Jersey.

How far do we go to keep power? How important is power? What rules must be broken? What principles must be set aside to keep power?

That is what is going on here. That is why the public is outraged and deeply disturbed at what they are seeing in New Jersey.

I find it very troubling that we have Members from this body who are participating in orchestrating those developments. It is not something that reflects positively on the Senate. It certainly does not reflect positively on the electoral system in this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BLOCKING THE WORK OF THE SENATE

Mr. REID. Mr. President, I want to comment on two subject matters today. The first is some of the statements made by my friend, my counterpart, the distinguished Senator from Oklahoma, when he said he was disturbed we were not doing anything in the Senate. He talked about we had not passed any appropriations bills, and went through a list of things we had not done.

But I say, with all due respect to my good friend, the Senator from Oklahoma, we have not done these things because the minority won't let us do them. We have been here reporting for duty. Senator BYRD and Senator STEVENS, on the appropriations bills, reported every one of them out of committee before the August recess. But a decision has been made by the minority not to let us move on any.

That is why we have been on the Interior appropriations bill. This has been the fifth week. So I appreciate the efforts by the minority to make this fact, that we have done nothing in the Senate, our fault, but the American public knows.

We have stated here many times that we are willing to do terrorism insurance, election reform, Patients' Bill of Rights, generic drugs, bankruptcy—all these things that are stuck in conference. We are willing to do every one of the appropriations bills. But they won't let us.

Now, people say: What do you mean, ''they won't let us''? That is the way it is in the Senate, a simple majority does not do the trick in the Senate. You need 60 votes. They have 49. We cannot get up to 60. So you can clearly see what the next 5 weeks are going to be like in the States where there are serious Senate races. What you are going to see there is: The Democrats control the Senate, and they have not been able to get anything accomplished.

But the American people know we may not have been able to accomplish a lot because they would not let us, but we have been able to stop a lot of things that would have occurred had we not been here. And I think when those chapters of history are written about this Congress, that is what the big headlines will be: The stuff we were able to stop. We were a check and balance on a ramrod, and we were able to stop things from happening.

THE NEW JERSEY SENATE RACE

Mr. REID. Mr. President, there is another thing I want to talk about. The Senator from Pennsylvania talked about the terrible situation in New Jersey. It is a very unique situation in New Jersey. A sitting Senator had a procedure before the Ethics Committee. It took a lot of time, and the only focus of the election for the Senate seat in New Jersey was that ethics procedure.

I said yesterday, on the Senate floor—and I say again today—BOB TORRICELLI is my friend. We came to Washington to serve in the House of Representatives together. We sat together in the same committee, the Foreign Affairs Committee, in the House.

We developed a friendship then, 20 years ago, that has remained. I feel so bad for my friend, BOB TORRICELLI. Mr. President, I cannot determine all he went through, but he went through enough that he dropped out of the Senate race. He did it because, for those of us who know him, the emotional toll was tremendous.

Now, would it be better for the people of New Jersey to have no Senate race? The sitting Senator is out of the race. Would it be better that the people of New Jersey have no election, no choice?

The paramount interest that the New Jersey Supreme Court determined was that the people of New Jersey should have a choice. Now, they heard that argument today, and they have already decided by a 7-to-0 vote. It was, as they say in basketball, a slam dunk. This was not a difficult legal proceeding. The people of New Jersey should have a choice as to who is going to serve in the Senate.

I would hope people would drop all the litigation. I am sure some of my friends in the minority are clamoring to get to the Supreme Court and have an election determined there like they did a couple years ago. But I think it would be to everyone's best interest to let the people of New Jersey decide that, with a 7-to-0 determination by the New Jersey Supreme Court, and let these two people—Lautenberg and his opponent—have a race where they have debates and public forums, run TV ads, and have an election like we have in America. New Jersey deserves that. That is what this is all about.

So I hope the election can go forward, as the New Jersey Supreme Court, by a 7-to-0 vote, said it should. And I am sure it will. I cannot imagine even this Supreme Court would change that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FIRST ANNUAL REPORT OF CONGRESSIONAL EXECUTIVE COMMISSION ON CHINA

Mr. BAUCUS. Mr. President, I rise to speak in my capacity as Chairman of the Congressional Executive Commission on China. This commission was created in the China PNTR legislation two years ago and has the mandate to monitor human rights and developments in the rule of law in China. Today, we transmitted the first annual report to the Congress and to the President.

With passage of PNTR the Congress, and the country, declared that economic engagement was important—in terms of our own economic and strategic interests and in terms of our ability to promote and encourage change inside China. The commission was created to ensure that concerns about human rights and rule of law issues in China would continue to have a high priority in our government—in Congress and in the administration. That is why it includes members from both branches nine Senators, nine House members, and five Administration representatives appointed by the President.

The commission membership itself reflects the broad range of views of China within the Congress. Yet we were able to develop a report that is supported by an overwhelming majority of our members. The vote in the commission was 18 to 5 in favor of the report.

Let me turn to the report itself. This is the most comprehensive document produced by Congress on human rights in China. It pulls no punches in describing current human rights conditions in China. And it recommends actions to Congress and to the Administration that we believe will help promote change in China.

The underlying assumption of the report is that human rights cannot be enjoyed without a legal structure to protect those rights. Although China protects many rights on paper, this is often not the case in practice.

This is a time of uncertainty in China as they adjust to their WTO membership, go through a political transition with the senior leadership of the Chinese Communist Party and the government, and face increasing demands from their citizens for greater economic, social, religious, and political freedom.

In fact, the last 20 years has seen a period of profound change inside China—economic reform and the development of a market economy, decentralization of power, individual Chinese citizens gaining more individual autonomy and personal freedom. Yet the government continues to resist political liberalization and suppresses any threat to the Communist Party's grip on power. There are no free labor unions; all religious groups must register with the government and submit to its control; the media and Internet are restricted; there is tight control in minority ethnic regions.

The United States has limited means to influence change within China. The Chinese people, ultimately, must determine how they want to be governed and under what conditions. But we can help contribute to improving the situation inside China.

Let me stress that the commission is not seeking to impose American standards on China. But, from the Universal Declaration on Human Rights, to the International Labor Organizations' Declaration on Fundamental Principles, China has agreed to respect internationally recognized human rights for its citizens. Our desire is that the Chinese government abide by the terms of these international commitments, as well as the guarantees enshrined in China's Constitution and laws. That is the standard we, and others around the world, need to encourage—constantly.

Our report stresses that the United States must take a dual approach.

First, we need to pursue high-level advocacy on core human rights issues and cases of individuals who are denied their fundamental rights. The President, senior Administration officials, and members of Congress, should raise these issues at every opportunity. It also means multilateral advocacy. The United Nations Commission on Human Rights has many tools at its disposal. The International Labor Organization is becoming increasingly involved in labor rights issues in China. We need to work with other nations to pressure China in these areas.

Second, we need to provide increased technical and financial assistance to help build a legal system in China that protects human rights. Elements of this include training lawyers and judges to build a more professional legal system; promoting grassroots legal aid so Chinese women, workers, and farmers will understand their rights and how they can try to assert them; assisting with the drafting of new laws and regulations; teaching about experiences in other countries in the West, in Asia, in the former Soviet states, regarding how they dealt in a non-authoritarian way with some of the economic, social, and political problems that confront China today; providing currently unavailable information to the average Chinese using radio, cable, and the Internet; and working with nascent Chinese NGOs who are trying to deal with the staggering social and economic challenges in China.

The range of issues is huge. This past year, our commission examined some of the major areas of human rights and rule of law, including religious freedom, labor rights, free press and the Internet, Tibet, and the criminal justice system. Next year, we will continue to pursue these problems and address many others, including the role of foreign companies in Chinese society, women's rights which includes the one-child policy, HIV/AIDs, and the 2008 Olympics and human rights, to name just a few.

I am pleased with the scope and quality of this report. It adds to our understanding of human rights and legal reform in China and provides a useful action plan for the Congress and the administration. I am sending each of my colleagues a copy and urge you all to read it. For others, you can find the report on the commission's website at www.cecc.gov.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 14, 2001 in Jackson Heights, NY. Edgar Garzon, 35, was attacked after leaving a gay bar. The assailants, two men, exchanged hostile words with Mr. Garzon outside the bar, followed the victim toward his home, then beat the victim with a baseball bat or lead pipe. Mr. Garzon suffered a skull fracture and died three weeks after the attack. Police are investigating the incident as a bias attack.

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.

WORLD POPULATION AWARENESS WEEK

Mr. LEAHY. Mr. President, over the past years I have spoken often on the subject of population growth and the many problems it poses. Even in my own State of Vermont, one of the most rural states, it is impossible to escape the fact that human population can leave a heavy footprint.

In the past 50 years the world's population has doubled in size. The implications of this exponential growth are impossible to fully grasp or predict. We do know however, that over 95 percent of new births are occurring in developing countries, many of which are unable to feed or care for their people today. From sub-Saharan Africa to much of Asia, hundreds of thousands of children are born each day without adequate food, medical care or shelter. In fact, of the 4.8 billion people living in developing countries, it is estimated that nearly 60 percent lack basic sanitation. Almost a third do not have access to clean water. A quarter do not have adequate housing, and a fifth, over 1 billion people, have no access to modern health services.

In addition, we have all seen the burden the Earth's swelling population places on the environment. The world's rapidly growing population has resulted in severe water shortages, shrinking forests, soil degradation, air and water pollution and the daily loss of animal and plant life.

However, there has been progress. Because of the availability of education and modern contraceptives, the average number of births per woman has declined from 6 to 3. Due in large part to the work of organizations like the US Agency for International Development, the UN Population Fund, and the International Planned Parenthood Foundation, many women across the globe are receiving the help they need. These organizations provide essential advice, counseling and information in many countries where it otherwise would not exist. The reduction in family size that results has helped millions escape from poverty and, for many women, enhanced the prospects for education and a better life.

Even with these steps forward, much more needs to be done. The world's population is many hundreds of millions higher than it was seven years ago, yet the developing countries are still receiving US family planning assistance at 1995 levels. The inextricable link between world population growth and poverty, political instability, and environmental degradation is widely known. Over 600,000 women die from pregnancy related causes. These programs are about modern contraceptives, about reproductive health, about saving women's lives. Not one dime of US Government funds can be used for abortions, yet the White House and some Members of Congress continue to object to many of these programs.

For the United States to be a leader in support of international family planning it is vital for the American people to be aware of the problems posed by unchecked population growth. That is why I am pleased that Governor Howard Dean has proclaimed the week of October 20–26 as World Population Awareness Week in Vermont. I want to support the Governor in this effort, and I ask unanimous consent that his proclamation be printed in the RECORD.

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

STATE OF VERMONT EXECUTIVE DEPARTMENT

A PROCLAMATION

Whereas, more than one billion people—one sixth of the world's population—are between the ages of 15 and 24, the largest generation ever in this age bracket, and

Whereas, nearly half the world's population, and 63 percent in the least developed countries, is under age 25; and

Whereas, 17 million young women between the ages of 15–19 give birth every year, including some 13 million who live in less developed countries; and

Whereas, early pregnancy and childbearing is associated with serious health risks, as well as less education and lower future income potential for young mothers; and

Whereas, risks of dying from complications of pregnancy or childbirth are 25 times higher for girls under 15, and two times higher for women between 15–19; and

Whereas, approximately half of the 5 million people infected with HIV last year were young people aged 15–24; and

Whereas, almost 12 million young people now live with HIV, and about 6,000 more become infected every day; and

Whereas, the choices young people make today regarding their sexual and reproductive lives, including responsible male behavior, will determine whether world population stabilizes at 8 billion or less or 9 billion or more; and

Now, therefore, I, Howard Dean, Governor of the State of Vermont, do hereby proclaim October 20–26, 2002 as World Population Awareness Week in Vermont.

Given under my hand and the Great Seal of the State of Vermont this 25 day of August, A.D. 2002.

HOWARD DEAN, M.D.,
Governor.

MEDICARE APPEALS, REGULATORY AND CONTRACTING IMPROVEMENTS

Mr. GRASSLEY. Mr. President, I want to take a few minutes to discuss a provision in the Beneficiary Access to Care and Medicare Equity Act I introduced yesterday with Senator BAUCUS.

The core of our bill, as the short title indicates, ensures beneficiary access to care and improves equity in Medicare payments. But the bill also makes important other improvements to the Medicare program that go beyond payment policy and beneficiary improvements.

Chief among those is regulatory relief for providers.

Every day, in cities and towns across Iowa, health care providers treat the sick, restore them to health, and work to prevent further illness. Iowa's proportion of older adults in the population exceeds that of the United States as a whole. In fact, we rank second in the Nation in our percentage of persons aged 85 and older.

Simply put, the Medicare program means a great deal to Iowans, not only from a beneficiary perspective but also from a provider perspective. Health care providers in Iowa rely on the Medicare program for much of their business.

I have had extensive conversations with many Iowa health care providers and workers, and a complaint I have heard over and over is that the Medicare program is too bureaucratic. Too much time is spent on paperwork instead of treating patients. Rules coming out of Washington are confusing and contradictory. Doctors and nurses receive one answer to a question from their Medicare contractor and a different answer from Medicare headquarters in Baltimore.

Now, don't get me wrong. My position on the sin of Medicare waste, fraud, and abuse has not changed. As a watchdog of the taxpayer dollar, I firmly believe in asking health care providers to account for the money they receive from the government. Taxpayer dollars must be spent responsibly. However, when honest providers

are unable to get straight answers from the government, frustration and inefficiency can result. The outcome is a health care program that is not serving beneficiaries or taxpayers as well as it could. So I am proud that this legislation takes steps to treat some of these bureaucratic ills afflicting Medicare.

Based on provisions in a bill introduced last year by myself and Senator BAUCUS, along with Senators MURKOWSKI and KERRY, the Beneficiary Access to Care and Medicare Equity Act offers additional appeal rights for providers, mandates enhanced provider education, and ensures that providers receive straight answers from the Centers for Medicare and Medicaid Services, CMS.

Importantly, our legislation reforms the way Medicare contracts with the private companies that process and pay claims. Today, CMS is stymied by outdated guidelines that fail to recognize efficiency and quality in contractor performance. Today's system is also not competitive. Our legislation brings competition into the program so that the best available contractors, in terms of quality and efficiency, will serve it. The bill provides incentives for contractors to give timely and accurate information to beneficiaries and providers.

For Medicare contractor reform to succeed, however, contractors need protection from unlimited civil liability in carrying out the payments, provider services, and beneficiary services functions expected of them.

The bill I have just introduced would therefore continue the past policy of limiting the liability of certifying and disbursing officers, and the Medicare administrative contractors for whom those officers serve, with respect to certain payments. In addition, the language contained in Section 621 clarifies that Medicare administrative contractors are not liable for inadvertent billing errors but, as in the past, are liable for all damages resulting from reckless disregard or intent to defraud the United States.

Importantly, the reckless disregard standard is the same as the standard under the False Claims Act, a 150-year-old Federal law that I updated in 1986 and that has had unmatched success in fighting fraud and abuse in Federal programs like Medicare. The False Claims Act, 31 U.S.C. Sections 3729–3733, applies to Medicare fiscal intermediaries and carriers under current law and has been used effectively by whistleblowers and the Department of Justice to uncover and penalize fraud against the program by some intermediaries and carriers.

This specially calibrated version of reckless disregard balances the practical need to shelter Medicare administrative contractors from frivolous civil litigation, with the Medicare program's interest in protecting itself from contractor fraud. This legislation makes it clear that the False Claims Act continues, as in the past, to remain available as a remedy for fraud against Medicare by certifying officers, disbursing officers, and Medicare administrative contractors alike and that, among other things, the remedy subjects Medicare contractors to administrative as well as trust fund damages. I am pleased that the Department of Justice and the HHS Office of Inspector General believe this special liability standard serves taxpayers and the Medicare program extremely well.

In closing, let me again say how proud I am that on this issue and on the many other provider and beneficiary policies in this bill, Chairman BAUCUS and I were able to work together in a balanced, bipartisan fashion. Together, we carefully considered and came to agreement on payment, administration and benefit policies that make sense for Medicare. I urge the Senate Democrat leadership to call up our bill for full consideration in short order before we adjourn next week.

ADDITIONAL STATEMENTS

MAINE'S ANGEL IN ADOPTION, DAWN DEGENHARDT

• Ms. COLLINS. Mr. President, each year, members of the Congressional Coalition on Adoption nominate an individual or couple to receive the ''Angels in Adoption'' award. This year, it was my pleasure to nominate Dawn C. Degenhardt of Houlton, ME to receive the 2002 ''Angels in Adoption'' award for her efforts and dedication to this cause. Dawn's wonderful story is truly inspirational.

Born in Portland, ME, Dawn was a child advocate in Cleveland, OH, where she founded the State chapter of the Council on Adoptable Children. Dawn and another parent also founded Spaulding of Beechbrook in Ohio, which helps to place special needs children and is still in existence today.

When Dawn and her husband decided to start their own family, they began by adopting two infants. By the time their second child was a year old, Dawn and Ed pursued an older child adoption. Over the next two years, they worked to encourage more people to adopt older children. They adopted four more children, one from a Native American adoption program in South Dakota and three from Vietnam. They then moved to Maine and adopted three more older children, two through the Maine Department of Human Services and one from India. Dawn and Ed adopted nine children in total.

Though their own family was now complete, in 1977, Dawn's concern for the children still waiting in the foster care system prompted her to found the Maine Adoption Placement Service, MAPS, in Houlton, ME. Her original mission was to place special needs children and to educate and train their new adoptive families in a supportive environment. After ten years, the program expanded its services to include a housing component for pregnant teens and young women.

Today, there are MAPS offices and programs with housing for pregnant and parenting teens in Portland, Bangor, and Houlton. The program also has licensed offices in Boston, Tampa, FL, and Silverthorne, CO. The Colorado office has also a therapeutic foster care program.

The agency dawn founded is also licensed in Vermont, and has recently received accreditation by the Council on Accreditation of Children and Family Services, COA. MAPS was the first adoption agency to propose placement of children living in orphanages in the former Soviet Union, and that work continues to this day.

The program is also functioning in Cambodia, where it offers a strong program of adoption services and humanitarian aid. MAPS also has developed programs in Kazakhstan, Romania, India, Guatemala, Sierra Leone, and Ecuador; offering families more international choices while never losing sight of its original mission of placing special needs children from the foster care system. Dawn continues to serve as CEO of the Maine Adoption Placement Service. This year she and her staff celebrate their twenty-fifth anniversary of bringing children and families together. Dawn and her team of dedicated professionals have helped to place over 3,500 children in loving homes.

Dawm and Ed Degenhardt have built a family not only for themselves but also for many others. Their home has been filled with love and happiness. I am proud to know that Maine is home to a couple so full of compassion and generosity, and who have inspired countless more families, to show the same compassion and caring for children in our state and around the globe.•

HISPANIC HERITAGE MONTH 2002

• Mr. DURBIN. Mr. President, I rise in honor of Hispanic Heritage Month. For the past 34 years we have formally celebrated the numerous contributions the Hispanic community has made to our country. From September 15 to October 15, 2002, Hispanic Heritage Month will be commemorated by millions of people across the United States.

Hispanic Americans make up 12.5 percent of the population and have had a profound effect on our Nation's economic strength and stability. They not only are the fastest growing population group in the Nation, they are the fastest growing group among small business owners. Hispanic Business Magazine estimates that by the year 2007, Hispanic buying power will rise to $926.1 billion—due to a growth rate almost three times that of non-Hispanics.

There are more than 1.2 million Hispanic-owned businesses. These firms employed more than 1.4 million people and generated $183.3 billion in revenues. These statistics are a testament

to those Hispanic Americans who have overcome a myriad of obstacles to establish themselves as a prominent force in our Nation's economy.

Hispanic Americans also have succeeded in the political arena. The number of Hispanic elected officials has increased, and many States across the Nation have fielded Hispanic candidates at local and national levels. For example, earlier this month Georgia voters elected their first Hispanic State senator, Sam Zamarripa, and New Mexico's next Governor will undoubtedly be Hispanic.

In addition to recognizing the significant contributions Hispanics have made in politics and to our economy, we honor those Hispanic Americans who sacrificed their lives on September 11, 2001. Hispanic Americans were among the very first to respond to the terror attacks against our Nation. Twelve Hispanic firefighters lost their lives trying to save others.

As America continues to remember those Hispanic Americans who gave their lives on that tragic day, others in the Hispanic community have helped bring our Nation together. For example, Daniel Rodriguez, a Brooklyn-born Latino policeman, captured America's hearts with his rendition of ''God Bless America'' at numerous September 11 memorial services. Contributions like this from our fellow Americans have helped many of us heal and have instilled a deeper, greater pride in our Nation.

Other Hispanic Americans may not have received as much media attention but have equally contributed to every aspect of our American life.

In my home State of Illinois, where over 1 million Hispanic Americans reside, numerous individuals have had a significant impact on the Hispanic American community. Consider Theresa Gutierrez, a reporter for ABC News in Chicago. She was one of the first Hispanic women to break into television journalism, and since she began her media career in 1971 she has been the recipient of numerous awards. In 1999, she was recognized by Chicago Woman Magazine as one of 100 ''Women Making a Difference.'' She was also selected as one of the six outstanding broadcasters in the country by Hispanic USA Magazine.

Another similar example is Anna Zotigh, a 16-year-old girl working on a mural at the Instituto del Progresso Latino in Chicago. Anna, along with other teams of students across the country, works 8- to 9-hour days with local artists to help promote Latino culture, specifically the pivotal role played by women in Hispanic culture. These are just some of the extraordinary Hispanic American individuals who contribute to the vibrant life of our country.

The Hispanic American population has made significant strides in the last decade to help strengthen America's ideals of democracy, freedom, and opportunity. We have seen their contributions time and time again, from their impact on our economy to their service in law enforcement.

Hispanic Heritage Month is a time to celebrate, experience, and honor the Hispanic culture. I urge all Americans to actively participate in the many festivities across our Nation, as we deepen our appreciation for a community that has helped shape America today, and will continue to do so tomorrow.●

TRIBUTE TO CHARLIE MYRICK

● Mr. BOND. Mr. President, I rise to pay tribute to Mr. Charlie Myrick and his over 25 years of service to children across this country. Over the years, Charlie Myrick has performed magic tricks in schools across the nation and has spoken to over 6 million school children. Resisting drugs and gang pressures as well as the importance of leadership and studying diligently in school are a few of the points Charlie emphasizes in his program. He inspires and motivates children to pursue their dreams while challenging parents to support and encourage their children in this pursuit. Charlie has been beaten and held at knife point by disgruntled students but his dedication to children has not wavered. Many children claim Charlie's encouragement and motivation changed their life. One child stated, Charlie motivated him to persistently strive to achieve his dreams. I commend Charlie for his years of service to children in need.●

TRIBUTE TO LEE MACE'S OZARK OPRY

● Mr. BOND. Mr. President, I rise to celebrate the 50th anniversary of the Lee Mace's Ozark Opry. The Lee Mace's Ozark Opry has entertained audiences for years and is a tribute to Lee's dream to share country music with the public. Lee and his wife, Joyce Mace began the Opry in an effort to preserve the real flavor of the Ozarks though music and dance. Giving talented young people from nearby towns the opportunity to perform was a dream of Lees and many performers have stood on stage as a result. The format developed for the show has been emulated in Branson, Missouri and over the years has spread to opry houses across the country. Although, Lee Mace passed away several years ago, the sounds of the Ozarks can still be heard at Lee Mace's Ozark Opry. Today, we honor Lee Mace's dream of preserving the tradition of country music in the Ozarks.●

HONORING STATE REPRESENTATIVE CLAIRE LEUCK

● Mr. BAYH. Mr. President, I rise today to honor a fellow Hoosier, Indiana State Representative, retired farmer, teacher, mother and loving wife, Claire Leuck, who will be retiring from the Indiana legislature this year.

Representative Leuck, who was first elected to the Indiana House of Representatives in 1986, has worked tirelessly to improve the lives of Hoosiers from all walks of life. As a representative of District 25, Claire was a voice for rural communities and worked in a bipartisan manner. Prior to her service in the legislature, Claire served as the Benton County Clerk from 1974–1982.

As chair of the House Agriculture Committee, she advocated for the interests and needs of the agricultural community, giving farmers a voice and enabling family farms to retain a vital role in the Indiana economy. Claire has worked to increase funding for rural schools and improve the quality of rural life. She has devoted her energies to improve health care by authoring legislation that created the CHOICE home health care program for the elderly. Claire has continually worked to secure state funding for Lakes Shafer and Freeman, allowing these lakes to remain safe and friendly destinations for tourists. She has also worked on behalf of veteran's interests to ensure that local veterans had the necessary means and equipment to pay tribute to their fallen friends.

Claire's outstanding work in the Indiana House of Representatives was acknowledged by House leadership when she was appointed to the powerful House Ways and Means Committee. During my time as Governor, I had the privilege to work with Representative Leuck to balance Indiana's budget, cut taxes for Hoosier families, increase funding for Indiana's public schools and protect Indiana's natural resources.

Everyone that has ever encountered Representative Leuck knows she exemplifies her famous campaign slogan ''everybody likes Claire.''

Along with her husband Richard, Claire's strong dedication to the State of Indiana is evident in the work she accomplished during her tenure in the legislature. She is to be commended for her 16 years of service to her community, her district and her State.●

TRIBUTE TO THE WORLD WAR II MEN OF THE USS KIDD

● Mr. WARNER. Mr. President, I rise today to pay tribute to the World War II men of the USS *Kidd*, DD 661, a Fletcher-class destroyer which was named after Rear Admiral Isaac C. Kidd, Sr., who was killed aboard his flagship, the USS *Arizona*, at Pearl Harbor on December 7, 1941. *Kidd* was commissioned at the New York Navy Yard in Brooklyn, New York, on April 23, 1943. She was placed under the command of Lieutenant Commander, later Admiral, Allan B. Roby.

Kidd served with great distinction in the South Pacific during World War II, earning eight battle stars while participating in such historic engagements as the air raids on Wake Island, the strikes against Rabaul and Bougainville, the Gilbert Islands invasion

at Tarawa, the Marshall Islands, the occupation of Aitape and Hollandia in New Guinea, the occupation of Saipan, the bombardment of Guam, the invasion of the Philippines, the raids against the Japanese home islands, and the invasion of Okinawa.

On April 11, 1945, *Kidd*, by then affectionately known as ''The Pirate of the Pacific'', was on patrol and picket duty off of Okinawa. During a Japanese attack that day a Kamikaze struck *Kidd* amidship just above the water line. Thirty-eight men were killed and another fifty-five were wounded, and *Kidd* suffered extensive structural damage. Notwithstanding these circumstances, the crew managed to keep the ship afloat while returning fire and continuing to engage the enemy in the ongoing attack. *Kidd* was saved and, following major repairs, continued to serve the Nation with distinction for another twenty years.

In the aftermath of World War II, the surviving men of *Kidd* did not forget their shipmates who perished during that epic conflict. In August of 1949, just a few years after the end of World War II, survivors of the Kamikaze attack on *Kidd* gathered in New York City for the solemn purpose of remembering and honoring their lost shipmates. Ever since that original gathering in 1949, for fifty-two straight years, survivors of the World War II attack on *Kidd* have traveled from far and wide and assembled together to pay homage to their friends and shipmates who died on April 11, 1945. This remarkable unbroken string of remembrances now extend over half a century.

This weekend, the remaining survivors of the World War II crew of the USS *Kidd* are preparing to gather together for their 53rd consecutive annual reunion to be held here in the Washington Metropolitan Area from October 4—6, 2002. At that gathering, as in their past gatherings, these men, accompanied by their families and friends, will honor the memory of their departed shipmates. For the benefit of the historical record, the names of those men killed aboard *Kidd*, heroes all, were Lieutenant George B. Grieshaber, Ensign Robert A. Berwick, Seaman 1st Class Dorsey C. Bridgewater, Chief Quartermaster Addison F. Smith, Chief Water Tender Sylvester W. Hansen, Chief Steward John F. Hamilton, Gunner's Mate 1st Class Morgan A. Payne, Water Tender 1st Class James C. Carmody, Water Tender 1st Class Felix P. D'Amico, Machinist 2nd Class William M. Abernethy, Water Tender 2nd Class Jack L. Walsh, Seaman 2nd Class Eugene E. Gothreau, Baker 2nd Class Richard W. Hyde, Steward's Mate 2nd Class Solomon Thompson, Steward's Mate 2nd Class Charles E. Green, Torpedo Man 3rd Class Bernard Gutterman, Seaman 3rd Class Milford A. Faufaw, Electrician's Mate 3rd Class James N. Olen, Fireman 1st Class Charles N. Allwhite, Fireman 1st Class Clifford A. Hoeft, Fireman 1st Class Clifford E. Kemmerer, Fireman 1st Class Robert F. Walker, Seaman 1st Class John W. Canada, Jr., Seaman 1st Class Louie C. Higginbotham, Seaman 1st Class Lester B. Hodges, Seaman 1st Class Harold G. Kelsey, Seaman 1st Class George R. Kraisinger, Seaman 1st Class William J. Wall, Seaman 1st Class Lawrence Bynog, Fireman 2nd Class Fredric B. Heaton, Fireman 2nd Class Dennis M. Kornowski, Seaman 2nd Class Virgile A. Henson, Seaman 2nd Class Charles K. Jenkins, Seaman 2nd Class Bernard V. Kostelnik, Seaman 2nd Class Arthur Lee, Seaman 2nd Class Russell J. Leonard, Seaman 2nd Class John Miller, Jr., and Apprentice Seaman Darvin R. Lee.

On the eve of the 53rd consecutive gathering of the surviving members of the World War II crew of the USS *Kidd*, I take to the floor of the Senate to recognize and honor all of the World War II men of *Kidd*. By their sacrifices and courageous conduct on April 11, 1945, in defending their ship and the national interests of the United States, the men of the USS *Kidd* demonstrated exceptional valor and courage. By their remarkable determination to keep the memory of their lost shipmates alive, as demonstrated by their continuing course of conduct over the last fifty-three years, the surviving members of the World War II crew of the USS *Kidd* have brought honor to themselves, to the United States Navy, and to a grateful Nation that understands better, because of the conduct of all of these men, the true meaning of faithful commitment and patriotic citizenship. A young sailor myself in 1945, I proudly ask the Senate to join me in saluting the World War II men of the USS *Kidd*. Their deeds and sacrifices are an untold story that should serve as an inspiration to all Americans.●

HONORING RICHARD ''DICK'' HAGEN

● Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of South Dakota's most exceptional public leaders, Richard ''Dick'' Hagen.

Dick was a widely respected leader and representative in South Dakota. He served in the State House from 1983 until 2000 and was elected to his first term in the State Senate in 2000. He was greatly admired by his peers for his honesty and unwavering dedication to the people he represented. A member of the Oglala Sioux Tribe, Dick strived to promote a better understanding of Native American culture among his colleagues in the state legislature. His tremendous contributions to the community and public leadership set him apart from other outstanding public representatives, and lead to a Legislator of the Year award in 2001 and the West River Legislator of the Year award in 2002.

Dick entered Coast Guard boot camp at Cape May, NJ in 1957. He was stationed in Morgan City, LA and later in Unimak Island, Alaska before being honorably discharged from Sheboygan, WI in 1961. After his discharge from the Coast Guard, he returned to South Dakota and served with the Bureau of Indian Affairs for one year, the Shannon County School Board for two terms, and the Tribal Council for two terms.

Dick lent his leadership and good nature to many activities and events throughout the Pine Ridge Reservation. He announced countless ball games, parades, and rodeos, and was a familiar face at numerous sporting events over the years. Through his outstanding community involvement in these, and many other activities, the lives of countless South Dakotans were enormously enhanced.

One of the most important pieces of legislation Dick initiated was his bill to fund reservation nursing homes. Elderly Native Americans, living on South Dakota's reservations, are often forced to leave their families to find nursing home care far from home. Dick believed all South Dakotans deserve the right to convenient quality health care service. Although he did not live to see his dream realized, his work continues to inspire all those who knew him.

Dick's legislative achievements were extraordinary, but it was his dedication to helping others that serves as his greatest legacy. I am proud to have been a friend of Dick and of Mona, his deceased wife. Our Nation and South Dakota are far better places because of Dick's life, and while we miss him very much, the best way to honor his life is to emulate his commitment to public service and community.●

NATIONAL OSTEOPATHIC MEDICINE WEEK

● Mr. BOND. Mr. President, October 6–12, 2002 is National Osteopathic Medicine, NOM, Week, a week when the nation's 49,000 osteopathic physicians, D.O.s are focused on increasing the public's awareness of access to care issues for patients across the nation.

For almost 25 years now, the American Osteopathic Association, AOA, and its members have celebrated the osteopathic medical community's unified effort to educate the nation about issues influencing the American health care system. I am especially pleased the theme of this year's NOM Week is ''Access to Care.''

When osteopathic physicians, medical students, interns, residents and supporters of osteopathic medicine travel to Las Vegas, NV to attend the AOA's 107th Annual Convention and Scientific Seminar, nearly 8,000 will receive the latest information on issues impacting patients access to care quality and timely health care. The program covers such topics as professional liability insurance reform, rural health, the uninsured, SCHIP and other access to care programs for children, bioterrorism and mental health.

I applaud the osteopathic medical community for emphasizing patient access issues, so important to my home state of Missouri and the nation.

Take for example, rural health. Many citizens of my home state face limited availability of health care services in their communities. Access to health care can be established only when medical professionals are available to provide quality health care. We must do more to ensure that all Americans have access to timely health care and part of the solution is to place physicians in rural communities. Let's not forget the access to care barriers facing minority populations, children and the elderly.

Over the past few years, medical liability premiums have escalated out of control causing health care quality, access, and cost problems. While some states have passed professional liability insurance (PLI) system reforms, not every state has effective laws in place. The osteopathic medical community recognizes many states face critical PLI system problems.

For more than a century, D.O.s have made a difference in the lives and health of my fellow citizens in Missouri. I am proud to say that the birth of this profession took place in Northwest Missouri. Overall, more than 100 million patient visits are made each year to osteopathic physicians. D.O.s are committed to serving the needs of rural and underserved communities and make up 15 percent of the total physician population in towns of 10,000 or less.

Similar to requirements set for M.D.s, D.O.s must successfully complete four years of medical education at one of the nation's 20 osteopathic medical schools; a one-year internship; and a multi-year residency program. Throughout this education, D.O.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want this extra knowledge a part of their health care. Individuals may call (866) 346–3236 to find a D.O. in their community.

In recognition of NOM Week, I would like to congratulate the over 1,700 D.O.s in Missouri, the 616 students at the Kirksville College of Osteopathic Medicine, 871 students at the University of Health Sciences College of Osteopathic Medicine and the 47,000 D.O.s represented by the American Osteopathic Association for their contributions to the good health of the American people.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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 a sundry nomination which was referred to the Committee on Health, Education, Labor, and Pensions.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 556. An act to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes.

H.R. 2426. An act to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes.

H.R. 3450. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and National Health Services Corps, and for other purposes.

H.R. 3534. An act to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

H.R. 3802. An act to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

H.R. 3813. An act to modify requirements relating to allocation of interest that accrues to the Abandonment Mine Reclamation Fund.

H.R. 4013. An act to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

H.R. 4014. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases.

H.R. 4125. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

H.R. 4129. An act to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

H.R. 4141. An act to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes.

H.R. 4692. An act to amend the Act entitled ''An Act to Authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes,'' to provide for the addition of certain donated lands to the Andersonville National Historic Site.

H.R. 4793. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

H.R. 4830. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes.

H.R. 4851. An act to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the ''Robert Wayne Jenkins Station.''

H.R. 4874. An act to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

H.R. 4944. An act to designate the Cedar Creek Battlefield and Belle Grove National Historical Park as a unit of the National Park System, and for other purposes.

H.R. 4968. An act to provide for the exchange of certain lands in Utah.

H.R. 5091. An act to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes.

H.R. 5125. An act to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

H.R. 5303.

H.R. 5460. An act to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes.

H.R. 5472. An act to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 291. Concurrent resolution expressing the sense of the Congress with respect to the disease endometriosis.

H. Con. Res. 425. Concurrent resolution calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund.

H. Con. Res. 451. Concurrent resolution recognizing the importance of teaching United States history and civics in elementary and secondary schools, and for other purposes.

H. Con. Res. 484. Concurrent resolution expressing the sense of the Congress regarding personal safety for children, and for other purposes.

The message further announced that the House has passed the following bill, with amendments:

S. 434. An act to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands.

The message also announced that the House has agreed to the following resolution:

H. Res. 566. Resolution stating that the House has heard with profound sorrow of the death of the Honorable Patsy T. Mink, a Representative from the State of Hawaii.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 556. An act to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on the Judiciary.

H.R. 3813. An act to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund; to the Committee on Energy and Natural Resources.

H.R. 5091. An act to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes; to the

Committee on Health, Education, Labor, and Pensions.

H.R. 5125. An act to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; to the Committee on Energy and Natural Resources.

H.R. 5460. An act to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3018. A bill amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3450. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and for other purposes.

H.R. 5472. An act to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3534. An act to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

H.R. 4793. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-bome diseases.

The following joint resolution was read the first time:

S.J.Res. 46. Joint resolution to authorize the use of United States Amed Forces against Iraq.

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–9219. A communication from the Deputy Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for Fiscal Year 2003, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; the Judiciary; Health, Education, Labor, and Pensions; Small Business and Entrepreneurship; Veterans' Affairs; Select Committee on Intelligence; Indian Affairs; and Rules and Administration.

EC–9220. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report for Fiscal Year 2003, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; Veterans' Affairs; Indian Affairs; and Select Committee on Intelligence.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–336. A resolution adopted by the Washington State Board of Accountancy relative to the regulation and enforcement of auditor ethical and technical standards; to the Committee on Banking, Housing, and Urban Affairs.

POM–337. A resolution adopted by the City Council of the City and County of Honolulu, Hawaii relative to restoring veterans' benefits to Filipino veterans of World War II; to the Committee on Veterans' Affairs.

POM–338. A resolution adopted by the Rockland County Legislature of the State of New York relative to the Medicare Aural Rehabilitation and Hearing Aid Coverage Act of 2001; to the Committee on Finance.

POM–339. A resolution adopted by the Legislature of Rockland County, New York relative to the Training of Closed Captioners Act of 2001 and the Training for Realtime Writers Act of 2002; to the Committee on Commerce, Science, and Transportation.

POM–340. A resolution adopted by the Legislature of Rockland County, New York relative to the Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

POM–341. A resolution adopted by the Louisiana Wildlife and Fisheries Commission relative to the importation of seafood contaminated with antibiotics; to the Committee on Health, Education, Labor, and Pensions.

POM–342. A House joint resolution adopted by the General Assembly of the State of Maryland relative to HIV/AIDS in the Caribbean; to the Committee on Health, Education, Labor, and Pensions.

POM–343. A resolution adopted by the Senate of the Commonwealth of Puerto Rico relative to the impact of the military practices of the United States Navy on the environment, natural resources and health on the island municipality of Vieques; to the Committee on Armed Services.

POM–344. A resolution adopted by the State Guard Association of the United States relative to the Selective Service; to the Committee on Armed Services.

POM–345. A resolution adopted by the Council of the Borough of Fairview of the State of New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–346. A resolution adopted by the Board of Aldermen of Boonton, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–347. A resolution adopted by the City Commission of Miami, Florida relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–348. A resolution adopted by the Board of Chosen Freeholders of the County of Atlantic, Northfield, New Jersey, relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–349. A resolution adopted by the Council of the Borough of Hasbrouck Heights, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–350. A resolution adopted by the Board of Chosen Freeholders of the County of Warren, Belvidere, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–351. A resolution adopted by the Council of the City of Douglasville, Georgia relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–352. A resolution adopted by the Board of Supervisors of the County of Los Angeles, California relative to the Pledge of Allegiance; to the Committee on the Judiciary.

POM–353. A resolution adopted by the Board of Chosen Freeholders of Ocean City, New Jersey relative to the Pledge of Allegiance; to the Committee on the Judiciary.

EXECUTIVE REPORT OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 106–10 1997 AMENDMENT TO MONTREAL PROTOCOL (Exec. Rept. No. 107–10)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Montreal on September 15–17, 1997, by the Ninth Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106–10).

Treaty Doc. 106–32 Amendment to Montreal Protocol (''Beijing Amendment'') (Exec. Rept. No. 107–10)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (Treaty Doc. 106–32).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 3027. A bill to require that certain procedures are followed in Federal buildings when a child is reported missing; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. LEAHY, and Mr. GRASSLEY):

S. 3028. A bill to provide for a creditors' committee of employee and retiree representatives of a debtor in order to protect pensions of those employees and retirees; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 3029. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of accidental medical injury; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 3030. A bill to designate the Federal building and United States courthouse located at 200 West 2d Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. WARNER, and Mr. CRAIG):

S. 3031. A bill to amend title 23, United States Code, to reduce delays in the development of highway and transit projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. DEWINE, Mrs. CLINTON, Mr. DODD, and Mr. KERRY):

S. 3032. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on Foreign Relations.

By Mr. HUTCHINSON:

S. 3033. A bill to amend the Public Health Service Act to establish an electronic system for practitioner monitoring of the dispensing of any schedule II, III, or IV controlled substance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Mr. CARPER):

S. 3034. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUTCHINSON:

S. 3035. A bill to prohibit the sale of tobacco products through the Internet or other indirect means to underage individuals, to ensure the collection of all cigarette taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Mr. MCCONNELL, Mr. DOMENICI, Mr. HUTCHINSON, Ms. LANDRIEU, Mr. ALLARD, Mr. HELMS, and Mr. MILLER):

S.J. Res. 46. A joint resolution to authorize the use of United States Armed Forces against Iraq; read the first time.

By Mr. KENNEDY (for himself and Mr. GRAHAM):

S.J. Res. 47. A joint resolution approving the location of the commemorative work in the District of Columbia honoring former President John Adams; 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 Mrs. CLINTON:

S. Res. 332. A resolution recognizing the ''Code Adam'' child safety program, commending retail business establishments that have implemented programs to protect children from abduction, and urging retail business establishments that have not implemented such program to consider doing so; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 724

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New Mexico (Mr. DOMENICI) 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 pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1140

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1140, supra.

S. 1761

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1967

At the request of Mr. KERRY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 2067

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2067, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 2072

At the request of Mr. CORZINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2072, a bill to amend title XIX of the Social Security Act to provide States with the option of covering intensive community mental health treatment under the Medicaid Program.

S. 2082

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2082, a bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2246

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2246, a bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes.

S. 2528

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2547

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2547, a bill to amend title XVIII of the Social Security Act to provide for fair payments under the medicare hospital outpatient department prospective payment system.

S. 2583

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2583, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2645

At the request of Mrs. FEINSTEIN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2645, a bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes.

S. 2674

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2674, a bill to improve access to health care medically underserved areas.

S. 2793

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2793, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 2816

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2816, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2969

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2969, a bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

S. 2990

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 2990, a bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes.

S. 3013

At the request of Mr. KYL, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 3013, a bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens.

S. 3018

At the request of Mr. BAUCUS, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arizona (Mr. KYL), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as ''National Cystic Fibrosis Awareness Week.''

S. RES. 307

At the request of Mr. TORRICELLI, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 321

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 321, a resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC).

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. SCHUMER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. LEAHY, and Mr. GRASSLEY):

S. 3028. A bill to provide for a creditors' committee of employee and retiree representatives of a debtor in order to protect pensions of those employees and retirees; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce the Employee Pension Bankruptcy Protection Act of 2002. Today, when a company declares bankruptcy, it is often the employees and retirees who suffer. They suffer because they often lose their hard earned pensions and retirement benefits during the bankruptcy process. This is simply not right. When Americans lose the pensions and benefits that they have worked a lifetime to earn, it is the responsibility of the members of this body to act to protect them.

Under current law, the pension fund is technically the ''creditor'' of the corporation, not the employees and retirees. Thus, in court, employees and retirees of a bankrupt corporation have their interests in their pensions represented by the pension plan trustee. If the pension fund itself is threatened with insolvency, the Pension Benefit Guaranty Corporation, PBGC, can step in. While PBGC often covers most of the pension obligation, the statutory limits can sometimes leave a significant amount of pension benefits unpaid. If employees and retirees are not satisfied with how the pension plan trustee or PGGC is representing their interests, current law provides no relief. There is no day in court for the people who earned the pensions in the first place.

This problem has only recently been brought to my attention by Mr. John Nichols of Gadsden, AL, and his son, Phil, an attorney in Birmingham. The orderal faced by Mr. Nichols is a prime example of why employees and retirees need more representation before the bankruptcy court. Mr. Nichols spent his entire career at a steel plant in Gadsden. He began working for Republic Steel in 1956 and stayed with the operation through a buyout by LTV Steel and two subsequent ownership changes.

When LTV bought out Mr. Nichols' employer, LTV Steel took over the

monthly pension payments guaranteed to the former employees and retirees of Republic Steel, including Mr. Nichols. Soon after the takeover, however, LTV filed for bankruptcy, claiming that it could no longer make pension payments to Republic Steel's former employees. PBGC, initially stepped in to help make a small part of the pension payments, but LTV eventually stopped making payments at all.

Because all the payments LTV had been making were not guaranteed by the PBGC, the long awaited pension payments earned by Mr. Nichols and by Republic Steel's other loyal employees were severely reduced. Mr. Nichols' pension payments went from approximately $2,225 per month to approximately $675 per month—only 30 percent of what he had been promised. A third of this payment now covers Mr. Nichols' health insurance premium that he can no longer purchase through LTV, leaving him with only 20 percent of his promised pension each month.

Because PBGC could only pay the retirees the amount the statute allowed, and because no one had the responsibility of telling bankruptcy court what was happening to the retirees of Republic Steel, large portions of hard earned pensions were lost. PBGC itself recognized that the claims of the pensioners against LTV, ''are among the many claims that will probably never be paid, except perhaps in cents on the dollar'' and stated that PBGC's claims against LTV for the pension plan underfunding were perhaps ''[t]he largest of these claims [that will go upaid].''

During LTV's bankruptcy case, various creditors were represented before the bankruptcy court, but not the employees and retirees. Thus, when the assets of LTV were divided among its creditors, employees and the retirees were not at the table. If the employees and retirees had had an opportunity to make their case before the bankruptcy judge, the result could have been different for Mr. Nichols and for the other employees of Republic Steel.

The bill I introduce today does one very simple thing, it gives employees and retirees the right to be heard before the bankruptcy court with respect to their pensions. Under this bill, a representative of the employee and retirees can appear and be heard if it is likely that the employee benefit pension plan of the bankrupt corporation will be terminated or substantially underfunded and if it is possible that the beneficiaries of the plan will be adversely affected.

By allowing employees and retirees to be hard before the bankruptcy court, we will ensure that the bankruptcy court hears from the people who earned the pensions before it disposes of the assets that could pay those pensions. Employees and retirees will be able to argue to the court that any division of assets or bankruptcy plan must be fair to the pensioners. The needs of the corporation's employees and retirees should be heard before the assets of a bankrupt corporation are split up among creditors and gone forever. They deserve to have their day in court.

The Employee Pension Bankruptcy Protection Act of 2002 seeks to make sure that what happened to the retirees of Republic Steel in Gadsden, Alabama, will never happen again. By passing this legislation we can ensure that employees and retirees will never be deprived of their pensions without having their day in court. While a company may still be able to discharge its obligation to pay pensioners in bankruptcy, this bill at least takes the first modest step to protection pensions by providing them the opportunity to be part of the bankruptcy bargaining process. Before the bankruptcy court sells assets or adopts a plan of reorganization, the employees and retirees will be heard with respect to their pensions. This is only fair.

I strongly urge my colleagues in the Senate to support this bill and to work with me to further ensure that employees and retirees of corporations are fairly treated and protected under the United States Bankruptcy Code.

By Mr. KENNEDY:

S. 3029. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of accidental medical injury; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased to introduce today ''The Patient Safety Improvement and Medical Injury Reduction Act.'' This legislation will protect patients and save lives. It will do more for public health than a breakthrough new drug or a new therapy for deadly disease. The bill does this by providing a comprehensive plan to greatly reduce medical errors, promote a culture of greater patient safety and provider accountability, and improve the quality of medical care in the United States.

As the Institute of Medicine, IOM, concluded in its landmark 1999 study, medical errors kill up to 98,000 people in U.S. hospitals every year. That means that more Americans die from medical mistakes each year than from AIDS, breast cancer or highway accidents. In fact, each day, more than 250 people die because of medical mistakes, the equivalent of a major airplane crash every day.

Other studies support the IOM's shocking conclusions.

A Commonwealth Fund survey this year found that 22 percent of respondents reported that they or a family member had experienced a medical error of some kind. About 10 percent reported that they or a family member grew sicker as a result of a mistake made at a doctor's office or in a hospital, and 16 percent were given the wrong medication or wrong dose when filling a prescription at a pharmacy or while hospitalized.

A study published September 9 by the Archives of Internal Medicine also concluded that medication errors occur in one of every five does administered to hospital patients. The magnitude of these costly and life-threatening mistakes is astonishing, and calls for immediate improvement.

We can and should do better for our citizens. Americans deserve the highest quality health care, yet these errors put everyone at risk of unnecessary harm. This legislation raises patient safety to the national priority it deserves, and assures America's patients that they can expect high quality health care when they are sick or injured.

To accomplish this goal, or legislation requires comprehensive action. The IOM concluded that improvements will require sweeping, systemic changes in our health care system. IOM made numerous, sensible recommendations, which are fully addressed by the Patient Safety Improvement and Medical Injury Reduction Act.

The overwhelming majority of errors are caused by flaws in the health care system, not the outright negligence of individual doctors and nurses. Our hospitals, doctors, nurses, and other health care providers want to do the right thing. The bill gives the health care community the tools to identify the causes of medical errors, the resources to develop strategies to prevent them, and the encouragement to implement those solutions.

A key concern addressed by this legislation is to allow doctors and other health professionals to share information regarding best practices and lessons learned from their mistakes without fear of winding up in court. At the same time, medical professionals and hospitals that injure patients through their negligence should still be held accountable in court, just as they are today.

To balance these competing concerns, our legislation allows reports and analyses created under a new system of information-sharing between providers, patient safety organizations and a newly established National Patient Safety Database, to be immune from legal discovery. Health care professionals who submit reports to the programs would also be protected against discrimination in the workplace for participating in the reporting systems.

By the same token, however, this new system will not become a shield to hide medical negligence. As a result, this legislation continues current law when it comes to those elements of patients' medical records that have nothing to do with the patient safety improvements contemplated by the Act. Nor would the privilege apply to such information merely because it is reported to a patient safety organization or the National Patient Safety Database. Just as importantly, the new privilege would not affect compliance with State accountability systems.

Consistent with the IOM recommendations, the Act also creates a new Center for Quality Improvement and Patient Safety in the Agency for Healthcare Research and Quality to promote patient safety. The Center would conduct and support research on medical errors, certify learning-based patient safety organizations around the country, administer the voluntary National Patient Safety Database, and disseminate evidence-based practices and other error reduction and prevention strategies to health care providers, purchasers and the public. Reports submitted would be analyzed to identify systemic faults that led to the errors and solutions to prevent future similar errors. The Act would also create a ''learning laboratory'' under the Center for focused study of errors and their correction in select health care facilities.

The IOM also highlighted medication errors as a ''high priority area for all health care organizations'' and recommended the use of computerized physician order entry systems and advanced prescribing software to screen for inappropriate doses, allergies, and drug interactions. The Act would provide funding and uniform standards for the implementation of such systems, as well as grants for community partnerships for health care improvement.

As widespread and serious as the problem of medical errors is, it can be solved by a national commitment of resolve and resources. Improvements are clearly possible. The field of anesthesia undertook such an effort almost twenty years ago. Today, the number of fatalities from errors in administering anesthesia has dropped 98 percent.

Our goal should be to achieve equal or even greater success in reducing other types of medical mistakes. This legislation lays the foundation to achieve this goal. I look forward to working with my colleagues and with interested Members of the House of Representatives in enacting the Patient Safety Improvement and Medical Injury Reduction Act.

By Mr. DEWINE (For himself and Mr. VOINOVICH):

S. 3030. A bill to designate the Federal building and United States courthouse located at 200 West 2d Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, I rise today, along with my friend and colleague from Ohio, Senator VOINOVICH, to introduce a bill to name the federal building in Dayton, OH, after Congressman TONY HALL.

This bill is a fitting tribute to TONY HALL, a tireless and dedicated public servant, who will be greatly missed in the United States Congress upon his retirement. I am confident that he will continue his commitment to public service as our U.S. Ambassador to the U.N.'s food and agriculture agencies.

The people of Ohio and the American people can be proud of and thankful for the many years TONY HALL has served in the United States Congress. I've had the privilege of working closely with him since my early days in the House nearly 20 years ago. He has been a valuable legislator and a real statesman. Over the years, he has worked tirelessly on behalf of the people of Montgomery County and throughout Ohio.

TONY HALL comes from a family rich in devotion to public service and dedication to Ohio. His father, in fact, once served as Dayton's Republican mayor. A graduate of Fairmont High School in Kettering and Denison University in Granville, where he was an all-star tailback on the football team, TONY served in the Ohio House from 1969–1972, in the Ohio Senate from 1973–1978, and as Dayton's Congressman since January 1979.

A devoted husband to his wife, Janet, and a dedicated father to Jyl and Matt, the entire HALL family struggled valiantly alongside Matt as he fought an unsuccessful battle against leukemia that ended in 1996.

My wife, Fran, and I are proud to have worked over two decades with TONY and Janet on humanitarian efforts and other causes that bridge across the political aisle. TONY, who served in the Peace Corps in 1966 and 1967, has been an unmatched advocate for the needy, the poor, the hungry, and the oppressed across Ohio, our Nation, and the world.

TONY has been singularly responsible for much of the world's continued, focused attention on the serious hunger issues worldwide. His involvement in a 22-day hunger strike in 1989, forced the Department of Agriculture and the World Bank to call conferences on hunger, which ultimately resulted in the creation of the Congressional Hunger Center.

I'm proud to have worked with TONY on several humanitarian initiatives through the years from Africa Seeds of Hope to the Global Food for Education Act to the Microenterprise for Self-Reliance Act to the Clean Diamond Act of 2001.

We also share a commitment to the yet unborn. A staunch pro-life Democrat, Congressman HALL was responsible for language in the Democratic National Committee platform respecting the beliefs of those within his party who wished to protect the sanctity of life.

I also have had the pleasure of working with TONY HALL on several projects important to the Miami Valley area of Ohio. We share a passion for the aviation heritage of the Wright Brothers in Dayton and have worked together to protect and preserve the monuments to the Wright Brothers legacy. And, we've also worked together on issues to build the unique resources of Wright Patterson Air Force base, as well.

Today, it is a pleasure to take this opportunity to join Senator VOINOVICH to honor TONY HALL's many legislative efforts and achievements and to thank him for his commitment to the people of Ohio and this Nation. I urge my colleagues to support this bill to honor our good friend and statesman, TONY HALL.

I ask unanimous consent that the text of the bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse'' be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3030

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 200 West 2d Street in Dayton, Ohio, shall be known and designated as the ''Tony Hall Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Tony Hall Federal Building and United States Courthouse''.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. WARNER, and Mr. CRAIG):

S. 3031. A bill to amend title 23, United States Code, to reduce delays in the development of highway and transit projects, and for other purposes; to the Committee on Environment and Public Works.

Mr. BAUCUS. Mr President, I rise today to introduce the MEGA STREAM ACT. Maximizing Economic Growth for America through Environmental Streamlining.

Moving goods and moving people is what this Nation's transportation system is all about. The backbone of our economy. But delays in completing transportation projects threaten our economy.

These delays add to the cost of projects and deny the public the benefits of the projects. And those benefits are substantial, improving our economy, our competitiveness, and our quality of life. Unfortunately, there are delays for many projects, not only for controversial or complex projects, and those delays sometimes result from the environmental review process.

My goal is to advance a common sense approach that will both strengthen our transportation system and support for our environmental laws.

I doubt that there is a member in this chamber that has not heard complaints about delays in developing transportation projects.

I was privileged to be one of the authors of TEA 21 a revolutionary transportation law. I helped write sections 1308 and 1309. These are the sections that direct the Secretary of Transportation to find ways to expedite the

project approval process and get construction underway faster.

I remember working with Senators WARNER, GRAHAM, WYDEN and CHAFEE and with the House members to come to a compromise on the environmental streamlining provisions included in TEA 21.

At the time, I had heard from my Department of Transportation and from others about how cumbersome a process it is to come to completion on a highway project. Everyone who worked on TEA 21 both the House and Senate, wanted to include a direction to the USDOT to streamline the planning and project development processes for the states.

We were very clear, the environment and the environmental reviews should NOT get short shrift! But, we needed to find a way to make it easier to get a project done, eliminate unnecessary delays, move faster and with as little paperwork as possible.

I cannot over-emphasize that the planning and environmental provisions of TEA–21 need to be implemented in a way that will streamline and expedite, not complicate, the process of delivering transportation projects.

These projects that we're trying to expedite provide good paying jobs for the folks in Montana and for every State. Contracts must be met in a timely manner.

That is why Congress directed the USDOT to include certain elements in their regulations on streamlining.

We included concepts to be incorporated—like concurrent environmental reviews by agencies and reasonable deadlines for the agencies to follow when completing their reviews.

Certainly we did not legislate an easy task to the USDOT. Trying to coordinate so many separate agencies is like trying to herd cats.

The whole concept of environmental streamlining, that is, to make the permit and approval process work more smoothly and effectively, while still ensuring protection of the environment, is one of the more-difficult challenges of TEA–21.

So I waited for the rules to come out. And waited. And two years after the passage of TEA–21 I finally got them.

I have to tell you, I was very disappointed when those rules came out in May of 2000. I believe those regulations hit very far from the mark.

Those regulations were supposed to help the State DOTS get their jobs done better and more efficiently—not make their jobs harder.

They were supposed to answer questions—but what is contained in those documents raises even more questions than before because they were vague where they needed to be precise.

Those proposed rules would make it even harder, if not impossible to come to a decision.

It would have been even more difficult for States to deliver their programs. Contracts wouldn't get met and jobs would be lost.

So the DOT solicited comments, which I understand were overwhelmingly negative, and went back to the drawing board and we never heard from them again. Even when a new President took over. New administration. No new rules.

And today we have nothing. We're exactly where we were in 1998.

As for sections 1308 and 1309. Nothing has been done to implement them. Its just as cumbersome today to bring a highway project to completion.

The Senate Environment and Public Works Committee held 4 hearings on the subject of environmental streamlining since the passage of TEA 21 in 1998.

A few weeks ago, on the eve of the fourth EPW hearing, the President signed an Executive Order calling for a handful of projects to be supervised by the heads of USDOT and CEQ. The highest levels would personally make sure that there were timely environmental reviews.

That would have been a good start in 1998. But, its too little too late now.

We are on the verge of reauthorization of TEA 21. This time, I would like to see us specifically legislate environmental streamlining. No waiting for regulations or more executive orders. Congress needs to be clear about what they want to see and put it into law.

To that end, along with Senator CRAPO and others, I am introducing a proposal on environmental streamlining. It is part of a series of bills that we are introducing on highway reauthorization.

This bill will address three issues.

First, the USDOT needs to be the lead agency on at least two requirements, ''Purpose and Need'' for a project and ''Scope of Alternatives.'' This will make sure that any stalemates are resolved quickly.

Second, we should allow States to take over the role of the USDOT if they can meet certain requirements and if they choose to take on that role. This will eliminate another step of bureaucracy.

Last, we must ensure that resource agencies act in a timely manner. When it comes time for an agency like Fish and Wildlife to assess the extent of damage (if any) to a wetlands or the Army Corps of Engineers to issue a permit, these agencies shouldn't be able to take years to make these decisions.

We need to legislate specific time limits for them to follow. No answer at all is not acceptable. It is unacceptable for agencies to sit on their decision for years. We can't make them issue the permit and we don't want to, but we can make them make a decision in a timely manner.

The rest of the world works on deadlines. They can too.

These three things will help to expedite the planning and project development processes.

These three things are not meant to be comprehensive streamlining, but I believe that they will be a big help and a great start. The bill we will introduce will be a solid beginning to Congress setting some specific guidelines for expediting the planning and environmental review processes.

Once again, I want to reiterate that I want to make sure that environmental laws and policies are obeyed to the letter. But, there's got to be a faster, easier way to do the work that needs to be done on our surface transportation system, while continuing to protect the environment.

I believe our bill will be a means to those ends.

By Mr. SARBANES (for himself, Mr. DEWINE, Mrs. CLINTON, Mr. DODD, and Mr. KERRY):

S. 3032. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on Foreign Relations.

Mr. SARBANES. Mr. President, I rise to introduce legislation to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for poor people in developing countries under microenterprise assistance programs. I am joined in this effort by my colleagues, Senator DEWINE of Ohio, Senator CLINTON of New York, Senator DODD of Connecticut, and Senator KERRY of Massachusetts.

Microenterprises play a critical role in helping poor people the world over raise their incomes, build assets, start new businesses, and improve their lives. Access to microenterprise loans and services with the attendant obligations allows poor people to establish good credit, engage in commerce, and begin to lift themselves out of poverty. The U.S. Government has been the leading donor for microenterprise development over the past two decades. In collaboration with diverse partner institutions like PVOs, private voluntary organizations, U.S. support, primarily through USAID, for microenterprise activities enables over 2 million people throughout the developing world to have access to microfinance services.

The legislation I am introducing today authorizes $175 million in fiscal year 03 and $200 million in fiscal year 04 for microenterprise assistance, an increase over the $155 million authorization level in fiscal year 02.

The other provisions of this legislation include a reaffirmation of the provision in the Microenterprise for Self-Reliance Act of 2000 stipulating that 50 percent of all microenterprise assistance shall be targeted to the very poor. The term ''very poor'' has been defined in the new legislation as those living in the bottom 50 percent below the poverty line established by their respective national governments, or on less

than $1 a day. The legislation also provides that the microenterprise programs should target both rural and urban poor.

Ensuring that 50 percent of all microenterprise assistance is targeted to the very poor has been problematic. This legislation calls for the adoption of a monitoring system using proven effective poverty assessment tools to identify more precisely the very poor and ensure that they receive microenterprise loans, savings, and assistance authorized under this act. The legislation also stipulates that the USAID Administrator, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for partner institutions to use to assess the poverty levels of their current or prospective clients. By October 1, 2004, USAID shall certify that no fewer than two of such methods are being used for measuring poverty levels of current or prospective clients. Additionally, the legislation says that USAID, beginning no later than October 1, 2005, shall require all microenterprise organizations applying for U.S. assistance to use one of these methods.

Finally, the legislation requires the USAID Administrator to submit a report to Congress, no later than September 30, 2005, on the development and application of the poverty assessment procedures and, beginning with fiscal year 2006, an annual report documenting the percentage of its resources allocated to the very poor, based on the certified methods and the absolute number of the very poor that was reached.

The legislation, which builds on somewhat similar legislation that passed the House earlier this year (H.R. 4073), was the result of many weeks of hard work and negotiations between USAID and the Microenterprise Coalition, a group that represents the microenterprise institutions. Both USAID and the Microenterprise Coalition strongly support this legislation. I commend them for their efforts and I urge the Senate to pass this important 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. 3032

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

SECTION 1. AMENDMENTS TO THE MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000.

(a) PURPOSES.—Section 103 of the Microenterprise for Self-Reliance Act of 2000 (Public Law 106–309) is amended—

(1) in paragraph (3), by striking ''microentrepreneurs'' and inserting ''microenterprise households'';

(2) in paragraph (4), by striking ''and'' at the end;

(3) in paragraph (5)—

(A) by striking ''microfinance policy'' and inserting ''microenterprise policy'';

(B) by striking ''the poorest of the poor'' and inserting ''the very poor''; and

(C) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(6) to ensure that in the implementation of this title at least 50 percent of all microenterprise assistance under this title, and the amendments made under this title, shall be targeted to the very poor.''.

(b) DEFINITIONS.—Section 104 of such Act is amended—

(1) in paragraph (2), by striking ''for microentrepreneurs'' and inserting ''to microentrepreneurs and their households''; and

(2) by adding at the end the following:

''(5) VERY POOR.—The term 'very poor' means individuals—

''(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

''(B) living on the equivalent of less than $1 per day.''.

SEC. 2. AMENDMENTS TO THE MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

(a) FINDINGS AND POLICY.—Section 108(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f(a)(2)) is amended by striking ''the development of the enterprises of the poor'' and inserting ''the access to financial services and the development of microenterprises''.

(b) PROGRAM.—Section 108(b) of such Act (22 U.S.C. 2151f(b)) is amended to read as follows:

''(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of financial services to microenterprise households lacking full access to credit, including through—

''(1) loans and guarantees to microfinance institutions for the purpose of expanding the availability of savings and credit to poor and low-income households;

''(2) training programs for microfinance institutions in order to enable them to better meet the financial services needs of their clients; and

''(3) training programs for clients in order to enable them to make better use of credit, increase their financial literacy, and to better manage their enterprises to improve their quality of life.''.

(c) ELIGIBILITY CRITERIA.—Section 108(c) of such Act (22 U.S.C. 2151f(c)) is amended—

(1) in the first sentence of the matter preceding paragraph (1)—

(A) by striking ''credit institutions'' and inserting ''microfinance institutions''; and

(B) by striking ''micro- and small enterprises'' and inserting ''microenterprise households''; and

(2) in paragraphs (1) and (2), by striking ''credit'' each place it appears and inserting ''financial services''.

(d) ADDITIONAL REQUIREMENT.—Section 108(d) of such Act (22 U.S.C. 2151f(d)) is amended by striking ''micro- and small enterprise programs'' and inserting ''programs for microenterprise households''.

(e) AVAILABILITY OF FUNDS.—Section 108(f)(1) of such Act (22 U.S.C. 2151f(f)(1)) is amended by striking ''for each of fiscal years 2001 and 2002'' and inserting ''for each of fiscal years 2001 through 2004''.

(f) CONFORMING AMENDMENT.—Section 108 of such Act (22 U.S.C. 2151f) is amended in the heading to read as follows:

''SEC. 108. MICROENTERPRISE DEVELOPMENT CREDITS.''.

SEC. 3. AMENDMENTS TO THE MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE PROGRAM UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

(a) FINDINGS AND POLICY.—Section 131(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(a)) is amended to read as follows:

''(a) FINDINGS AND POLICY.—Congress finds and declares that—

''(1) access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

''(2) it is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries;

''(3) access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial and non-financial services; and

''(4) given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.''.

(b) AUTHORIZATION.—Section 131(b) of such Act (22 U.S.C. 2152a(b)) is amended—

(1) in paragraph (3)(A)(i), by striking ''entrepreneurs'' and inserting ''clients''; and

(2) in paragraph (4)(D)—

(A) in clause (i), by striking ''very small loans'' and inserting ''financial services to poor entrepreneurs''; and

(B) in clause (ii), by striking ''microfinance'' and inserting ''microenterprise''.

(c) MONITORING SYSTEM.—Section 131(c) of such Act (22 U.S.C. 2152a(c)) is amended by striking paragraph (4) and inserting the following:

''(4) adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive needed microenterprise loans, savings, and assistance.''

(d) DEVELOPMENT AND APPLICATION OF POVERTY MEASUREMENT METHODS.—Section 131 of such Act (22 U.S.C. 2152a) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

''(d) DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.—

''(1) DEVELOPMENT AND CERTIFICATION.—(A) The Administrator of the United States Agency for International Development, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for partner institutions to use to assess the poverty levels of their current or prospective clients. The United States Agency for International Development shall develop poverty indicators that correlate with the circumstances of the very poor.

''(B) The Administrator shall field-test the methods developed under subparagraph (A). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

''(C) Not later than October 1, 2004, the Administrator shall, from among the low-cost poverty measurement methods developed under subparagraph (A), certify no fewer than two such methods as approved methods for measuring the poverty levels of current

or prospective clients of microenterprise institutions for purposes of assistance under this section.

''(2) APPLICATION.—The Administrator shall require that, with reasonable exceptions, all organizations applying for microenterprise assistance under this Act use one of the certified methods, beginning no later than October 1, 2005, to determine and report the poverty levels of current or prospective clients.''.

(e) LEVEL OF ASSISTANCE.—Section 131(e) of such Act, as redesignated by subsection (d), is amended by inserting ''and $175,000,000 for fiscal year 2003 and $200,000,000 for fiscal year 2004'' after ''fiscal years 2001 and 2002''.

(f) DEFINITIONS.—Section 131(f) of such Act, as redesignated by subsection (d), is amended by adding at the end the following:

''(5) VERY POOR.—The term 'very poor' means those individuals—

''(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

''(B) living on less than the equivalent of $1 per day.''.

SEC. 4. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than September 30, 2005, the Administrator of the United States Agency for International Development shall submit to Congress a report that documents the process of developing and applying poverty assessment procedures with its partners.

(b) REPORTS FOR FISCAL YEAR 2006 AND BEYOND.—Beginning with fiscal year 2006, the Administrator of the United States Agency for International Development shall annually submit to Congress on a timely basis a report that addresses the United States Agency for International Development's compliance with the Microenterprise for Self-Reliance Act of 2000 by documenting—

(1) the percentage of its resources that were allocated to the very poor (as defined in paragraph (5) of section 131(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a(f)(5))) based on the data collected from its partners using the certified methods; and

(2) the absolute number of the very poor reached.

By Mr. JOHNSON (for himself and Mr. CARPER):

S. 3034. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I am proud to sponsor the Check Truncation Act, which will be a significant step in improving the Nation's check payment system.

The Act improves America's check payments system by allowing banks to exchange checks electronically. Current law requires banks to physically present and return original checks, a tedious, antiquated and expensive process. This legislation will also reduce infrastructure costs for banks, allowing for more flexibility and greater cost savings for the consumer.

In the days following September 11, 2001, when planes across the country remained grounded, banks were forced to take drastic steps to ensure the shipment of checks from bank to bank. Check payments across the country were delayed, which opened up possibilities for processing errors and fraud. Electronic payments, on the other hand, continued to be processed in a safe and timely fashion during the crisis.

Processing challenges confront banks in my State of South Dakota every winter. Deep snowfalls and vast distances between small-town banks and processing centers add significant costs to physical transportation of checks. These costs trickle down to consumers, and everyone ends up paying the price of our outdated system.

I am proud to introduce this legislation, which would help to ensure the financial stability of our system in the event of another attack, and would increase its efficiency day-to-day. It is the right time to change our banking laws to give electronic versions of checks the same legal validity as paper checks, so America's financial institutions can provide customers with faster check clearing and better access to liquid funds in both good times and times of crisis.

By Mr. HUTCHINSON:

S. 3035. A bill to prohibit the sale of tobacco products through the Internet or other indirect means to underage individuals, to ensure the collection of all cigarette taxes, and for other purposes; to the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. President, today I have introduced legislation to stop the illegal sales of cigarettes over the Internet, an escalating problem which has had a particularly negative effect in my home State of Arkansas. While every State in the union has enacted laws prohibiting minors from purchasing or possessing tobacco products, this law is easily evaded when minors purchase cigarettes over the Internet. Disreputable websites flagrantly break the law, even advertising that they do not check identification.

In the first quarter of 2002, the number of Internet site selling cigarettes had already increased by over 10 percent from 2001, and the number of those based overseas increased almost 20 percent. In addition to putting cigarettes in the hands of minors, these websites also fail to pay the sales and tobacco taxes many states levy on these products.

The Government Accounting Office released a study in August 2002 which reports that by 2005 states will be losing as much as $1.4 billion annually due to this tax evasion. This is revenue states cannot afford to do without. Current federal laws must be updated and strengthened to address this growing threat.

My bill, the Eliminating Profiteering through Illegal Cigarette Sales, EPICS Act, addresses both aspects of the problem. It is designed to both strengthen domestic security by giving law enforcement agencies additional tools they need to choke off this source of terrorist income, and to ensure that legitimate Internet sites selling cigarettes take significant steps to prevent their orders from falling into the hands of our kids.

The EPICS Act prohibits online sales of cigarettes to minors. It also ensures that minors are not able to purchase cigarettes online using a false identification by enacting strict identification verification requirements.

In order to assist states enforcement of age requirements and collection of taxes, this bill will dramatically strengthen the Jenkins Act. This law requires anyone who ships or sells tobacco products over state lines other than to licensed dealers to report those sales to the state tax administrator. When this is done, states can ensure that sales are not being made to minors and that due taxes have been collected.

Currently, there is very little enforcement of the Jenkins Act. This bill remedies this by establishing much harsher penalties for those who do not comply and by allowing a State's Attorney General to enforce the Federal law. Following the recommendation of the GAO, the bill will give the Bureau of Alcohol, Tobacco and Firearms concurrent authority with the Justice Department to enforce the amended Jenkins Act. It also updates the law to make it clear that the Jenkins Act reporting requirements apply to all sales by Internet, mail and phone.

Additionally, this bill will improve current laws to prohibit the trafficking in contraband cigarettes. The EPICS Act lowers the number of unstamped cigarettes required to trigger the law from 60,000 to 2,000, adds reporting requirements and allows a State's Attorney General and Federal tobacco permit holders to bring causes of action to enforce the federal law. With numerous reports of terrorist organizations transporting contraband cigarettes across State lines to reap profits right here in the U.S., it is especially important that this law be effective.

Terrorists and others who seek to profit by illegal means have discovered the goldmine of Internet sales. The number of Internet sites selling untaxed cigarettes or selling to minors is increasing almost daily. Heightened media coverage has pointed out the problem, but also advertised their availability to minors and tax-evaders. I hope my colleagues will act quickly to prevent illegal tobacco profits, keep cigarettes out of the hands of minors and stop tobacco tax evasion.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 3035

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 ''Eliminating Profiteering through Illegal Cigarette Sales Act'' or ''EPICS Act''.

SEC. 2. UNLAWFUL ACTS REGARDING SALE OF TOBACCO PRODUCTS TO UNDERAGE INDIVIDUALS.

(a) IN GENERAL.—It shall be unlawful for any person who is in the business of selling tobacco products, and who advertises such products through the Internet or any other means, to sell a tobacco product to an individual under the legal age (according to State law) to purchase tobacco products if pursuant to the sale the person mails the product or ships the product by carrier in or affecting interstate commerce.

(b) PROCEDURES TO PROTECT AGAINST SALES TO UNDERAGE INDIVIDUALS.—It shall be unlawful for any person in the business of selling tobacco products to take an order for a tobacco product, other than from a person who is in the business of selling tobacco products, through the mail, or through any telecommunications means (including by telephone, facsimile, or the Internet), if in providing for the sale or delivery of the product pursuant to the order the person mails the product, or ships the product by carrier in or affecting interstate commerce, and the person fails to comply with each of the following procedures:

(1) Before mailing or shipping the product, the person receives from the individual who places the order the following:

(A) A copy of a valid government-issued document (whether an operator's permit or otherwise) that provides the name, address, and date of birth of the individual.

(B) A signed statement in writing from the individual providing a certification of the individual that—

(i) such document and information correctly identifies the individual and correctly states the address and date of birth of the individual;

(ii) the individual understands that forging another person's signature to the statement is illegal; and

(iii) the individual understands that tobacco sales to minors are illegal and that tobacco purchases by minors may be illegal under applicable State law.

(2) Before mailing or shipping the product, the person—

(A) verifies the information received from the individual under paragraph (1) against a commercially available database; and

(B) sends a letter to the individual requesting—

(i) confirmation of the order; and

(ii) that the individual reply immediately (to a specified toll-free phone number or e-mail address) if the individual did not submit the order.

(3) In the case of an order for a product pursuant to an advertisement on the Internet, the person receives payment by credit card or check for the order before mailing or shipping the product.

(4) Unless the person is identified as a member of the Armed Forces by the document issued by the Department of Defense identifying individuals as members of the Armed Forces, the person provides for the mailing or shipping of the product to the name and address provided on the government-issued document received under paragraph (1).

(5)(A) The person employs a method of mailing or shipping the product requiring that the individual purchasing the product—

(i) be the addressee;

(ii) personally sign for delivery of the package; and

(iii) if the individual appears to the carrier making the delivery to be under 27 years of age, take delivery of the package only after producing valid, government-issued identification that—

(I) bears a photograph of the individual;

(II) indicates that the individual is not under the legal age to purchase cigarettes; and

(III) indicates that the individual is not younger than the age indicated on the government-issued document received under paragraph (1).

(B) The bill of lading clearly states the requirements in subparagraph (A) and specifies that Federal law requires compliance with the requirements.

(6) The person notifies the carrier for the mailing or shipping, in writing, of the age of the addressee as indicated by the government-issued document received under paragraph (1).

(c) ADVERTISING THROUGH INTERNET; PROMINENT WARNING LABELS.—It shall be unlawful for any person in the business of selling tobacco products to advertise tobacco products for sale through an Internet website to a person other than a person who is in the business of selling tobacco products unless such website contains, on the part of each website page relating to sale of such products that is immediately visible when accessed, prominent and clearly legible warning labels as follows:

(1) A warning label stating that sales of tobacco products to persons under 18 years of age are illegal in all States except Alabama, Alaska, and Utah, where sales of tobacco products to person under 19 years of age are illegal.

(2) A warning label described—

(A) in the case of cigarettes, in subsections (a)(1) and (b)(2) of section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333); and

(B) in the case of smokeless tobacco products, in subsections (a)(1) and (b)(1) of section 3 of the Federal Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402).

(d) ADVERTISING THROUGH INTERNET; ACCESS.—It shall be unlawful for any person in the business of selling tobacco products to advertise such products for sale through an Internet website unless access to the website (other than a nonselling website home page) is provided only to individuals who provide to the person the information described in subparagraphs (A) and (B) of subsection (b)(1) and whose information is verified according to the procedures described in subsection (b)(2).

(e) RULE OF CONSTRUCTION REGARDING COMMON CARRIERS.—This Act may not be construed as imposing liability upon any common carrier, or officers or employees thereof, when acting within the scope of business of the common carrier.

SEC. 3. FEDERAL TRADE COMMISSION.

(a) CIVIL ENFORCEMENT.—For purposes of the enforcement of section 2 by the Federal Trade Commission, a violation of a provision of subsection (a) or (b) of such section shall be deemed to be an unfair or deceptive act or practice in or affecting commerce within the meaning of the Federal Trade Commission Act, and the procedures under section 5(b) of such Act shall apply with respect to such a violation.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Commission shall promulgate a final rule for carrying out this Act.

(c) INFORMATION REGARDING STATE LAWS ON MINIMUM PURCHASE-AGE.—The Commission shall post on the Internet site of the Commission information that, by State, provides the minimum age at which it is legal under State law to purchase tobacco products in the State.

SEC. 4. CRIMINAL PENALTIES.

(a) IN GENERAL.—

(1) FIRST VIOLATION.—Except as provided in paragraph (2), any person who violates a provision of subsection (a) or (b) of section 2 shall be fined not more than $1,000.

(2) SUBSEQUENT VIOLATIONS.—In the case of a second or subsequent violation by a person of a provision of subsection (a) or (b) of section 2, the person shall be fined not less than $1,000 and not more than $5,000.

(3) RULE OF CONSTRUCTION.—This subsection does not apply to a violation of a provision of subsection (a) or (b) of section 2 if any provision of subsection (b) of this section applies to such violation.

(b) KNOWING VIOLATIONS.—

(1) FIRST VIOLATION.—Except as provided in paragraph (2), any person who knowingly violates a provision of subsection (a) or (b) of section 2 shall be fined in accordance with title 18, United States Code, imprisoned not more than two years, or both.

(2) SUBSEQUENT VIOLATIONS.—In the case of a second or subsequent knowing violation by a person of a provision of subsection (a) or (b) of section 2, the person shall be fined in accordance with title 18, United States Code, imprisoned not more than five years, or both.

SEC. 5. FEDERAL CIVIL ACTIONS BY STATE ATTORNEYS GENERAL AND CERTAIN OTHER INDIVIDUALS.

(a) INJUNCTIVE RELIEF.—A State, through its State attorney general, on behalf of residents of the State, or any person who holds a permit under section 5712 of the Internal Revenue Code of 1986, may bring in an appropriate district court of the United States a civil action to restrain violations by a person of any provision of subsection (a) or (b) of section 2, including obtaining a preliminary or permanent injunction or other order against the person.

(b) COORDINATION WITH COMMISSION.—Before bringing a civil action under subsection (a), a State attorney general or any such person shall provide to the Federal Trade Commission written notice of the intent of the State attorney general or such person to bring the action.

(c) FEDERAL JURISDICTION.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any civil action under subsection (a).

(2) VENUE.—A civil action under subsection (a) may be brought only in accordance with section 1391 of title 28, United States Code, or in the district in which the recipient of the tobacco products resides or is found.

(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

(1) IN GENERAL.—In any civil action under subsection (a), upon a proper showing by the State attorney general or person bringing the action involved, the court may issue a preliminary or permanent injunction or other order to restrain a violation of a provision of subsection (a) or (b) of section 2.

(2) NOTICE.—No preliminary injunction or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party and an opportunity for a hearing.

(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in a civil action under subsection (a) shall—

(A) set forth the reasons for the issuance of the order;

(B) be specific in its terms;

(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and

(D) be binding upon—

(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

(ii) persons in active concert or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

(e) ADDITIONAL REMEDIES.—

(1) IN GENERAL.—A remedy under subsection (a) is in addition to any other remedies provided by law.

(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.

SEC. 6. COLLECTION OF STATE CIGARETTE TAXES.

(a) DEFINITIONS.—Section 1 of the Act of October 19, 1949 (15 U.S.C. 375), is amended—

(1) in paragraph (1), by inserting ''and other legal entities'' after ''individuals'';

(2) by striking paragraph (3);

(3) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and

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

''(7) The term 'delivery sale' means any sale of cigarettes to a consumer (other than a sale to a consumer for purposes of resale) if—

''(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service; or

''(B) the cigarettes are delivered by use of the mails or other delivery service.

''(8) The term 'sale to a consumer for purposes of resale' does not include a sale of cigarettes to a natural person who does not conduct business as a distributor or retailer of cigarettes in the jurisdiction in which such person resides.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of that Act (15 U.S.C. 376) is amended—

(1) in subsection (a)—

(A) by striking ''or transfers'' and inserting '', transfers, or ships''; and

(B) by striking ''to other than a distributor licensed by or located in such State,''; and

(2) in subsection (b)—

(A) by striking ''(1)''; and

(B) by striking '', and (2)'' and all that follows and inserting a period.

(c) REQUIREMENTS FOR DELIVERY SALES.—That Act is further amended by inserting after section 2 the following new section:

''SEC. 2A. (a) Each person making a delivery sale into a State shall comply with—

''(1) the shipping requirements set forth in subsection (b); and

''(2) all laws of the State generally applicable to sales of cigarettes that occur entirely within the State, including laws imposing—

''(A) excise taxes;

''(B) sales taxes;

''(C) licensing and tax-stamping requirements; and

''(D) escrow or other payment obligations.

''(b)(1) Each person who takes a delivery sale order shall include on the bill of lading included with the shipping package containing cigarettes sold pursuant to such order a clear and conspicuous statement providing as follows: 'CIGARETTES: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE AND SALES TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING, TAX-STAMPING, AND ESCROW PAYMENT OBLIGATIONS'.

''(2) Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nonmailable matter under section 3001 of title 39, United States Code.

''(c) Each State shall have the authority to require any person making a delivery sale of cigarettes into such State to collect or pay the taxes referred to in subsection (a)(2) and to comply with any other requirements described in that subsection.''.

(d) PENALTIES.—Section 3 of that Act (15 U.S.C. 377) is amended to read as follows:

''SEC. 3. (a) Except as provided in subsection (b), whoever violates a provision of section 2 or 2A shall be fined not more than $1,000, imprisoned not more than 6 months, or both, in the case of the first violation, and fined not more than $5,000, imprisoned not more than 6 months, or both, in the case of any subsequent violation.

''(b) Whoever knowingly violates a provision of section 2 or 2A shall be fined in accordance with title 18, United States Code, imprisoned not more than 2 years, or both.''.

(e) INJUNCTIONS.—Section 4 of that Act (15 U.S.C. 378) is amended—

(1) by inserting ''(a)'' before ''The United States district courts''; and

(2) by adding at the end the following new subsections:

''(b)(1) A State, through its attorney general, or any person who holds a permit under section 5712 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this Act by any person (or by any person controlling such person).

''(2) Nothing in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of State law.

''(c) The Secretary of the Treasury shall administer the provisions of this Act, and shall have concurrent authority with the Attorney General to enforce the provisions of this Act.''.

SEC. 7. TREATMENT OF CIGARETTES AS NONMAILABLE MATTER.

Section 1716 of title 18, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

''(j) All cigarettes (as that term is defined in section 2341(1) of this title) are nonmailable and shall not be deposited in or carried through the mails.''.

SEC. 8. PENAL PROVISIONS REGARDING TRAFFICKING IN CONTRABAND CIGARETTES.

(a) THRESHOLD QUANTITY FOR TREATMENT AS CONTRABAND.—(1) Section 2341(2) of title 18, United States Code, is amended by striking ''60,000 cigarettes'' and inserting ''2,000 cigarettes''.

(2) Section 2342(b) of that title is amended by striking ''60,000'' and inserting ''2,000''.

(3) Section 2343 of that title is amended—

(A) in subsection (a), by striking ''60,000'' and inserting ''2,000''; and

(B) in subsection (b), by striking ''60,000'' and inserting ''2,000''.

(b) RECORDKEEPING, REPORTING, AND INSPECTION.—Section 2343 of that title, as amended by subsection (a)(3) of this section, is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''only—'' and inserting ''such information as the Secretary considers appropriate for purposes of enforcement of this chapter, including—''; and

(B) in the flush matter following paragraph (3), by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

''(b) Any person who engages in a delivery sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes within a single month, shall submit to the Secretary, pursuant to rules or regulations prescribed by the Secretary, a report that sets forth the following:

''(1) The person's beginning and ending inventory of cigarettes (in total) for such month.

''(2) The total quantity of cigarettes that the person received within such month from each other person (itemized by name and address).

''(3) The total quantity of cigarettes that the person distributed within such month to each person (itemized by name and address) other than a retail purchaser.''; and

(4) by adding at the end the following new subsection:

''(d) In this section, the term 'delivery sale' means any sale of cigarettes to a consumer (other than a sale to a consumer for purposes of resale) if—

''(1) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service; or

''(2) the cigarettes are delivered by use of the mails or other delivery service.''.

(c) DISPOSAL OF FORFEITED CIGARETTES.—Section 2344(c) of that title is amended by striking ''seizure and forfeiture,'' and all that follows and inserting ''seizure and forfeiture, and any cigarettes so seized and forfeited shall be destroyed and not resold.''.

(d) ENFORCEMENT.—Section 2346 of that title is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) A State, through its attorney general, or any person who holds a permit under section 5712 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this chapter by any person (or by any person controlling such person).''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading for section 2343 of that title is amended to read as follows:

''§ 2343. Recordkeeping, reporting, and inspection''.

(2) The table of sections at the beginning of chapter 114 of that title is amended by striking the item relating to section 2343 and inserting the following new item:

''2343. Recordkeeping, reporting, and inspection.''.

SEC. 9. DEFINITIONS.

In this Act:

(1) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

(2) STATE ATTORNEY GENERAL.—The term ''State attorney general'' means the attorney general or other chief law enforcement officer of a State, or the designee thereof.

(3) TOBACCO PRODUCT.—The term ''tobacco product'' means any product made or derived from tobacco that is intended for human consumption, including cigarettes, smokeless tobacco, pipe tobacco, and the product known as bidi.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect 90 days after the date of the enactment of this Act.

(b) RULEMAKING.—The authority of the Federal Trade Commission to commence rulemaking under section 3(b) shall be effective on the date of the enactment of this Act.

(c) UNLAWFUL ACTS.—Section 2 shall apply to sales of tobacco products occurring on or after the effective date of this Act without regard to whether a final rule has been promulgated under section 3(b) as of that date.

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Mr. MCCONNELL, Mr. DOMENICI, Mr. HUTCHINSON, Ms. LANDRIEU, Mr. ALLARD, Mr. HELMS, and Mr. MILLER):

S.J. Res. 46. A joint resolution to authorize the use of United States Armed Forces against Iraq; read the first time.

S.J. RES. 46

Whereas in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Whereas in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in ''material and unacceptable breach of its international obligations'' and urged the President ''to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations'' (Public Law 105–235);

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Whereas Congress in the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President ''to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677'';

Whereas in December 1991, Congress expressed its sense that it ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1),'' that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and ''constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region,'' and that Congress, ''supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688'';

Whereas the Iraq Liberation Act (Public Law 105–338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas on September 12, 2002, President Bush committed the United States to ''work with the United Nations Security Council to meet our common challenge'' posed by Iraq and to ''work for the necessary resolutions,'' while also making clear that ''the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable'';

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for the Use of Military Force Against Iraq''.

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon there after as may be feasible, but not later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 2 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93–148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that this information required by section 3 of Public Law 102–1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 332—RECOGNIZING THE ''CODE ADAM'' CHILD SAFETY PROGRAM, COMMENDING RETAIL BUSINESS ESTABLISHMENTS THAT HAVE IMPLEMENTED PROGRAMS TO PROTECT CHILDREN FROM ABDUCTION, AND URGING RETAIL BUSINESS ESTABLISHMENTS THAT HAVE NOT IMPLEMENTED SUCH PROGRAM TO CONSIDER DOING SO

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 332

Whereas protecting children is one of society's greatest responsibilities;

Whereas child abduction, an unconscionable and horrendous crime, seems to be increasing in frequency;

Whereas parents, and all other adults, must be ever vigilant in public places to protect children, who by their very nature are trusting and unsuspecting, from those depraved and vile individuals who would prey on them;

Whereas recognizing the risk of child abduction, some retail business establishments have developed safety procedures and programs designed to prevent abductors from using crowds of shoppers as cover for nefarious acts;

Whereas one of the most successful programs to prevent child abduction is the ''Code Adam'' alarm developed and implemented by Wal-Mart stores and SAM'S Clubs throughout the Nation; and

Whereas named in tribute to 6-year-old Adam Walsh who was abducted from a shopping mall in the State of Florida and murdered in 1981, the ''Code Adam'' alarm signals that there is a missing child and alerts all sales personnel in the affected retail business establishment to abandon their normal responsibilities and, in a coordinated and prearranged organized manner, to begin searching for the child and monitoring the establishment exits to ensure that the child is not removed from the establishment: Now, therefore, be it

Resolved, That the Senate recognizes the ''Code Adam'' child safety program, commends all retail business establishments that have implemented such program to protect children from abduction, and urges retail business establishments that have not implemented such program to consider doing so.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4850. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4851. Mr. DOMENICI 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.

TEXT OF AMENDMENTS

SA 4850. Mr. FEINGOLD 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:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2003.

SA 4851. Mr. DOMENICI 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:

'', *Provided further*, that $200,000 shall be made available for operation of the Mescalero Fish Hatchery, formerly the Mescalero National Fish Hatchery, to be operated under tribal management and control; *Provided further*, That such finding shall be available to the Mescalero Apache Tribe in accordance with the provisions of the Indian Education and Assistance Self-Determination Act, Public Law 93–638''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I wish to announce that the Committee on Energy and Natural Resources will hold a Business Meeting during the session of the Senate on Thursday, October 3, at 9:30 a.m. in SD–366. The purpose of the Business Meeting is to consider pending calendar business.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 2, 2002, at 9:30 a.m. on Airlines Viability in the Current Economic Climate.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 2, 2002, at 2:00 p.m. to conduct a hearing to review the status and studies of the health impacts of PM–2.5, particularly those effects associated with power plant emissions.

The hearing will be held in SD–406.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Stopping Child Pornography: Protecting our Children and the Constitution'' on Wednesday, October 2, 2002 in Dirksen Room 226 at 10:00 a.m.

Witness List: Daniel P. Collins, Associate Deputy Attorney General and Chief Privacy Officer, United States Department of Justice, Washington, D.C.; Frederick Schauer, Professor, John F. Kennedy School of Government and Harvard Law School, Cambridge, MA; Anne M. Coughlin, Professor of Law, University of Virginia School of Law, Charlottesville, VA; Ernie Allen, Director, The National Center for Missing and Exploited Children, Alexandria, VA.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday. October 2, 2002 at 10:00 a.m. to hold a closed hearing on intelligence matters.

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

PRIVILEGES OF THE FLOOR

Mr. LOTT. Mr. President, I ask unanimous consent that privilege of the floor be granted to Wayne Boyles, Jimmy Broughton, Anne Chitwood, David Crotts, Sonja Damuth, Michele Dekonty, Pat Devine, Shane Fernando, Sherri Hupart, Joe Lanier, Matt Leggett, Judy Lovell, Ruthie McGinn, Langley Moretz, Elizabeth Parker, Mary Lynn Qurnell, Jim Schollaert, Kelly Spearman, Ricky Welborn, David Whitney, Sara Battaglia, Jose Cardenas, Richard Douglas, Walter ''Skip'' Fischer, Brian Fox, Jeffrey Gibbs, Philip Griffin, Kristopher Klaich, Carolyn Leddy, Walter Lohman, Patricia ''Patti'' McNerney, David Merkel, Lester Munson, Susan Oursler, Maurice Perkins, Jedidiah Royal, Kelly Siekman, and Susan Williams for the duration of this morning's tribute to Senator HELMS of North Carolina.

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

Mrs. LINCOLN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Steven Dettelbach of the Judiciary Committee staff, as well as Elizabeth Pika who serves as a fellow in my office, during the pendency of H.R. 2215, the Department of Justice authorization conference report.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 935 through 998, 1007, 1037, 1038, 1053, and 1054; that the nominations be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action; that any statements thereon be printed in the RECORD, and the Senate then resume legislative session, with the preceding all occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

James Franklin Jeffrey, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

James Irvin Gadsden, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Martin George Brennan, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Vicki Huddleston, Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Jimmy Kolker, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uganda.

Gail Dennise Thomas Mathieu, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

J. Anthony Holmes, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Aurelia E. Brazeal, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Richard L. Baltimore III, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Sultanate of Oman.

THE JUDICIARY

James Knoll Garner, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Ronald H. Clark, of Texas, to be United States District Judge for the Eastern District of Texas.

Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Charles E. Erdmann, of Colorado, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

DEPARTMENT OF DEFENSE

Thomas Forrest Hall, of Oklahoma, to be an Assistant Secretary of Defense.

NOMINATION OF LAWRENCE BLOCK

Mr. HATCH. Mr. President, it is my sincere pleasure to rise in support of the nomination of Lawrence Block to the United States Court of Federal Claims.

Larry hardly needs an introduction, since he has served on the staff of the Judiciary Committee for the past eight years. Those of us who have worked with him know that he is an incredibly talented lawyer whose broad legal experience spans private practice, all three branches of the Federal Government, and academia.

Larry earned a B.A. degree from New York University magna cum laude before earning his law degree from The John Marshall Law School in 1981. He began his legal career as a clerk for the Honorable Roger J. Miner, who at the time was a U.S. District Court Judge for the Northern District of New York and who now sits on the Second Circuit Court of Appeals. After his clerkship, Larry worked as an associate in the high-powered New York office of Skadden, Arps, Slate, Meagher and Flom, where his practice included constitutional claims pertaining to Commerce Clause and commercial speech issues, as well as litigation involving financial services, mergers and acquisitions, securities, labor law, and administrative law.

After several years in private practice, Larry returned to public service, and served with distinction in the Reagan, George H.W. Bush, and Clinton Administrations. From 1986 to 1990, he worked in the U.S. Department of Justice, first in the Commercial Litigation Branch, then as Senior Attorney-Advisor in the Office of Legal Policy and Policy Development. From 1990 to 1994, Larry served as Acting General Counsel for Legal Policy and Deputy Assistant General Counsel for Legal Policy at the U.S. Department of Energy, where he spearheaded a number of complex legal projects. Despite his demanding workload, he found time to teach as an adjunct professor at George Mason University School of Law.

In 1994, I was able to persuade Larry to leave the executive branch to come work for me. I have first-hand knowledge of his legal talents, and have nothing but respect for his abilities, especially in light of the significant health-related obstacles that he has overcome. Several years ago, Larry suffered a debilitating stroke during heart surgery. Although his prognosis was grim, Larry defied the odds by making a full recovery. He is now in excellent health. I know that Larry is proud of having overcome this temporary setback, and I have no doubt that he will take to the federal bench the same perseverance that aided his recovery.

During his tenure on my staff, Larry has amply demonstrated his keen legal mind. But, just as importantly, he has shown repeatedly his fairness and willingness to listen to all sides of an issue before exercising his judgment. This is why he is a staffer admired and respected on both sides of the aisle.

I will miss Larry's sage advice and counsel, but our loss will be the gain of the Court of Claims, where I am confident that Larry will serve as an impartial judge who will follow precedent to achieve uniformity and consistency in the law. I wish him all the best.

NOMINATION OF JAMES GARDNER

Mr. SPECTER. Mr. President, I seek recognition today to express my strong support for Judge James Gardner who President Bush nominated for the United States District Court for the Eastern District of Pennsylvania. The American Bar Association has rated Judge Gardner ''well-qualified'' to sit on the bench.

Judge Gardner graduated magna cum laude with a B.A. degree from Yale University and received his J.D. degree from Harvard University Law School. After graduating from law school, Judge Gardner joined the law firm of Duane, Morris & Hecksher as an Associate. After leaving that prestigious firm, he became a partner in the law firm of Gardner, Gardner, & Racines in Allentown, Pennsylvania.

He began his career in public service as Solicitor to the Lehigh County Treasurer and later as an Assistant District Attorney in Lehigh County. Judge Gardner served his country on active duty with the United States Navy Judge Advocate General's Corps and in the Navy Reserve. Currently, Judge Gardner serves as a Judge on the Court of Common Pleas of Lehigh County, Pennsylvania. He has served in all divisions of that court and has presided over 265 jury trials and innumerable hearings. He has also written over 1,000 legal opinions and adjudications, 138 of which have been published.

Judge Gardner is very active in his community. He is on the Board of Directors of the Boys and Girls Club of Allentown and the Allentown Police Athletic League. He has been awarded the Meritorious Service Medal from the President of the United States and the Pennsylvania Bar Association's Special Achievement Award.

I thank my colleagues for their vote for the confirmation of Judge Gardner to sit on the United States District Court for the Eastern District of Pennsylvania.

Mr. REID. Mr. President, I simply note that this is clearance of 10 ambassadors, all in one fell swoop. It is very important that we have ambassadors to these countries. I am glad we have accomplished that.

LEGISLATIVE SESSION

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

AMENDING CHARTER OF VETERANS OF FOREIGN WARS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 569, H.R. 3838.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3838) to amend the charter for Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements on this matter be printed in the RECORD.

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

The bill (H.R. 3838) was read the third time and passed.

AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 564, S. 1972.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1972) to amend the charter of the AMVETS organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The bill (S. 1972) was read the third time and passed, as follows:

S. 1972

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

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking ''AMVETS (American Veterans of World War II, Korea, and Vietnam)'' and inserting ''AMVETS (American Veterans)''.

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

''CHAPTER 227—AMVETS (AMERICAN VETERANS)''.

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

''227. AMVETS (AMERICAN VETERANS) ..... 22701''.

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking ''seven national vice commanders'' and all that follows through ''a judge advocate,'' and inserting ''two national vice commanders, a finance officer, a judge advocate, a chaplain, six national district commanders,''.

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking ''the District of Columbia'' in the first sentence and inserting ''Maryland''; and

(2) by striking ''the District of Columbia'' in the second sentence and inserting ''Maryland''.

AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 568, H.R. 3214. '

The legislative clerk read as follows:

A bill (H.R. 3214) to amend the charter of the AMVETS organization.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, that there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 3214) was read the third time and passed.

POW/MIA MEMORIAL FLAG ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1226 and that we now proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1226) to require the display of the POW/MIA flag at the World War II Memorial, the Korean Memorial, and the Vietnam Vets Memorial.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 1226) was read the third time and passed, as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''POW/MIA Memorial Flag Act of 2001''.

SEC. 2. DISPLAY OF POW/MIA FLAG AT WORLD WAR II MEMORIAL, KOREAN WAR MEMORIAL, AND VIETNAM VETERANS MEMORIAL.

(a) REQUIREMENT FOR DISPLAY.—Subsection (d)(3) of section 902 of title 36, United States Code, is amended by striking ''The Korean War Veterans Memorial and the Vietnam Veterans Memorial'' and inserting ''The World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial''.

(b) DAYS FOR DISPLAY.—Subsection (c)(2) of that section is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before the subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) in the case of display at the World War II memorial, Korean War Veterans Memorial, and Vietnam Veterans Memorial (required by subsection (d)(3) of this section),

any day on which the United States flag is displayed;''.

(c) DISPLAY ON EXISTING FLAGPOLE.—No element of the United States Government may construe the amendments made by this section as requiring the acquisition of erection of a new or additional flagpole for purposes of the display of the POW/MIA flag.

STAR PRINT—S. 3011

Mr. REID. Mr. President, I ask unanimous consent that S. 3011 be star printed with the changes at the desk.

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

BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES PREVENTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 626, S. 2980.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2980) to revise and extend the Birth Defect Prevention Act of 1998.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Health, Education, Labor, and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part printed in black brackets and, insert the part printed 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 ''Birth Defects and Developmental Disabilities Prevention Act of 2002''.

[SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

[Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended—

[(1) in subsection (a)(2)—

[(A) in subparagraph (A)—

[(i) by striking ''and developmental disabilities'' and inserting '', developmental disabilities, and disabilities and health''; and

[(ii) by striking ''subsection (d)(2)'' and inserting ''subsection (c)(2)'';

[(B) in subparagraph (B), by striking ''and'' at the end;

[(C) in subparagraph (C), by striking the period; and

[(D) by adding at the end the following:

[''(D) to conduct research on and to promote the prevention (including the prevention of secondary conditions) of such birth defects and disabilities; and

[''(E) to support a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabling birth defect.'';

[(2) by striking subsection (b);

[(3) in subsection (d)—

[(A) in the matter preceding paragraph (1), by striking ''1999'' and inserting ''2004'';

[(B) in paragraph (1)—

[(i) by inserting ''and developmental disabilities'' after ''defects'' each place that such appears; and

[(ii) by inserting ''and affected quality of life'' before the semicolon;

[(C) in paragraph (3), by inserting ''and developmental disabilities'' after ''defects'';

[(D) in paragraph (4), by striking ''and'' at the end;

[(E) by redesignating paragraph (5) as paragraph (7); and

[(F) by inserting after paragraph (4), the following:

[''(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

[''(6) contains a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida; and'';

[(4) in subsection (e)—

[(A) by inserting '', including section 444 of the General Education Provisions Act,'' after ''privacy of information''; and

[(B) by inserting before the period the following: '', except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(1) of this section and shall otherwise comply with all other requirements of such section 444'';

[(5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;

[(6) by inserting after subsection (d) (as so redesignated), the following:

[''(e) ADVISORY COMMITTEE.—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to the National Center on Birth Defects on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002.''; and

[(7) in subsection (f), by striking ''$30,000,000'' and all that follows and inserting ''such sums as may be necessary for each of fiscal yeas 2003 through 2007.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Birth Defects and Developmental Disabilities Prevention Act of 2002''.

SEC. 2. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)—

(i) by striking ''and developmental disabilities'' and inserting '', developmental disabilities, and disabilities and health''; and

(ii) by striking ''subsection (d)(2)'' and inserting ''subsection (c)(2)'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period; and

(D) by adding at the end the following:

''(D) to conduct research on and to promote the prevention of such birth defects, disabilities, and the prevention of secondary health conditions among individuals with disabilities; and

''(E) to support a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabling birth defect.'';

(2) by striking subsection (b);

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''1999'' and inserting ''2004'';

(B) by striking paragraph (1) and inserting the following:

''(1) contains information regarding the incidence and prevalence of birth defects, developmental disabilities, and the health status of individuals with disabilities and the extent to which these conditions have contributed to the incidence and prevalence of infant mortality and affected quality of life;'';

(C) in paragraph (3), by inserting '', developmental disabilities, and secondary health conditions among individuals with disabilities'' after ''defects'';

(D) in paragraph (4), by striking ''and'' at the end;

(E) by redesignating paragraph (5) as paragraph (7); and

(F) by inserting after paragraph (4), the following:

''(5) contains information on the incidence and prevalence of individuals living with birth defects and disabilities, developmental disabilities, and the health status of individuals with disabilities, any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

''(6) contains a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida; and'';

(4) in subsection (e)—

(A) by inserting '', including section 444 of the General Education Provisions Act,'' after ''privacy of information''; and

(B) by inserting before the period the following: '', except that the Centers for Disease Control and Prevention shall have access to information under section 444(b)(1)(F) of such Act solely for purposes of carrying out subsection (a)(2) of this section and shall otherwise comply with all other requirements of such section 444'';

(5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;

(6) by inserting after subsection (d) (as so redesignated), the following:

''(e) ADVISORY COMMITTEE.—Notwithstanding any other provision of law, the members of the advisory committee appointed by the Director of the National Center for Environmental Health that have expertise in birth defects, developmental disabilities, and disabilities and health shall be transferred to and shall advise the National Center on Birth Defects and Developmental Disabilities on the date of enactment of the Birth Defects and Developmental Disabilities Prevention Act of 2002.''; and

(7) in subsection (f), by striking ''$30,000,000'' and all that follows and inserting ''such sums as may be necessary for each of fiscal yeas 2003 through 2007.''.

SEC. 3. TECHNICAL CORRECTIONS FOR STATE COUNCILS ON DEVELOPMENTAL DISABILITIES

Section 122(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 3 U.S.C. 15022(a)) is amended—

(1) in paragraph (3)(A)(ii), by inserting before the period the following: '', the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal years 2000, 2001, or 2002, whichever is greater''; and

(2) in paragraph (4)(A)(ii), by inserting before the period the following: '', the amount received by the State for the previous year, or the amount of Federal appropriations received in fiscal years 2000, 2001, or 2002, whichever is greater''.

Mr. KENNEDY. Mr. President, birth defects are the leading cause of infant mortality in the United States. They account for more than 20 percent of all infant deaths. Of the nearly 120,000 babies born in the United States each year with a birth defect, 8,000 will die during their first year of life. This tragic loss of life is unconscionable and unacceptable when so many birth defects are preventable.

This legislation will provide new hope for families across the country by

developing better ways to identify the causes of birth defects, better ways to prevent them, and better ways to apply what we already know.

The legislation gives strong new support to the National Center on Birth Defects and Developmental Disabilities in the ongoing effort to improve the health of the nation's children. The Center's leadership in reducing birth defects by educating pregnant women about the benefits of folic acid and the dangers of alcohol and drugs, can save thousands of children from suffering the lifelong effects of preventable birth defects.

I urge the Senate to approve this bipartisan legislation, and I commend Senator BOND and Senator DODD for their leadership and their continuing commitment to improving the health of children.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2980), as amended, was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 4793

Mr. REID. Mr. President, I understand H.R. 4793 is now at the desk, having come over from the House. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 4793) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request on behalf of my colleagues.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—H.R. 3534

Mr. REID. Mr. President, H.R. 3534 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3534) to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, OCTOBER 3, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Thursday, October 3; 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 there then be a period for the transaction of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of Senator LOTT or his designee, and the second half of the time under the control of the majority leader or his designee; that at 11:30 a.m., the Senate resume consideration of the Department of Justice authorization conference report and vote on cloture; further, that the live quorums with respect to the filed cloture motions be waived.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, October 3, 2002, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate October 2, 2002:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARK B. MCCLELLAN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JANE E. HENNEY, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 2, 2002:

DEPARTMENT OF STATE

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

JAMES IRVIN GADSDEN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

MARTIN GEORGE BRENNAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

VICKI HUDDLESTON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

JIMMY KOLKER, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

GAIL DENNISE THOMAS MATHIEU, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

J. ANTHONY HOLMES, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

AURELIA E. BRAZEAL, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

RICHARD L. BALTIMORE III, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES TO THE SULTANATE OF OMAN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JAMES KNOLL GARDNER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

RONALD H. CLARK, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

LAWRENCE J. BLOCK, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

CHARLES E. ERDMANN, OF COLORADO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

DEPARTMENT OF DEFENSE

THOMAS FORREST HALL, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

EXTENSIONS OF REMARKS

IN MEMORY OF FORMER CONGRESSMAN ROMAN PUCINSKI OF ILLINOIS

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HASTERT. Mr. Speaker, I rise today to honor the memory of former Congressman Roman Pucinski who nobly served and represented the people of Illinois for 14 years in this body.

Roman Pucinski began a life of service by enlisting as a private in the One Hundred and Sixth Cavalry during World War II. A member of the Army Air Forces in the Pacific, he flew 49 missions over Japan and lead his bomber group on the first B–29 ''Superfortress'' bombing raid over Tokyo in 1944. And his dedication and bravery won him the Distinguished Flying Cross and the Air Medal with Clusters.

In 1958, the people of Northwest Chicago elected Roman Pucinski to represent them in the 86th Congress of the United States. Over the course of his tenure in the House, Congressman Pucinski became a champion of airline safety. As a newly elected member in 1959, Congressman Pucinski strongly urged the government to require cockpit voice recorders in all airplanes that carry at least six passengers. In 1964, the Federal Aviation Administration (FAA) ultimately adopted Congressman Pucinski's proposal, phasing in the requirement for cockpit voice recorders over the following 3 years. Many years later, his persistence and dedication to airline safety won Congressman Pucinski the FAA's Silver Medal of Distinguished Service.

Yet, we should also remember Congressman Pucinski for his invaluable contributions to education. As a sponsor of legislation to strengthen public education, he secured funding over several years to improve educational opportunities for the young people of Illinois.

In 1972, Congressman Pucinski left the House of Representatives to pursue a seat in the U.S. Senate. Although he was not elected to the Senate, he continued his life of public service as a Chicago alderman from 1973 until 1991.

Congressman Pucinski will forever be remembered in the halls of the House for his many years of service and dedication to the people of Illinois. And the people he so dutifully represented will forever feel the impact of his immeasurable contributions to their communities.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF FRED ABRAHAM

HON. ROBERT W. NEY

OF OHIO

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEY. Mr. Speaker, Whereas, Fred Abraham was a 23 year advocate for wetland and waterfowl conservation through Ducks Unlimited; and

Whereas, Fred Abraham was an integral factor in the reauthorization of the North American Wetlands Conservation Act, which raised the appropriation from $6.75 million to $43.5 million; and

Whereas, Fred Abraham must be commended for his diligence, heart, and his ability to motivate those around him by establishing a superb example; and

Whereas, Ohio and the entire United States will continue to reap the benefits of Mr. Abraham's dedication, service, and friendship;

Therefore, we join with the residents of the state of Ohio in celebrating Fred Abraham's years of service and retirement from Ducks Unlimited.

PAYING TRIBUTE TO THE BROOME-TIOGA ASSOCIATION FOR RETARDED CITIZENS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to the Broome-Tioga Association for Retarded Citizens in celebration of its 50th anniversary. I am honored to congratulate the ARC for its 50 years of service to Broome and Tioga counties.

ARC began its activities with a small group of families and individuals, which provided educational and recreational activities for their disabled children. In its infancy, the group organized a half-day pre-school program for 3- to 8-year-olds in the Trinity Memorial Parish House.

In 1952, the ARC founders, a group of eight local families, met to discuss the need for services for mentally retarded children. The Broome County chapter of the New York Association for the Help of Retarded Children was founded on September 9, 1952. A primary class for 8 to 12 year olds was set up in the Presbyterian Church. The founders raised money with bake sales and by obtaining small donations.

For 50 years, ARC has served our community with diligence and care. Over time, the ARC has expanded its services to provide compassionate care to thousands of retarded citizens. It opened full-time classrooms for primary and intermediate mentally retarded children. The school programming expanded to three classrooms, as the primary program moved to Woodrow Wilson School in Binghamton and the pre-school program moved to Your Home Library in Johnson City. A half-day nursery school class for 3–5 year olds was also established.

In 1964, the Tioga ARC Chapter was formed and opened its first workshop for adults in downtown Binghamton. In 1974, the Tioga and Broome County associations merged and began to provide social opportunities through its Party Night Programs.

In 1977, ARC opened Supervised Community Residences on Chapin and Main streets in Binghamton and on Broad Street in Endicott. Additionally, it established the Carlton Street Supervised Apartment Housing complex, where the New Day Training program began. It also established the Pre-Vocational Day Training Program, which served 20 people. ARC's Day Treatment Program was its first Medicaid-funded program.

ARC began to provide employment opportunities through its Supported Employment Services. Additionally, it established the Family Support Services Program to assist families in maintaining their children at home. It also established the Individual Support Services Residential Program, providing necessary assistance to individuals.

In 1994, ARC opened the Tioga County Multi-Functional Facility in Owego. The site is the county's first provider for people with developmental disabilities. The Day Habilitation Program, established in both Broome and Tioga counties, provides services to 175 individuals.

Mr. Speaker, I am delighted to salute the Broome-Tioga ARC for its many years of distinguished service to our community. It is my pleasure to join the members, family and friends of ARC in extending my deepest appreciation for its outstanding services.

RECOGNITION OF ''TOWERS OF LIGHT'' BY DOROTHY DIEMER HENDRY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CRAMER. Mr. Speaker, I rise today to share with the House of Representatives a poem written by one of my constituents, Dorothy Diemer Hendry of Huntsville, Alabama. The poem, ''Towers of Light,'' was written at the time of the 1-year anniversary of September 11 and provides us with hope and encouragement that we can become towers of light in this world. I am pleased to share this poem with you today.

''TOWERS OF LIGHT''

(By Dorothy Diemer Hendry)

Two shafts of light
stream down through clouds

to bedrock of a crater
cleared of rubble and bones.

We look up, up, up
these twin towers of light
until we must shield our eyes
from their source, more luminous
than sun and moon and stars.

What is the source?
Not firestorm of planes
commandeered and exploded
in misbegotten piety and hate.
Not savage burning of
''heathen'' temples or churches,
mosques or synagogues.
Not merciless holocaust
of ''enemy'' fields and forests,
schools and homes and people.

The source of light may
go by different names in
your religion and mine,
yet somehow the twin towers
remind us of two neighbors filled
with the radiance of the Golden Rule.

Neighbor from anywhere,
let us not quarrel about
holy names and ancient cruelties.
Let us fill the crater with loam
and plant a new garden on Earth.
In honor of heroes and loved ones,
let us summon the courage, wisdom,
and kindness to dwell in mutual peace.
Can we not become towers of light?

CELEBRATING THE REDEDICATION OF THE SAN DIMAS CATHOLIC CHURCH OF MALESSO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. UNDERWOOD. Mr. Speaker, I rise today to recognize the rededication of one of Guam's oldest churches, the San Dimas Catholic Church of Malesso. This Sunday, September, 29, 2002, the residents of Guam will celebrate and welcome the new church building, the patron saint of Malesso, which is the island's southernmost village. For more than three centuries the San Dimas Catholic Church has stood as a center of faith and traditions for the community of Malesso. On the eve of the rededication celebration, I would like to commemorate the rich history the San Dimas Church and the village of Malesso have brought to my district of Guam.

The history of Catholic missionaries in Guam began on June 9, 1671, when the Spanish ship Buen Socorro docked in Umatac Bay with four new padres for the Marianas Mission. The four had come to relieve three Fathers already working in the Marianas under the guidance of Father San Vitores. Two of the new priests, Father Francisco Esquerra and Father Francisco Solano, had come from the Philippines by way of Mexico.

The Padres worked hard in Hagatna, the capitol city of Guam, preaching to Spanish soldiers and lay workers, while maintaining carefully the devoted congregations formed by Father San Vitores. They rebuilt the Hagatna church, which had been destroyed in the typhoon of 1671. Father Esquerra and the other Padres soon were not content to work only in Hagatna, and began to make various mission journeys covering more than half the island.

Late in 1672, Father Esquerra became concerned at the great distance they had to travel to get to the usual anchorage of the ships, which was the port of San Antonio de Umatag (Umatac). He decided that it would be good to have a church in the southern part of the island which the Padres could settle. Father Esquerra decided upon the village of Malesso, and built a church there under the patronage of San Dimas. The Padre himself carefully attended the construction of the church. Two years later in 1674, Father Esquerra was martyred. However, the legacy of the San Dimas Church still lives today.

Thirty-one pastors have served the people of San Dimas Parish for 330 years. The Padres include:

1672–1674 Fr. Francisco Esquerra, S. J.;
1674–1799 Fr. Raphael Canicia, S. J. & other Jesuits;
1800–1805 Fr. Cristobal Ibanez;
1836–1848 Fr. Jose Ferrer;
1851–1860 Fr. Juan Fernandez;
1864–1869 Fr. Faustino Fernandez Del Corral;
1870–1886 Fr. Mariano Martinez;
1886–1890 Fr. Juan Herrero;
1890–1891 Fr. Jose Lamban;
1891–1893 Fr. Ildefonso Cabanilla;
1893–1899 Fr. Crisogono Oitin;
1908–1923 Fr. Cristobal de Canals;
1923–1927 Fr. Bernabe de Caseda;
1930–1934 Fr. Gil de Lagana;
1935–1936 Fr. Narcelo de Vallava;
1937–1940 Fr. Pastro de Arrayoz;
1940–1942 Fr. Marcian Pellet;
1942–1945 Fr. Jesus Duenas & Fr. Oscar Calvo ministered to the people of Guam during the War Occupation;
1945–1947 Fr. Marcian Pellet (Returns from a prison camp);
1947–1948 Adelbert Donlon;
1948–1950 Fr. Julius Sullivan;
1950–1953 Fr. Alexander Feeley;
1954–1956 Fr. Antonine Zimmeran;
1956–1957 Fr. Sylvan Conover;
1957–1967 Fr. Timothy Kavinaugh;
1967–1987 Fr. Lee Friel;
1987–1987 Fr. Felixberto Leon Guerrero;
1987–1988 Fr. Patrick Castro;
1988–1997 Fr. Jose Villagomez;
1997–1998 Fr. Eric Forbes;
Archdiocesan Clergy; and
1998–Present Fr. Mike Crisostomo

Nearly 80 percent of Guam's residents are Roman Catholics. This identity has profoundly shaped many of the island's culture and traditions. For more than three centuries, pastors and parishioners have given their time and skills with strong loyalty and devotion to the San Dimas Church.

The reopening of the doors at the San Dimas Catholic Church of Malesso after four years of being closed to rebuild the church structure is especially meaningful to those who dedicated countless hours to coordinating its reconstruction. Hundreds of church volunteers led by San Dimas' Pastor, Pale Mike Crisostomo, devoted and sacrificed time working on the church's Finance Council, Demolition Crew, Worship Space Volunteer Committee, Dedication Committee, Parish Council, Pastoral Planning Committee, Finance Committee, Solicitation Committee, Building Committee, Cemetery Committee, Confraternity of Christian Mothers, Angel Tree Project, Faith Formation or ''Eskuelan Pale'', Ministers of Liturgy, Sacristan, Eucharistic Ministers, Acolytes, Altar Servers, Music Ministry, Knights of Columbus, Maintenance and Landscaping, and Office Staff, to make the rebuilding and rededication of San Dimas Church a great success.

I would also like to recognize and commend the many individuals who spent tireless hours coordinating the celebration, from those who will prepare the food for the village feast, set up all of the palapalas and tents, decorate the church and surrounding areas and the celebrants who will all help to usher in the new San Dimas Catholic Church of Malesso this year. Biba San Dimas! Biba Malesso! Biba Guam!

HONORING THE MEMORY OF KENNETH MICHAEL GRAFF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ISRAEL. Mr. Speaker, I would like to take this opportunity to pay tribute to 2 Lieutenant Kenneth Michael Graff, USMC, upon his passing on September 23, 2002 while attending Naval Aviation School at Pensacola Naval Air Station.

Lt. Graff was born and raised in Dix Hills, NY, and was a 1996 graduate of Half Hollow Hills High School East. In 2001, he graduated from the U.S. Merchant Marine Academy, (USMMA), located in the town of Kings Point, NY, on Long Island. Kenneth was revered by all of his peers because of his kind spirit and his overwhelming willingness to help others.

Whether it was in the classroom, on the athletic field, or in the regiment, Lt. Graff excelled in every facet of the Academy. In the regiment, Kenneth held charge of an entire platoon in his company, as well as multiple petty officer and squad leader billets. He was a key member of both the Academy soccer and baseball teams, where he turned in outstanding All-Star and championship team performances. Kenneth was a fierce competitor, a strong student, an outstanding athlete, and a person who took pride in his regiment.

Lt. Graff was a caring and thoughtful person. who could find common ground with any of the midshipmen, from his peers to his subordinates. He was secure in himself and focused on his goals. This dedication and focus is exemplified by his success at the Academy, his decision to accept a commission in the U.S. Marine Corps and his selection to Naval Flight School. These key events show the honor, integrity, drive, and patriotism of this young man.

Mr. Speaker, this is a tribute to a young man who was at the beginning of a promising and fruitful life. Though his life was short, he was an outstanding young man brought up by loving parents, family and friends. We will miss him and the promises and potentials he represented. We need more young people of his upbringing and caliber to enrich our families, communities, and country. My condolences go to his parents, Orris and Kenneth Graff and his brother, Michael John. I salute the memory of their son and brother, 2nd Lt. Kenneth Michael Graff, USMC.

A PROCLAMATION COMMENDING SAN DIEGO'S TRIBUTE TO HEROES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEY. Mr. Speaker, Whereas, San Diego's Tribute to Heroes was established to honor and support local heroes and their organizations; and

Whereas, San Diego's Tribute to Heroes should be commended for its worthwhile efforts for servicemen and their families, emergency workers, and children's health care; and

Whereas, San Diego's Tribute to Heroes ball will be held October 5, 2002 at the San Diego Aerospace Museum;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing San Diego's Tribute to Heroes organization for its dedication.

PAYING TRIBUTE TO THE CREW OF THE USS ''BENNION'' 662

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to the World War II veterans from the crew of the USS *Bennion* 662 on their reunion.

The *Bennion* is one of many destroyers that participated in WWII. The majority of the men who served in the USS *Bennion* were just 17 years old when they signed up to serve their country.

The crew of 300 faced immeasurable dangers from Japanese Kamikazes and destroyers. They were exposed to enemy torpedo attacks and air raids. Fortunately, the *Bennion* crew survived because of their skillful coordination and the indivisible combination of men and material, which bounded them together for a common purpose.

The *Bennion* was given a citation that reads: ''For extraordinary heroism in the action as a Fighter Direction Ship on Radar Picket duty, during Okinawa Campaign, April 1, 1945 to June 1, 1945. A natural and frequent target of the heavy Japanese aerial attack while occupying advanced and isolated stations, the USS *Bennion* defeated all efforts of enemy Kamikaze and dive-bombing planes to destroy her. Constantly vigilant and ready for battle day and night, she sent out early air warnings, provided fighter direction and, with her own fierce gunfire downed 13 hostile planes, and she rendered a valiant service in preventing the Japanese from striking in force the naval forces off the Okinawa Beachhead. A valiant fighting ship, the *Bennion*, her officers and her men withstood the stress and perils of vital radar-picked duty, achieving a gallant combat record which attests the teamwork, courage and skill of her entire company and enhances the finest traditions of the United States Naval Services.''

Mr. Speaker, I am delighted to welcome and salute the crew of *Bennion* 662 in their reunion. It is my pleasure to join the members, family and friends of this crew in extending my deepest appreciation for their outstanding services and sacrifice for our country.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BACHUS. Mr. Speaker, on Thursday September 26 I missed rollcall votes 416, 417, 418, 419, 420, 421, 422, and 423 due to a family emergency. If I had been present I would have voted ''yea'' on rollcall 416, ''aye'' on rollcall 417, ''yea'' on rollcall 418, ''yea'' on rollcall 419, ''nay'' on rollcall 420, ''yea'' on rollcall 421 ''yea'' on rollcall 422 and ''yea'' on rollcall 423.

TRIBUTE TO THE AMERICAN CANCER SOCIETY'S MAN TO MAN GROUP OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize the American Cancer Society's Man to Man group in Huntsville, Alabama on their Fifth Anniversary. This group works hard to educate our community about prostate cancer and encourage testing for early detection. This group of men, who are each fighting their own battles with prostate cancer, meet once a month to discuss the latest information about methods of screening, treatments, side effects, and coping with the disease.

As you know, September is National Prostate Cancer Awareness Month, and I want to commend this group of men, their spouses, and their families who work to increase awareness about prostate cancer. In 2002, approximately 189,000 men will be diagnosed with prostate cancer. It is the most commonly diagnosed cancer in men and is the second leading cause of male cancer death. In fact, more than 30,000 American men lose their battles with prostate cancer every year. However, during the past five years, death from prostate cancer has been reduced by 27% due largely to increased early detection. Only by significantly increasing research funding for prostate cancer will we be able to develop necessary, innovative treatments and find a cure.

Mr. Speaker, I commend the Man to Man group for their grassroots efforts and advocacy for prostate cancer awareness and cancer research. I appreciate the work they do to support the members of the North Alabama community who have been diagnosed with this form of cancer, as well as their families. On behalf of the people of North Alabama and the United States House of Representatives, I send my congratulations to Jim Bennett and the Man to Man group of Huntsville on their Fifth Anniversary and my best wishes for many more years of successful service to our community.

HONORING MARLENE M. FANSLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Marlene M. Fansler for her dedication and service as President of the Fansler Foundation in Fresno, California. Marlene Fansler will be honored at the Break the Barriers Annual Fundraising Dinner on the evening of September 28, 2002.

Marlene Malan Fansler was born in South Gate, California. As a toddler, Marlene moved to Fresno with her parents, Howard and Erma Malan, where her father began his dental practice. In 1957, Marlene graduated from Fresno High School and went on to receive her Liberal Arts Degree from Brigham Young University in Provo, Utah. After marrying a fellow Brigham Young graduate, Marlene taught elementary school in Houston, Texas for a short period. She and her husband later resided in Portland, Oregon where they raised their three children. In 1968, Marlene and her children moved back to Fresno to be near her parents. Marlene not only brought her teaching skills to Fresno, but also the creative and managerial abilities she learned while developing a 'stretch and sew' knit fabric business. She started a shop in Fresno's Manchester Mall called Kopi Kat Knits, where she met D. Paul Fansler in late 1969. They married in 1976 after a six-year courtship.

Marlene spent the next 14 years raising the children, helping her husband with the development of Piccadilly Inn Hotels, and continuing her activities as a member and teacher in the Church of Jesus Christ of Latter Day Saints. The combined families now total eight children, sixteen grandchildren, and two great-grandchildren. Paul Fansler began the Fansler Foundation in 1984, to be supportive of local, worthwhile, legitimate, charitable, and civic endeavors with focus on developmentally challenged young people. After Paul's unexpected death in 1990, Marlene took over the Piccadilly Inn Hotels and the Fansler Foundation.

Marlene is currently a member of the California State University of Fresno Kremen School of Education Community Council, Board of Pathways, a Foundation for UCP of Central California, Catholic Diocese of Fresno, and the Marjaree Mason Center Art Auction Committee. Under Marlene Fansler's leadership, the Fansler Foundation has funded over 30 organizations, including Break the Barriers.

Mr. Speaker, I rise today to honor Marlene M. Fansler for her commitment and devotion to the people and organizations in which she serves. I urge my colleagues to join me in thanking her for her community service and wishing her many years of continued success.

PERSONAL EXPLANATION

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. OTTER. Mr. Speaker, previously scheduled commitments caused me to miss the vote on H.J. Res. 111—making continuing appropriations for the fiscal year 2003. Had I been

present I would have cast my vote in favor of this legislation. This legislation is critical to the continued operation of our government.

A PROCLAMATION COMMENDING CONGRESSMAN RANDY ''DUKE'' CUNNINGHAM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEY. Mr. Speaker, whereas, Congressman CUNNINGHAM joined the Navy in 1966 and is recognized as one of the most highly decorated pilots in the Vietnam War; and

Whereas, Congressman CUNNINGHAM was designated the first flying ace in Vietnam and was awarded the Navy Cross for his courageous acts; and

Whereas, Congressman CUNNINGHAM trained U.S. fighter pilots at the ''Top Gun'' program at Miramar Naval Air Station; and

Whereas, Congressman CUNNINGHAM now serves his country in the United States House of Representatives;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing Congressman RANDY CUNNINGHAM for a lifetime of service and sacrifice for our country.

REPORT FROM PENNSYLVANIA

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others. I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today, I would like to recognize Mrs. Grace Hart O'Boyle of Bethlehem. Mrs. O'Boyle is a prime example of someone who has devoted her life to the betterment of our communities.

Mrs. O'Boyle served Bethlehem Township as a junior high school, business and English teacher and was an active participant in the city's summer school program for many decades. Despite commitments to Brownie troops and other youth organizations, Mrs. O'Boyle found time to raise a family and her strong commitment to education and the community is reflected in her own children's education-based careers.

While most would relax in their retirement, Mrs. O'Boyle saw her retirement only as an opportunity to help her community. She continued to substitute teach and was a member of Bethlehem's Professional Woman's Association, American Association of University Women, and served with various other Organizations.

Mrs. O'Boyle is marked by her humbleness and devotion, which she exhibited on her 80th birthday. Instead of accepting the flowers and gifts that usually mark such an occasion, Mrs. O'Boyle established a Scholarship fund to help bright, needy students at her local parish school.

Mrs. O'Boyle stands out as an example of the effect one person can have upon their community and for this she is a Lehigh Valley Hero in my book.

Mr. Speaker, this concludes my Report from Pennsylvania.

TRIBUTE TO MARGARET VINSON HALLGREN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Margaret Vinson Hallgren, President of the National Military Family Association, NMFA, in recognition of her distinguished service to our country.

For 18 years, while filling critical volunteer positions within NMFA, including four terms as director of government relations and an unprecedented six terms as president, Margaret has worked tirelessly to help partially offset the extraordinary hardships and sacrifices service members and their families endure while serving our Nation.

Margaret Hallgren, whom I have the honor of knowing personally, has been a military family member all her life, first as an Army ''brat,'' then as an Army spouse. She is the widow of an active duty Army officer, W.H. Vinson, Jr., and is now married to Hal E. Hallgren, who retired after 30 years of active duty in the U.S. Army. She has four grown children and nine grandchildren.

After earning her B.A. degree from Vassar College and a Masters of Accounting from Duke University in Political Science/International Law, Margaret worked for 2 years as an Intelligence Analyst for the Central Intelligence Agency (CIA) in Washington, DC.

Margaret later went on to an incredible career at the National Military Family Association, NMFA, where she has touched the lives of hundreds of thousands of active duty, National Guard, Reserve, and retired families in her unwavering efforts to enable them to achieve a reasonable quality of life. It is an understatement to say that Margaret has been in the vanguard of Congress' and the Department of Defense's actions to sustain readiness and the All Volunteer Force.

Among her numerous accomplishments, perhaps her biggest achievement comes from her visionary work as one of the 12 original cofounders of the Military Coalition, TMC. The Coalition was organized in 1985 for the sole purpose of attempting to repeal legislation which would have reduced retired pay cost-of-living adjustments by 22.5 percent over a 7-year period. After TMC's successful effort in this area, Margaret and other leaders in the Coalition had the foresight to recognize its future potential and kept it intact. Today, the Coalition is comprised of 33 military and veterans organizations and represents more than 5.5 million active duty, National Guard, Reserve, retired members and veterans of the seven uniformed services plus their families and survivors. Thanks to Margaret's insight, NMFA continues to be a leader in TMC on issues affecting military families.

Mr. Speaker, Margaret Hallgren's extraordinary career of leadership, volunteerism and personal dedication in protecting the welfare and quality of life of every member of the uniformed services community is an inspiration and continuing lesson to all Americans. My best wishes and gratitude go with her. Margaret, I salute you on behalf of all our servicemen and women, past and present who have worn and continue to wear the uniform.

RECOGNIZING THE WORK OF THE AMERICAN CANINE ASSOCIATION'S SEARCH AND RESCUE TEAMS AT GROUND ZERO IN NEW YORK

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. PITTS. Mr. Speaker, I would like to extend my gratitude and appreciation to the Search and Rescue Teams of the American Canine Association, ACA, who, for 8 weeks following the terrorist attacks of September 11, 2001, tirelessly and selflessly served at Ground Zero in New York City. Following the devastating attacks on our country and our very way of life, handlers Robert Yarnall, Jr., Susan Yarnall, Heather Nothstein, Michael Glass, Avi Thol, Travis Hayden, Sean Hayden, and Amy Dinardi, along with canines Gus, Nela, Nala, Samson, and Duchess, came to the aid of a grieving nation and endured tremendous personal difficulty to assist in finding survivors of the Twin Towers.

In the year since September 11, we have come to a new appreciation of the heroes who live among us, those who volunteer their time, ability, and talent, without thought of recognition. The actions of these handlers and canines represent the true values of America—generosity, compassion, and service to community—that have made us great. I am proud to have had these extraordinary people and canines represent Chester County and the Commonwealth of Pennsylvania. The ACA deserves our thanks and our commendation for a job well done.

CONGRATULATING DR. JAMES T. HARRIS ON HIS APPOINTMENT AS PRESIDENT OF WIDENER UNIVERSITY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, today I wish to welcome and congratulate the new president of Widener University, Dr. James T. Harris III. Founded in 1821, Widener University is composed of eight schools and colleges that offer liberal arts and sciences, professional and preprofessional curricula. A comprehensive, teaching institution chartered in both Pennsylvania and Delaware, Widener is a three-campus university offering 150 programs of study leading to an associate's, bachelor's, master's, or doctoral degree. Dr. Harris becomes only the ninth president in Widener's rich 181-year history to lead this institution in continued excellence.

Prior to assuming the top post at Widener, Dr. Harris recently served as president of Defiance College in Ohio. With Dr. Harris at the helm, Defiance's enrollment grew to its highest level in three decades, had the best 4-year graduation rate in the school's history, and rose out of severe financial difficulties. Perhaps most importantly, Dr. Harris improved the lives of his student by teaching them the value of community service and responsible citizenship. The service-learning program he instituted continues to positively impact the surrounding community and the college's academic program. The success of this program ranked Dr. Harris in the Sir John Templeton Foundation's prestigious Honor Roll as one of the top 50 Character Building Presidents in America.

I look forward to watching Widener and the three communities it serves—Chester, PA, Harrisburg, PA, and Wilmington, DE, achieve new heights and benefit from Dr. Harris' experience and leadership. Widener and Dr. Harris stand as shining examples that the greatest service one can provide is to educate another. Mr. Speaker, I ask my colleagues in the House to join me in thanking Dr. Harris for his contributions to our education system and wish him well in his new endeavor.

MERCY HIGH SCHOOL OF SAN FRANCISCO CELEBRATES A HALF CENTURY OF SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. LANTOS. Mr. Speaker, I am honored to pay tribute to Mercy High School of San Francisco, located in my congressional district, on the occasion of the 50th Anniversary of its founding. Since its inception in 1952, this extraordinary educational institution has dedicated itself to providing the finest education for young women in the Bay area.

Mr. Speaker, Mercy High School was founded half a century ago by the Sisters of Mercy, at the request of the San Francisco Archdiocese, in order to create a high school for girls in the growing Sunset, Lakeside, and Park Merced neighborhoods of San Francisco, as well as in communities in northern San Mateo County.

Mercy High School has come a long way since it first opened its doors to 199 students in 1952. When Mercy High School was first founded, the school consisted of one partially finished building and was staffed by six Sisters of Mercy and one lay person. Today the school can boast of a student body of 600 students, and they are educated on a campus of six and half acres located in the heart of San Francisco's Sunset District. The meticulously maintained campus includes 22 classrooms, a campus ministry, three science laboratories, a chapel, a 10,000-volume library, two computer labs, and studios for the fine and performing arts. Additionally, the school recently completed the Catherine McAuley Pavilion—a magnificent structure containing state-of-the-art athletic facilities and an outstanding art gallery.

Mr. Speaker, Catherine McAuley founded the Sisters of Mercy, a religious order, in Dublin, Ireland in 1831. She was an extraordinary woman who was a socialite turned social worker, a lady of fashion who lived among the poor, a woman of wealth who had no money, and a dedicated activist who learned the discipline of sanctity. Catherine McAuley and her Sisters of Mercy brought aid and comfort to the impoverished of Dublin. Within ten years of its foundation, the Sisters of Mercy had expanded to aid people in other cities in Ireland and in England. In 1843, the first mission was started in the United States, and in 1854, the Sisters of Mercy came to San Francisco. In 1990, in completion of one stage of the process by which the Catholic Church defines sainthood, Pope John Paul II declared Catherine McAuley Venerable.

Since its foundation, Mercy High School in San Francisco has dedicated itself to its mission of educating young women to be leaders who make a difference in their church and in their world. The school's fine arts program is one of the most diverse in the entire Bay Area, and the athletic and speech programs have received state level recognition as well. Additionally, Mercy High School's student government has received the Medalist Award, the highest award given by the California Association of Student Councils.

Mr. Speaker, I am delighted and honored to pay tribute to this outstanding educational institution, and I invite all of my colleagues to join me in congratulating Mercy High School on half century of service to the Archdiocese of San Francisco, the Bay Area, and our nation.

COMMEMORATION OF SEPTEMBER 11, 2001

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. RAHALL. Mr. Speaker, ''We must consider that we shall be as a city upon a hill,'' the Puritan preacher John Winthrop proclaimed, as he and his followers sailed for America and freedom. ''The eyes of all people are upon us.'' And so they have remained for nearly four centuries. Many have looked to us in awe, inspired by a nation rooted in liberty. Others have hated the ideal we embody, and wished us ill. But none can remove us from their gaze.

Today, America's economic prosperity, military power, and technological advancement are without peer. Our daily comforts and conveniences exceed those available to most of the six billion people who inhabit the earth. But the ease of our lives does not render us soft, or reluctant to retaliate when attacked. A year ago, all the world watched in horror as a small gang of wicked men took three thousand innocent lives in New York, Washington, and Pennsylvania.

Since the moment the first airplane struck the first tower, Americans have shown, both on the battlefield and at home, the strength of our spirit, the mettle of our souls, and the force of our arms. From the firefighters climbing to their deaths, to the airline passengers who battled back, to the precious West Virginia sons and daughters who gave their lives in Afghanistan, the world has witnessed acts of American selflessness and bravery that rival the most revered in the annals of human history.

Just as Winthrop defined America's place in the world, he described how we must live to maintain it. ''We must delight in each other,'' he instructed. ''Make others' conditions our own; rejoice together; mourn together; labor and suffer together.'' Our whole nation suffered the same grievous wound on September 11. Those who delivered the blow hoped it would inaugurate our destruction. Instead, they inspired America's return to the community values and mutual commitment upon which our country was built.

The attacks, the ongoing war, and the continuing threats spur us to embrace again our founding ideas: that all men and women are created equal; that America's destiny is the world's destiny—to secure life, liberty, and the pursuit of happiness; that we cannot allow the centuries-old, world-wide fight for freedom to falter. This recollection of our original rights and responsibilities is a fitting tribute, is an apt memorial, to the lives that were lost and devastated on that sad September day.

IN HONOR OF LOUISE WILSON LEWIS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Louise Wilson Lewis, whose commitment to Glendale Memorial Hospital over the last forty years has exemplified the spirit of selfless volunteerism that has been so integral to our community.

Born and raised in Los Angeles, Mrs. Lewis's first involvement with Glendale Memorial Hospital came at the age of sixteen, when she volunteered as a candy striper for the hospital. A self-described ''professional volunteer,'' she served in almost every volunteer position in the hospital since beginning there four decades ago.

Mrs. Lewis currently serves on the Glendale Memorial Health Foundation Board of Directors, where she is helping to raise $25 million for an expansion of the Hospital. She is also an active member of St. Francis Episcopal Church and works with Las Candelas, an organization which assists emotionally disturbed children.

In June of 2001, Louise Lewis was diagnosed with cancer, and began to receive treatment from the hospital she served for so long. For over a year, she battled the disease, which, thanks to cutting-edge treatments and Mrs. Lewis's fighting spirit, has now gone into remission. Mrs. Lewis's outlook on her disease is a statement of her courage: ''Cancer is so limited, and there is so much it cannot do to a being. It cannot undermine integrity, or invade the soul, or conquer the spirit.''

And it has not. She has continued her volunteer efforts with Glendale Memorial Hospital and in March, she and her husband Tim will celebrate their 30th wedding anniversary. Mrs. Lewis's commitment to Glendale Memorial Hospital and the various charitable causes she supports makes her worthy of recognition, but her sheer determination to win her battle with cancer makes her an inspiration to us all. I ask all Members of Congress to join me in saluting Louise Wilson Lewis, whose strength of will and selfless devotion to her community exemplify the best in all of us.

A PROCLAMATION HONORING ROBERT A. KRUEGER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEY. Mr. Speaker, Whereas, Robert Krueger was born in Schenectady, New York on October 7, 1922; and

Whereas, Robert Krueger married Arlene Whitbeck on October 25, 1947 and they have two children and two grandchildren; and

Whereas, Robert Krueger served his country in the Army Air Corps from 1942 to 1946 in the Pacific Theater during World War II; and

Whereas, Robert Krueger has exemplified a love of life, caring, and service for his family and neighbors;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Robert A. Krueger as he celebrates his 80th Birthday.

HONORING BANNING FENTON, RECIPIENT OF THE CITY OF HAYWARD YEAR 2002 LIFETIME AWARD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. STARK. Mr. Speaker, I rise today to commend Banning Fenton, recipient of the City of Hayward Year 2002 Lifetime Award.

Banning Fenton has worn many hats throughout his life—soldier, educator, volunteer, historian, and now, as this year's recipient of the City of Hayward Lifetime Award, he adds a 'model citizen' hat to his collection.

For the past ten years, Banning has focused his attention on helping the Hayward Arts Council and the Hayward Area Historical Society reach their goal to enhance the city and record and share its history.

As part of his mission to make his city a better place, Banning has taught a class about Hayward's history, created a book of historical post cards depicting Hayward's past, and led historic walking tours of downtown Hayward. Most recently, Banning wrote a book, ''Hayward: The Heart of the Bay.''

Prior to becoming involved in the city as a volunteer, Banning taught in the Hayward Unified School District for over thirty years and for two years at Bishop Willis College in Uganda, East Africa. Banning assisted in the formation of the Elementary School Science Association of Northern California, serving as its president for two years. He also assisted elementary school teachers with presenting science workshops.

After his retirement from the Hayward School District in 1981, Banning became a docent at Strybing Arboretum in Golden Gate Park and developed plant guides for the Hayward Sensory Garden and Ardenwood Park in Fremont. He was also active in the formation of the Friends of the Hayward Public Library, served on the board of the Ohlone Audobon Society, and was president of the local retired teacher's association for two years.

I am honored to join the colleagues of Banning Fenton in commending him for his 53 years of service to the city of Hayward and to congratulate him on receiving the Lifetime Award. Banning Fenton's dedicated work as an educator and volunteer committed to providing the best to the city of Hayward is a true inspiration.

HONORING JOHN SULLIVAN UPON HIS RETIREMENT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to honor the lifetime of service of Fire Chief John (''Jack'') Sullivan to the community of Bondsville, Massachusetts. His commitment to his town should be an example to us all of an answer to the call of duty and responsibility to our Nation. America's firefighters play a vital part in our communities and deserve more recognition for their role.

''Jack'' Sullivan began his career in public service when he joined the National Guard in 1952. After three years with Company ''B'' 104th infantry, he was granted an Honorable Discharge. He then became a member of the Operating Engineers Union, Local #98. ''Jack'' retired from that organization after 38 years of involvement.

In 1967, ''Jack'' joined the Bondsville Fire Department. About one year later, Bondsville endured one of the worst fires in its history. ''Jack'' fought the Bondsville Mill Fire alongside over 500 firefighters from 18 different fire departments. The blaze burned for over 24 hours and caused a great deal of damage to property in the town. Most of the effort to fight the fire was simply to prevent it from spreading.

Due to his exemplary service, ''Jack'' quickly became a captain and ultimately, in 1977, he rose to the position of Fire Chief. He has filled that post for the past 25 years. In that time, he has been able to obtain a substantial amount of equipment for the training and safety of his firefighters. His dedication to the community of Bondsville does not stop with his commitment to the Fire Department; he was a member of countless committees to improve the safety of the town.

After 35 years with the Bondsville Fire Department, he has decided to retire. The Bondsville community is greatly indebted to Fire Chief Sullivan for his years of service. Indeed, we are, as a Nation, eternally grateful to all our firefighters for their selfless contribution to our society.

''MT. DIABLO AUDUBON SOCIETY'S 50TH ANNIVERSARY''

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. TAUSCHER. Mr. Speaker, we rise today to invite our colleagues to join us in congratulating Mt. Diablo Audubon Society as it celebrates its 50th anniversary.

Founded in 1953, Mt. Diablo Audubon Society (MDAS) has an impressive record of environmental achievements in Contra Costa County, including the following:

Involved extensively in the protection and recovery of McNabney Marsh in Martinez. Formerly Shell Marsh, this area was saved as part of a settlement over an oil spill years ago. It is named after Mt. Diablo Audubon Society's well-known and respected former vice-president of conservation, the late Al McNabney.

Worked with the East Bay Regional Park District on the establishment and development of Waterbird Park in Martinez.

Led fifty-four yearly field trips for MDAS members and the public.

Supported the Muir Heritage Land Trust which has initiated a bold plan to link together many of our open space areas.

Partnered with a local flood control district to restore and protect a 22-acre saline marsh in Antioch, the Julia Cox Freeman Marsh.

Provided Audubon Adventures to over 90 classrooms (3,000 students) throughout Contra Costa County. Since 1984 Audubon Adventures has provided basic, scientifically-accurate facts about birds and wildlife and their habitats.

Partnered with Native Bird Connections and Wild Birds Unlimited to develop a life science course of study for freshman and sophomore high school students. Currently two high schools are participating in this program.

Supported the expansion of the California Bluebird Recovery Program and the placement of hundreds of bluebird houses in California.

Participated in many events and festivals in Contra Costa County and northern California to help educate the public about birds and the habitat they require.

Initiated the Conta Costa County Breeding Bird Atlas. This Atlas (a major five-year project underwritten by MDAS) will be an important tool in the battle to preserve open space and breeding habitats for birds.

Conducted slides shows and nature presentations to many schools and other groups throughout Contra Costa County.

Closely involved in the development of the Delta Science Center.

Participated in fifty Christmas Bird Counts.

We know we speak for all Members of Congress when we congratulate Mt. Diablo Audubon Society on its 50th anniversary and wish its members many more years of environmental stewardship.

TRIBUTE TO THE STANFORD LINEAR ACCELERATOR CENTER ON THE OCCASION OF ITS 40TH ANNIVERSARY CELEBRATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. ESHOO Mr. Speaker, I rise today to honor one of the world's most renowned science research facilities, the Stanford Linear Accelerator Center, SLAC, located in the distinguished 14th Congressional District of California, on the occasion of its 40th anniversary celebration.

Hailed as one of the world's leading research laboratories, SLAC was established in 1962 at Stanford University with the support of the U.S. Department of Energy to design, construct and operate state-of-the-art electron accelerators and related experimental facilities

for use in high-energy physics and synchrotron radiation research.

Since its inception, SLAC has made enormous and lasting contributions to the fields of science and technology. To name but a few, the Laboratory led the development of particle accelerators that were at first used for pure research, then later developed for many practical applications including the daily use of medical accelerators in our nation's hospitals. SLAC's research in particle physics has also given scientists a new understanding of how our universe was constructed with the discovery of quarks, the smallest known components of matter. SLAC was also the first laboratory in the world to create a user facility using synchrotron radiation for research now conducted in medical science, biology, chemistry, physics, materials science and environmental science. Our nation even learned about the World Wide Web through SLAC, where the first American World Wide Web site was established.

Many of SLAC's extraordinary accomplishments and the Laboratory's high-energy physics program is made possible by SLAC's B-Factory. I'm proud to have led the successful effort in Congress to build the B-Factory at SLAC, upgrading an earlier electron-positron collider. This state-of-the-art instrument most recently helped obtain conclusive evidence of how B mesons disintegrate, giving scientists clues to the subtle difference between matter and antimatter. The B-Factory is a vital component of SLAC, making the Laboratory an internationally recognized facility, with over 3,000 scientists visiting from U.S. universities, national laboratories, private industries and foreign countries each year.

SLAC's remarkable work has been honored with three Nobel Prizes awarded to SLAC faculty professors, demonstrating the enormous contributions SLAC has made and will continue to make in science and technology. The history and achievements of SLAC have not only made it one of the leading research facilities in the world, but also one of our nation's greatest treasures.

Mr. Speaker, I ask my colleagues to join me in honoring the Stanford Linear Accelerator Center and all its scientists, researchers, faculty and staff on the occasion of its 40'h anniversary celebration. We're a better, more scientifically and technologically advanced, and safer nation because of SLAC and its extraordinary accomplishments.

ROMEO JAMES ROBINSON TURNS 90 YEARS YOUNG

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. JONES of Ohio. Mr. Speaker, today, I am pleased to recognize Romeo James Robinson for turning 90 years young. Mr. Robinson was born on September 9, 1912 in Youngstown, Ohio, and throughout his life, he achieved many great accomplishments. In 1941, he earned the bachelor's of science degree in Chemistry from Youngstown State University, and after 30 years of dedicated service, Mr. Robinson retired from Youngstown Sheet and Tool in 1968.

He has always been a beacon in his community, serving on the Organization for Protestant Men, Fraternal Order of Masons, Alpha Phi Alpha Fraternity and the Deacons Board of the Third Baptist Church. Additionally, he is a lifetime member of both the National Advancement for Colored People and the Urban League.

Mr. Robinson has two children, Myron F. Robinson, who currently serves as the president of the Urban League of Greater Cleveland, and Anita Gorham, who now resides in Detroit, Michigan. He is the proud grandparent of two and boasts often of his four great-grandchildren.

Happy birthday, Mr. Robinson!

CONGRATULATING THE LIONS CLUB OF VAN BUREN, ARKANSAS ON ITS 80TH ANNIVERSARY

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BOOZMAN. Mr. Speaker, I rise today to congratulate the Van Buren Lions Club for serving the Van Buren community for 80 years. I salute the dedication and leadership provided via the motto ''We Serve.'' Having formerly been a member of the Rogers Lions Club, and having practiced optometry for 25 years, I truly value the club's accomplishments in eye care.

The legacy founded in Chicago in 1917 by Melvin Jones has grown into an organization which boasts a membership of 1.4 million. Accepting the challenge first posed by Helen Keller to become ''Knights of the Blind'' in the crusade against darkness, Lions have provided 3 million cataract surgeries, funded 68 eye clinics and hospitals, and have screened 6 million patients for eye disease. They also distribute 4 million pairs of eyeglasses annually in developing countries. Having personally assisted with the distribution of eyeglasses in Haiti, I can honestly say that the efforts of the Lions truly impact the lives of those less fortunate.

I encourage each member of the Van Buren Lions Club to continue the work of this valuable organization. Their contributions to the Lions Club International Foundation, which funds Leo Clubs, Youth Camps, the International Youth Exchange, and the annual consultation at the United Nations, serve to bring hope to many.

Mr. Speaker, on this historic 80th anniversary, I applaud the Van Buren Lions for their dedication to the world's largest service organization. Thank you for allowing me the opportunity to recognize them.

HONORING THE RETIREMENT OF CALIFORNIA STATE SUPERIOR COURT COMMISSIONER FOR ALAMEDA COUNTY, MICHAEL L. KANNINEN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. STARK. Mr. Speaker, I rise today to honor Michael L. Kanninen on his retirement July 16, 2002, after 18 years as Court Commissioner of the Superior Court of California, Alameda County.

Prior to his appointment to the Superior Court, Supervisor Kanninen served as Commissioner of the Alameda County Municipal Court. When the two courts were unified in 1998, he was appointed to his current position. Presiding over criminal matters and civil cases, Commissioner Kanninen has handled arraignments, sentencings, traffic, jury trials, pretrials, and motions.

After graduating from Hastings College of Law in San Francisco in 1971 and being admitted to the state bar in 1972, Commissioner Kanninen opened a small private practice, handling a wide array of cases. In 1982 he entered the Navy Reserves Judge Advocate General Corps, reaching the rank of Captain.

This position was not Commissioner Kanninen's first experience with the Navy. After graduating from the University of Chicago with a B.A. in Political Science in 1961, Kanninen—who intended to join the foreign service—was recruited into the Navy. He served until 1966, earning a Vietnam Defense Ribbon with three stars and the Armed Forces Reserve Medal.

In 1996, Commissioner Kanninen was awarded the prestigious Meritorious Service Medal by President Bill Clinton for outstanding service from October 1990 through September 1995 in the Judge Advocate General's Corps. He is a member of the California Court Commissioners Association, California Judges Association, and the American Judges Association.

An active member of the community, Commissioner Kanninen sings with the Ohlone Community College Choir, and has served as president of the Second Chance Community Crisis Center, as District Chairman of the Boy Scouts of America, and as President of the Newark Chamber of Commerce.

I am honored to join the colleagues of Michael L. Kanninen in commending him for his many years of dedicated and exemplary service to his country, state, and community. His commitment to justice is an inspiration for all.

COMMEMORATING SEPTEMBER 11, 2001 AND ON THE OCCASION OF THE SPECIAL JOINT MEETING OF CONGRESSS IN NEW YORK ON SEPTEMBER 6, 2002

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. GOODLATTE. Mr. Speaker, one year ago, Americans looked on in horror as the events of September 11 unfolded. At the end of the day the skyline of one of our greatest cities was forever changed, the Pentagon, a symbol of America's military might was still smoldering, and a previously indistinguishable field in western Pennsylvania had suddenly and terribly become an unmarked grave for America's newest heroes.

In the aftermath of the Challenger space disaster, when seeking to comfort a shocked and hurting country, President Reagan told us that the ''The future doesn't belong to the fainthearted; it belongs to the brave.'' Overwhelmed by grief, and reeling from a devastation, attack, some nations would have been

crippled to the point of inaction. Our enemies perceived us as weak, soft, unwilling or unable to respond. It is obviously an understatement to say they miscalculated.

In a tribute to the excellence of our armed forces and to the leadership of President Bush, we succeeded in swiftly toppling the Taliban, thereby liberating the people of Afghanistan. In this volatile region of the world, America's national security is directly at stake, for when regimes that tolerate terror and disrespect human life are left to their own devices, they export hatred and murder.

On the home front we moved swiftly to protect against future attacks. Congress gave law enforcement new tools, restructured the beleaguered INS, and most recently took steps to establish a Department of Homeland Security.

Recently, I traveled to New York City for a Commemorative Joint Meeting of the U.S. Congress, which was held at Federal Hall, just blocks from where the twin towers once stood. Federal Hall also served as the site of George Washington's swearing in, the location where the Bill of Rights was drafted and the setting of the first meeting of the United States Congress. In an era when historical significance is often missed and sentimentality is at times scoffed at, the symbolism of this meeting must not be overlooked.

Democracy is alive and flourishing and despite the best efforts of those who would seek to destroy us, we remain the 'shining city on a hill'envisioned by our Founders—as can be attested to by the resilience, courage and selfless sacrifice, which has characterized our national response.

On the anniversary of this day, which has been eternally seared in to our national conscience, our thoughts and prayers go out to those Americans whose lives have been forever changed by the loss of a loved one.

Winston Churchill once said, ''The price of greatness is responsibility.'' This September as we mourn the loss and commemorate the lives of our fallen countrymen, we must not forget the raw emotions that marked that day, for they underscore our responsibility and will give us the impetus to continue in the unfinished task before us.

TRIBUTE TO MARGARET CAMPBELL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Margaret Campbell of Horrell Hill, South Carolina, and a resident of the Sixth Congressional District, who is being honored with the 2002 Andrus Community Service Award by the American Association of Retired Persons (AARP). Mrs. Campbell is one of only 53 award recipients nationwide selected for embodying AARP's slogan To Serve, and Not Be Served.

This lively 76-year-old serves as the South Carolina AARP Associate State Coordinator for Community Operations, but her dedication goes far beyond the parameters of her job title. Mrs. Campbell has volunteered for AARP for more than a decade and travels across the state organizing chapters and exhibits. She presents programs on a variety of issues that affect older Americans, and is constantly gathering information to improve her expertise in all these areas.

Her introduction to volunteering came while her husband was a patient at the Dom Veteran Administration Hospital in Columbia. Mrs. Campbell spent many hours assisting other patients there while her husband underwent dialysis. Her love of helping others blossomed into volunteer relationships with the National Federation of the Blind, local nursing homes and churches. When Mrs. Campbell has not committed her time to one of her many favorite causes, she can be found taking friends and neighbors to the doctor or shopping, sitting with shut-ins or visiting a friend in the hospital.

Her devotion to those in need should be an inspiration to us all. ''They think I have helped them, but they have it wrong, they have helped me much, much more.''

Before volunteering became her calling, Mrs. Campbell served 27 years as a Dietitian Assistant at Lower Richland High School and the Midlands Center. Now widowed, she was the devoted wife of Thomas Campbell for 48 years and the mother of two. She is a member of Mt. Elon Baptist Church in Horrell Hill.

Mr. Speaker, I ask that you and my colleagues join me in honoring Margaret Campbell for her selfless dedication to senior citizens across South Carolina. I commend her on receiving the Andrus Community Service Award, and wish her good luck and Godspeed.

IN RECOGNITION OF ARNIE AND SHARON HYMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ENGEL. Mr. Speaker, I rise today to honor two wonderful people who have dedicated their lives to making the Bronx and New York City a better place. In fact, Arnie and Sharon Hyman have more than 70 years of combined community service. Over the years I have worked with both Arnie and Sharon in many community and political efforts. They are now retiring, but I am sure will continue to be an important part of our community.

Born on the 4th of July of 1947, Sharon Lynn Blank Hyman is a true American public servant. She attended Hunter College during her undergraduate years and obtained her Masters in Library Science at Columbia University. She began her career as a children's librarian in 1969 at the Westchester Square Branch Library, the place where she met her husband. While working at the New York City Board of Education, Sharon devoted much of her love and care to her three children. She worked for more than a dozen years as a substitute teacher and then as a school librarian at Middle School 206B. These many years of dedication and passion for her work have made Sharon Hyman a loved and admired citizen of the Bronx.

Arnold Shalom Hyman, a Bronx native himself, also made significant contributions that won him the affection of the Bronx community. He received his Associates Degree in Business Retailing from the Bronx Community College, his Bachelor's Degree from Long Island University, and his Master's Degree in Library Science from Queen's College. After 38 years of experience at the New York Public Library, Arnie became the regional branch librarian at the Kingsbridge Library Center. He has also led the longest running community book discussion group in the Bronx. His service also extends to his participation in the Pelham Reform Democratic Club and the community board meetings of Riverdale. Additionally, Arnie served as President of the Community Center of Israel and as an active member of the New York Library Association.

This couple exemplifies the integrity of the American family. They have three children Amy, Elena and Stefan. I would like to join them and all their relatives and friends in congratulating them and wishing them well in their retirement.

LATINO COMMUNITY'S ACCOMPLISHMENTS DURING HISPANIC HERITAGE MONTH

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to recognize the many contributions made by the Latino community to our nation. As we celebrate Hispanic Heritage Month, it is fitting that we pay tribute to America's diversity and celebrate the role that immigrant communities played in the history of our nation.

Millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba and other Caribbean regions, Central America, South America and Spain, in search of freedom and the opportunity for a more prosperous future. They brought with them a commitment to family, a strong work ethic and a firm belief in the American Dream.

Hispanic culture continues to shape the American experience, During this month, let us recognize the important contributions Hispanics have made socially, economically and politically, including the vibrant Hispanic American spirit that has influenced our nation's art, music and cuisine. One of the most significant contributions made by Latinos is to our national defense. Hispanics fought for the United States in every war and approximately 80,000 men and women are currently on active duty.

Latinos are also the fastest growing segment of the U.S. population, currently representing 12.5% of the total population. More than 30 million Americans claim Hispanic origin. I represent Massachusetts' 8th Congressional District, where more than 15% of my constituents are Hispanic. That number continues to grow. In a Nation that derives its strength from many cultures and races, Hispanic Americans are a thriving force in our society and a vital part of our economy.

This month and always, let us celebrate the talents, culture and spirit Hispanic Americans have brought and continue to share with this great nation.

REGARDING BOB WHITE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a giant in the South Texas community and a unique American patriot, Bob White, a legendary pioneer in broadcasting in the Coastal Bend, upon the occasion of his retirement.

The General Manager of KIII, Channel 3, in Corpus Christi, Texas, Bob is a broadcast veteran, having spent 33 years in Corpus Christi. After service in the United States Navy, Bob dedicated his entire career to Texas broadcasting.

In 1977, he won the prestigious Abe Lincoln Award, an award presented annually to one television manager in the United States for excellence in broadcasting. He later served as President of the Texas Association of Broadcasters.

After beginning his broadcasting career in radio, he eventually spent 33 years in Corpus Christi television, setting the pace for excellence and telling the stories about numerous memorable events. In 1970, KIII–TV was cited for the excellent coverage and public service in telling the stories and showing the pictures of Hurricane Celia which so damaged the South Texas area. KIII used portable generators and car lights to power and light the pictures; they were up for two days before any other station joined them on the air.

A consummate businessman, Bob understood the value and dynamic of the Hispanic consumer long before the Census did. He followed Hispanic stories, and nurtured the Domingo Pena Show in the latter years of the 20th Century, the only Hispanic television program in South Texas for a long time.

The Domingo Live program is still broadcast each Sunday and is the longest running live, local Spanish language program in America. KIII sits proudly atop the TV ratings in Corpus Christi in very large measure due to the inspired following KIII acquired in the years Bob pursued Hispanic stories.

A native Texan, his proudest achievements are his 3 children, 4 grandchildren, and his 42-year marriage to his wife, Joyce. Bob is a pillar of our community. He has hosted and organized the Driscoll Foundation Children's Hospital Children's Miracle Network Telethon at KIII which began in 1985 and raised nearly $1.5 million dollars in 2002. Bob is an invaluable member of the Chamber of Commerce, the Convention and Tourist Bureau, the Art Museum of South Texas, and numerous other South Texas service organizations.

Bob began his broadcasting career in Port Arthur, Texas, then moved to Bryan-College Station, Texas. In 1961 he went to Houston; in 1967 he moved to Fort Worth; then in 1969 he came to Corpus Christi. His journey from radio to TV came via KIII–TV. He became General Manager in 1972.

I ask my colleagues in the House today to join me in commending the broadcasting career of a pioneer in South Texas television, Bob White.

THE STATE OF FAMILY FARMS

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. PHELPS. Mr. Speaker, I rise today to state that I am very proud to represent the very best of America, the heartland, central and southern Illinois, where family farms and other family owned businesses do more with less.

Recently, I was privileged to speak to a group of farmers about the new Farm Bill and other agricultural issues such as ethanol, biodiesel and value-added products, which will serve to diversify our economy and tax base. I was impressed with the attendance and views of the young people, who offered valuable input at the meeting. They are deeply concerned with the future, and what it holds for them on the family farm.

I want to commend Shana Renae Stine for presenting a quality statement in a speech she created and delivered about changes to save family farms. This work is a very impressive collection of thoughts that clearly come from her heart. I would like to congratulate her on winning awards for this outstanding masterpiece.

LOSING FAMILY FARMS—TIME FOR CHANGE

(By Shana Stine)

Two years ago, I had the opportunity to go with my uncle to ''Rally for Rural America'' in Washington, D.C. We joined 3,000 other family farmers and Rural Americans with the hope to sway our congressperson toward helping agriculture. I really didn't understand why I was there. I just wanted to go sightseeing. As my luck usually goes, it rained the whole time, making sightseeing impossible. Instead, I was stuck listening to politicians and farmers speak about things that were way over my head. At first I hated it; I wished I'd stayed home. But as the day went by, I heard story after story of families losing their farms. I saw grown men cry and my heart went out to them. I may not have understood why I was there, but I understood pain and suffering, and I knew something needed to change.

America was based on agriculture. The lives of some of the first people here, like Indians and Pilgrims, depended on working the soil. And now we are losing one of our greatest traditions. The U.S. Department of Labor stated, ''Of all occupations in America, farming is facing the greatest decline.'' The U.S. Department of Agriculture recently projected net farm income to decline by 20 percent in 2002 (about $9 billion) on top of the 25 percent income drop that has occurred since 1996. Another report by the U.S. Department of Labor projected farming and ranching to lose more jobs than any other economic sector in America during the next 10 years. And if that's not bad enough, in November, USDA reported the largest single-month drop in prices since it has been keeping records—over 90 years. Our roots are embedded in agriculture and now they are being turned over and disposed of.

In 1920, more than 30% of the Illinois population lived on farms. By 1960 the percentage dropped to 7.5. From 1960 to 1990, that percentage shrank to 1.6%, and, in the last ten years, it has fallen below 1%. As Illinois loses farmers, so does all of America. On average, 50 American farmers go out of business every day and 16,000 go out of business every year. It has been calculated that 300,000 farmers went out of business between 1979 and 1998. And in the last 10 years, America lost another 155,000 farms. According to the USDA National Agriculture Statistics Service, there are only 1.91 million farmers remaining in the U.S. That's the lowest number of farms in the United States since 1850. A major source of pride and income that our country has valued from its infancy is now disappearing in front of our eyes at a remarkable speed.

One of my favorite songs is American Farmer by Charlie Daniels. My favorite line in the song is ''You better wake up America, wake up America, cause if the man don't work, then the people don't eat!'' Isn't that the truth? America can't afford to lose 50 farms a day. Farmers generate 15% of the Gross Domestic Product and 1 trillion dollars in economic activity each year. The U.S. is the world's largest agriculture exporter.

So what is causing all of this? One of the biggest factors of the loss of family farms in America is low market prices and high expenses. The market prices now are extremely low. Market prices have dropped every year since the last farm bill was approved. Farmers are getting roughly half of the prices they were receiving in 1996 and it can only get worse without a new farm policy. Currently, these prices are 35–50 percent lower than they were 15 years ago. And the price to operate a farm is off the scale. Fertilizer, tractors, combines, machinery—All of these cost more money than ever.

Another contributor to these problems is corporate farms. They are invading America. Listen to these numbers:

Two percent of farms produce 50 percent of agricultural product sales.

Of the remaining hog farms, 2 percent control nearly half of all hog inventory.

79% of all cattle are controlled by just 4 companies.

98% of all poultry is produced by huge corporations.

Four firms control 82 percent of beef packing, 75 percent of hogs and sheep, and half of chickens.

Corporate farms make up only six percent of farmers, but they take 60 percent of all farm receipts.

Can't you see it? The numbers are right in front of you. Corporate farms are taking over America.

Another sometimes overlooked problem is the small number of new farmers. At no other point in the history of U.S. agriculture, have we faced such a wide generational gap in farm participants. Twenty-five percent of all farmers are 65 years of age and older. Nearly half of all farmers are over age 55, while just 8 percent are under age 35. No one wants to come back and farm. Do you blame them? The state agriculture is in right now is pathetic. In 1998, farmers earned an average of only $7,000 per year from their farming operations. Most family farmers must work jobs off the farm just to make ends meet. 88 percent of the average farm operator's household income comes from off-the-farm sources, Who wants to come back to the farm when they can work in town for twice the money and half the labor?

So what can be done? That's what everyone wants to know. A start would be getting the government to stop hurting family farmers and start helping them. We need a farm bill that is good for family farmers. Something far different than the 1996 FAIR Act, or Freedom to Farm Act. It was drawn up with the supposed intention of leveling the playing field by removing public regulations and allowing the market to dictate the farm industry. It eliminated commodity price support programs. Prices plunged in 1997 and farmers had no safety net. Congress passed an emergency aid proposal, and since then the government has paid farmers billions of more

dollars to make up for low prices. Yeah that's great, but if the prices were better then we wouldn't have to deal with this.

Now it's time for a new farm bill The House passed their version in October and the Senate passed theirs this month. There are several differences in the two bills. The House bill would spend about $36 billion over five years and the Senate bill would spend $44 billion in five years. The Senate has payment limitations, which would restrict large farms from receiving huge amounts of money from the government, and a ban on meatpackers owning livestock more than two weeks before slaughter. The House bill spends more on a farm safety net than the Senate bill. The House and Senate each have a committee and they are going to come up with a farm bill that everyone can agree with. They plan on meeting and coming up with a bill by Easter, before Congress recesses.

Something that every citizen can do, and should do, is write his or her congressperson. President Eisenhower once said, ''Farming looks mighty easy when your plow is a pencil, and you're a thousand miles from the cornfield.'' Tell your congressperson how much agriculture affects you. Let him or her know that you support the farm bill. Convince him. Sway him. Just let him know you are out here.

I live on a fifth-generation farm. Farming is all we have. Without it, we have nothing. My grandpa, my uncle and my father—farming is all they know. My brothers want to come back and farm, but will they be able to and will they even want to? Will the market prices be too low and the price to farm too high? Will a corporate farm buy us out? Losing a farm is not like losing a job; it is losing both your livelihood and your home. It's a way of life that is unique and it cannot simply be replaced with something else, because there is nothing else like it.

Something has to change or we can kiss agriculture goodbye not only on my farm, not only in Illinois, but in America. Something has to be done. It's time for change.

INDIVIDUAL AND SMALL BUSINESS TAX SIMPLIFICATION ACT OF 2002

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HOUGHTON. Mr. Speaker, today I am introducing a bill, the Individual and Small Business Tax Simplification Act, to address an ever-increasing problem. In 1935, there were 34 lines on Form 1040 and instructions were two pages. Today, there are well over 13,000 pages of forms and instructions. The tax code and regulations have mushroomed to over 9 million words. Approximately eighty-percent of the paperwork burden of the entire federal government is related to tax compliance, and the extent of this burden is staggering. In 2001, individual taxpayers spent an estimated 2½ billion hours on federal tax compliance. Businesses spent an additional 2 billion hours. The value of this lost time is incalculable, but it does not even include the economic cost of decisions based on a faulty understanding of the law. Nor does the 4½ billion hour total include time spent on planning. An added cost of complexity is that it undermines voluntary compliance. It is a haven for promoters of dubious schemes and it often produces unintended consequences.

There are legitimate reasons for some of this complexity. Defining income in a manner that is fair and easy to administer is inherently complex, and, it must be acknowledged, any tax measured by income—even a flat tax—must reflect the way income is earned in a complex economy such as our own. But, for a variety of reasons, the tax code has become far more complicated than necessary. In many cases, there is a clear answer to the question of whether a rational person would design a tax provision the same way from a clean slate. The objective of the legislation I am introducing today is to roll back this sort of complexity. One or more of the bill's provisions would simplify annual filing for every individual taxpayer.

This legislation builds on a bill that I introduced in the 106th Congress, the Tax Simplification and Burden Reduction Act. The Ways and Means Subcommittee on Oversight has held numerous hearings on tax simplification, and the bill draws on the record built at those hearings. Several of the provisions of this legislation appeared first as recommendations in the Joint Committee on Taxation's April, 2001 report, and the staff of the Joint Committee on Taxation has helped to refine all of the proposals contained in the bill. Other provisions originated with the work of the Tax Section of the American Bar Association and the American Institute of Certified Public Accountants. I welcome comments from other individuals and organizations on the bill and other simplification measures.

Our future as a nation depends on our ability to raise revenue in a manner that is fair and equitable. The Internal Revenue Code must be simplified to restore faith by all taxpayers in our tax system.

The proposal includes the following provisions:

I. INDIVIDUAL INCOME TAX SIMPLIFICATION

Alternative Minimum Tax—Inflation has caused many middle-income taxpayers to be subject to AMT by eroding the value of the AMT exemption. Rising state and local taxes have added to the problem, because state taxes are not deductible in calculating taxable income for AMT purposes. The failure to allow a state and local tax deduction for AMT purposes is one of the most unfair aspects of the Internal Revenue Code. It results in double taxation of income, and it forces taxpayers who live in states with higher income taxes to bear a larger percentage of the federal tax burden than those who live in states with lower taxes or no tax. If we allow the AMT to remain unaddressed, this unfair and inequitable disparity will worsen over time.

As a result of inflation, the Joint Committee on Taxation predicts that more than 35 million will pay AMT within ten years. Currently, AMT affects less than 2 million taxpayers. A recent study by the Urban-Brookings Tax Policy Center confirms this finding and further notes that if left unattended the AMT will shift a substantial portion of the tax burden of this country to urban and suburban middle-class taxpayers. Congress would not design a system with these features deliberately, and we should not allow it to happen by default.

Under the proposal, the AMT exemption would be adjusted for inflation since the date it was enacted and indexed for inflation in future years. State and local taxes would become fully deductible under the new AMT. The effect of these changes will be to restore AMT to its intended purpose and stop its growth.

Replace Head of Household Filing Status with New Exemption—Head of Household filing status has long been a leading-source of taxpayer confusion and mistakes during the filing season. In 2000, the IRS fielded over half a million taxpayer questions on filing status. An error on filing status can have consequences throughout the return, and it can lead to costly interest and penalty charges later on. To address this problem, the bill replaces Head of Household filing status with a $3,700 ''Single Parent Exemption.'' This amount will be indexed. The proposal, as a whole, is revenue neutral.

The bill achieves further simplification by cross referencing the new uniform definition of a qualifying child.

Simplified Taxation of Social Security Benefits—Under present law, determining whether and how much social security benefits are subject to tax is a highly involved process that requires the completion of an 18 line worksheet. Many taxpayers are not eligible to use this worksheet, and they must refer to a 27 page publication.

The bill would simplify the calculation by repealing the 85% inclusion rule that was enacted in 1993. This alone would remove 6 lines from the Form 1040 worksheet. Going further, the proposal would index the 50% inclusion rule for future inflation, and greatly simplify the calculation of income for purposes of this rule. Tax exempt interest will no longer be required to be added in the calculation. Indexation will mean that fewer taxpayers will be required to complete the calculation and include benefits in income.

Simplify Capital Gains Tax—Under present law, there are seven different capital gains rates that apply to various kinds of dispositions of property. There are special rates for taxpayers in lower tax brackets, for property held five years or more, and for gain on collectibles. Before 1986, there was one rule: 50% of capital gains are deductible. For any investor who has struggled to fill out Schedule D of Form 1040, it will come as welcome news that the bill proposes a return to the system in place prior to 1986.

No taxpayer will pay a higher capital gains rate under this proposal. By definition, the capital gains rate that individuals pay will be no more than one-half of their marginal income tax rate. Therefore, this proposal preserves the progressivity that is accomplished by a rate structure under current law, and the maximum rate will be no more than one-half of the highest marginal income tax rate. Thus, the maximum effective capital gains rate would be 19.3% in 2003, and an individual in the 10% bracket would have a 5% capital gains rate.

Repeal of 2% Floor on Miscellaneous Itemized Deductions—The bill follows the recommendation of the Joint Committee on Taxation that the 2% floor on miscellaneous itemized deductions should be repealed. This provision was originally enacted in 1986 to ease administrative burdens for the IRS and record keeping burdens for taxpayers.

Instead of easing taxpayers' burdens, it has caused extensive litigation and controversy over such matters as whether an individual is properly characterized as an employee or an independent contractor. It has also resulted in disparate treatment of similarly situated taxpayers. For example, an employee whose job requires him to pay out of pocket for travel,

professional publications, or education is disadvantaged compared to a taxpayer in a similar job whose employer reimburses such items.

Simplify Taxation of Minor Children—This provision would eliminate the current restrictions on adding a minor child's income to the parent's return. A parent could freely elect to include the income of a child under 14 on his or her own tax return, regardless of the character and amount of the child's income. Parents and children would retain the ability to file separate returns, but the unearned income of a minor child would be subject to tax at the rates applicable to trusts. The single filing rate structure would continue to apply to the child's earned income.

Simplify Dependent Care Tax Benefits—The bill would conform differences between the Dependent Care Tax Credit and the Exclusion for Employer-Provided Dependent Care Assistance. The two programs serve identical purposes, but their rules are different. Under this proposal, the dollar limit on the amount creditable or excludable would be increased to $5,500, and the percentage creditable would be increased to 35%. These provisions would be further simplified by a cross-reference to the new uniform definition of a qualifying child.

Accelerate Repeal of PEP and PEASE—The bill would accelerate and make permanent the repeal of the overall limitation on itemized deductions (PEASE) and the personal exemption phaseout (PEP). These provisions add complexity and complicate planning for millions of taxpayers. The Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) repeals these provisions over a period of years from 2006 to 2009, but, because of EGTRRA's sunset provisions, PEP and PEASE spring back to life in 2011.

Uniform Definition of a Child—One of the most challenging and difficult problems that taxpayers face each year is to navigate the multiple definitions of a qualifying child for the dependent exemption, the child tax credit, the dependent care credit, the earned income tax credit, and for purposes of determining head of household filing status. The bill would establish a uniform definition of a child based on the residence, relationship, and age of the child. The Proposal would replace the rule that requires taxpayers to prove that they provide more than one-half of a child's support with a preference for the parent who provides housing for the child for more than one-half of the year. In addition, the bill would establish that means-tested government benefits are generally disregarded in determining eligibility for tax benefits.

Combine HOPE and Lifetime Learning Credits—Like the dependent care credit and the exclusion for employer provided dependent care assistance, the HOPE and Lifetime Learning Credits (LTL) serve nearly identical purposes, but they have different rules. The LTL credit is a per-taxpayer credit, and it applies on up to $10,000 of qualifying, education expenses. The HOPE credit is a per-child credit, and it applies with respect to the first $2,000 of qualifying education expenses incurred during the first two years of post-secondary education. Both credits are for higher education, but taxpayers face a challenge to determine which credit is best for their circumstances. The bill would merge the two credits, providing a credit for one-half of the first $3,000 of post-secondary education expenses. This credit would apply on a per-child basis, and it would not be limited to the first two years of post-secondary education.

Uniform Definition of Qualifying Higher Education Expense—The bill adopts the recommendation of the Joint Committee on Taxation that there should be a uniform definition of higher education expense for purposes of the various education tax benefit programs. The varying definitions that exist in current law greatly complicate the task of determining which education benefit is best for the taxpayer.

II. SMALL BUSINESS TAX SIMPLIFICATION

Uniform Passthrough Entity Regime—This provision would combine the benefits of Subchapter S (S corporations) and Subchapter K (Partnerships) of the Internal Revenue Code in a single, unified passthrough entity regime based on Subchapter K. While at one time, Subchapter S provided the only avenue for prospective investors to avoid the corporate-level tax while retaining a full liability protection, the emergence and broad acceptance of limited liability companies (LLCs) has provided investors with an alternative. There are now two separate, fully-articulated passthrough entity regimes.

Maintaining two separate passthrough entity regimes is expensive and unnecessarily complicated. It increases costs both for taxpayers and for the IRS. At a time when the IRS is striving to train its auditors to understand passthrough entities, and a new class of investors is struggling to understand the pros and cons of the two regimes, the time is ripe to rationalize this most complex area of the Internal Revenue Code by reconciling Subchapter S and Subchapter K.

The objective of the proposal is to establish a single passthrough entity regime that preserves the major benefits of Subchapter S and Subchapter K. Domestic corporations that are not publicly traded would have a new election to be treated as a partnership for federal tax purposes, and the S election would be repealed. The proposal would therefore endorse, and extend, the 1996 Check-the-Box regulations to allow state law corporations to elect partnership status. Existing S corporations would be permitted to continue as S corporations for ten years at which time they would be required to elect partnership or corporate status.

So as not to undermine the corporate tax that will remain applicable to publicly traded corporations and other entities that elect to be taxed as corporations, a corporation that elects partnership status with undistributed earnings and profits will be required to track distributions of earnings under rules similar to IRC Section 1368. Similarly, electing corporations (including S corporations) with appreciated assets will be required to pay a built in gains tax if they sell or dispose of such assets within the first ten years after the election. However, corporations (including S corporations) that elect partnership status will not be required to recognize entity-level gain as a result of the election. The 8 proceeds of built in gain transactions will be added to historic earnings and profits and not currently taxed to the partners.

Consistent with the overall objective of preserving the benefits of Subchapter S, the proposal will establish a means for passthrough entities to engage in tax free reorganizations with entities classified as corporations. Under the proposal, a partnership engaged in an active trade or business may contribute substantially all of its assets to a new corporation and immediately thereafter engage in a tax free reorganization.

The bill would also adopt a recommendation of the American Institute of Certified Public Accountants and the American Bar Association that the definition of earnings from self-employment should not include the portion of a partner's distributive share that is attributable to capital. This proposal contains reasonable safe harbors and it would eliminate the disparate treatment of limited partners, S corporation shareholders, and limited liability company members. The current rules can only be described as a historical anachronism and a significant trap for the unwary. Additionally, the bill would adopt the recommendation of the Joint Committee on Taxation that the electing large partnership rules should be eliminated.

Some may argue that by repealing the S election, the proposal forces more taxpayers to contend with a more complex tax regime, but this is generally not true. If there is a demand, investors can create an investment vehicle with all the features of an S corporation by contract or they may select a state law business form that restricts flexibility, such as a corporation or close corporation. This would eliminate nearly all of Subchapter K's feared complexity. The relative complexity of Subchapter K stems from its greater flexibility. The proposal allows investors to regulate the level of tax complexity by voluntary agreement among the investors or through the investors' choice of a state law business entity.

Increase Section 179 Expensing Limit—The bill would increase the limit on expensing to $25,000 in the tax year after enactment and to $40,000 after 2012. This measure will greatly reduce complexity for many small businesses by minimizing controversy over whether an item should be expensed or capitalized.

Rollover of Property Held for Productive Use or Investment—Present law strongly favors sophisticated taxpayers over ordinary small business owners in the execution of like-kind exchange transactions. Thirty-seven pages of the Code of Federal Regulations is devoted to the topic of like-kind exchanges, and a library could be filled with the court decisions, revenue rulings, and letter rulings that Section 1031 of the IRC has engendered. Attorneys and exchange facilitators must execute hundreds of thousands of pages of documents each year to comply with the formalistic rule that prevents the owners of like-kind property from receiving cash in a like-kind exchange transaction.

There is a simple way to eliminate this paperwork: repeal the limitation on sales for cash and allow a like-kind exchange within 180 days before or after the disposition of relinquished property. The bill does this.

Repeal of Collapsible Corporation Rules—Finally, the bill would repeal the collapsible corporation rules that linger in the tax code as a trap for the unwary. These rules were enacted to prevent an abuse that has not existed since the repeal of the General Utilities doctrine. The repeal of these rules is long overdue.

I urge my colleagues to join me in cosponsoring this legislation.

CONFERENCE REPORT ON H.R. 2215, 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the establishment of a Violence Against Women Office in H.R. 2215, the Department of Justice Authorization Conference Report. The establishment of a strong office that will have jurisdiction over all matters related to violence against women is long overdue. I am pleased to know that this office will have access to the highest levels of Department of Justice policy making and will have a director who is appointed by the President. I hope the President will make a thoughtful decision and use this opportunity to appoint a director who is a true advocate for women's safety, not just a figurehead. Violence against women is one of the most serious problems in this country today, and we need to have strong laws, adequate resources, and effective enforcement efforts in order to combat it. I believe the establishment of this office is a step in that direction.

In addition, if we are serious about helping women who have been victims of domestic violence and sexual assault, it is critical that we provide them with the resources they need to escape the violence. I urge my colleagues to appropriate funds to the Department of Housing and Urban Development for transitional housing programs for women and their children who have been victims of such violence. I have introduced H.R. 3752, the Domestic Violence and Sexual Assault Victims Housing Act, which would authorize $50 million for FY 2003 for such a program. This bipartisan legislation currently has 112 cosponsors. It is crucial to provide a stable, sustainable home base for women who have left situations of domestic violence and are learning new job skills, participating in educational programs, working full-time jobs, or searching for adequate child care in order to gain self-sufficiency. Transitional housing resources and services provide a continuum of care between emergency shelter and independent living.

It is time that we make ending violence against women a national priority. I believe the establishment of a strong Violence Against Women Office is an important step in the right direction.

ON THE RETIREMENT OF LEROY SMITH

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ISRAEL. Mr. Speaker, I rise to pay tribute to an exemplary member of the Long Island community.

The Suffolk County Police Department consistently shows us the best and most heroic that Long Island has to offer. For thirty-two years Detective LeRoy Smith has been a commendable member of that department. During a career that has spanned three decades, Detective Casey has served on numerous high-profile cases. In 1992 he was transferred to the Homicide Squad where he helped put some of the most abhorrent criminals behind bars. He worked on the TWA Flight 800, Long Island Sniper cases and other important cases. He has made a lasting contribution to the safety of Long Island residents.

On August 5, 2002, Detective LeRoy Smith retired from the Suffolk County Police Department. He will be missed by his colleagues and by the community that has depended upon his hard work for so many years. I come to this floor so that I may offer my congratulations and best wishes to Detective Smith.

Mr. Speaker, Long Island owes a debt of gratitude to Detective LeRoy Smith.

TRIBUTE TO ERNIE HARWELL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. KNOLLENBERG. Mr. Speaker, today I introduce a resolution to congratulate Ernie Harwell. On September 29, 2002, Mr. Harwell signed off for the last time as the ''voice of the Detroit Tigers.''

For over forty years, Ernie Harwell has brought the Detroit Tigers alive for those who could not make it to the ballpark. Since 1960, people all over Michigan and the Great Lakes region have been able to listen to Mr. Harwell on the radio or television. In that time, Ernie Harwell has become synonymous with baseball, like hot dogs, peanuts, and Crackerjack.

As a child, Ernie Harwell overcame a speech impediment and made his first mark in the sports world by writing for ''The Sporting News''. As a sixteen year old, he was assigned as the correspondent to the Atlanta Crackers. In 1948, he became the only broadcaster to be traded for a player. The Brooklyn Dodgers sent Cliff Dapper to the Atlanta Crackers in exchange for Ernie Harwell. Since then, Mr. Harwell has broadcast games for the Brooklyn Dodgers, New York Giants, Baltimore Orioles, and the Detroit Tigers. Amazingly, in those 55 years, Mr. Harwell missed only two games.

Ernie Harwell has been inducted into the Radio Hall of Fame, the National Sportscasters Hall of Fame and the Michigan Sports Hall of Fame. He has been named the Michigan Sportscaster of the Year 17 times. In 1981, Mr. Harwell became the first active broadcaster to be inducted into the Baseball Hall of Fame in Cooperstown, New York.

Throughout the 2002 baseball season, Ernie Harwell has been recognized as one of the true greats of the game. He has been honored with pre-game ceremonies. He has thrown out first pitches. In Cleveland, the visitor's press box was renamed ''The Ernie Harwell Visiting Radio Booth.'' September 15, 2002, was ''Ernie Harwell Day'' at Comerica Park in Detroit.

While Ernie Harwell is leaving the radio booth, he plans to remain active in the Detroit community. Mr. Speaker, I wish Ernie Harwell and his wife, Lulu, health and happiness as they pursue their future endeavors.

TELEVISION CONSUMER FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce the Television Consumer Freedom Act, legislation repealing regulations that interfere with a consumer's ability to avail themselves of desired television programming.

My office has received numerous calls from rural satellite and cable TV customers who are upset because their satellite or cable service providers have informed them that they will lose access to certain network television programs and/or cable networks. The reason my constituents cannot obtain their desired satellite and cable services is that the satellite and cable ''marketplace'' is fraught with government interventionism at every level. Cable companies have historically been granted franchises of monopoly privilege at the local level. Government has previously intervened to invalidate ''exclusive dealings'' contracts between private parties, namely cable service providers and program creators, and has most recently assumed the role of price setter. The Library of Congress has even been delegated the power to determine prices at which program suppliers must make their programs available to cable and satellite programming service providers.

It is, of course, within the constitutionally enumerated powers of Congress to ''promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.'' However, operating a clearing-house for the subsequent transfer of such property rights in the name of setting a just price or ''instilling competition'' via ''central planning'' seems not to be an economically prudent nor justifiable action under this enumerated power. This process is one best reserved to the competitive marketplace.

Government's attempt to set the just price for satellite programming outside the market mechanism is inherently impossible. This has resulted in competition among service providers for government privilege rather than the consumer benefits inherent to the genuine free market. Currently, while federal regulation does leave satellite programming service providers free to bypass the governmental royalty distribution scheme and negotiate directly with owners of programming for program rights, there is a federal prohibition on satellite service providers making local network affiliates' programs available to nearby satellite subscribers. This bill repeals that federal prohibition and allows satellite service providers to more freely negotiate with program owners for programming desired by satellite service subscribers. Technology is now available by which viewers will be able to view network programs via satellite as presented by their nearest network affiliate. This market-generated technology will remove a major stumbling block to negotiations that should currently be taking place between network program owners and satellite service providers.

This bill also repeals federal laws that force cable companies to carry certain programs. These federal ''must carry'' mandates deny

cable companies the ability to provide the programming desired by their customers. Decisions about what programming to carry on a cable system should be made by consumers, not federal bureaucrats.

Mr. Speaker, the federal government should not interfere with a consumer's ability to purchase services such as satellite or cable television in the free market. I therefore urge my colleagues to take a step toward restoring freedom by cosponsoring my Television Consumer Freedom Act.

HONORING KEN MEYER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BLUNT. Mr. Speaker, I rise today to honor Ken Meyer, a Southwest Missourian who has championed his alma mater, volunteered his leadership to worthy causes and has entertained and informed the region via radio. Though his voice is not on the radio, his stations have been a long-trusted source of information about government, politics, business and sports for more than four decades.

Ken and Jane Meyer have had a passion for radio, Southwest Missouri State University (SMSU) and each other. Their marriage partnership began in 1959. This partnership has paid great dividends to SMSU, and the success of their radio properties has enriched the lives of countless people in our region. Sadly, Jane passed away earlier this year.

Ken Meyer graduated from what is now Southwest Missouri State University in 1950 after serving two years in the military at the end of World War II. Mt. Vernon High School graduates, Ken and Jane got into the radio broadcasting business when KTXR–FM went on the air in 1962. It was a gamble in the early 60s. FM radio was new and there were few receivers. AM radio ruled the air waves then, but the Meyers were in the vanguard of change. By the 1980's FM radio had established its dominance. Today, Meyer Broadcasting has stations in four markets, but the flagship station remains in Springfield.

Ken and Jane made their broadcasting stations a great success. With the ''Gentle Giant'' as they dubbed KTXR, Ken and Jane developed close ties with their listeners by broadcasting St. Louis Cardinal's baseball, big band hits and easy listening music.

Ken also uses his radio power to promote SMSU. For example, his radio stations became some of the first to regularly broadcast women's college basketball, along with the men's schedule.

The Meyers have shared their good fortune with charitable groups and with SMSU, which named Ken their ''Outstanding Alumni'' in 1985. The Meyers have established endowments for academic and athletic scholarships. They are givers to capital projects on the campus including the David Glass Hall, Juanita Hammons Hall for the Performing Arts, the Wehr Band Hall, and the Robert Plaster Sports Complex. Earlier this year, the Kenneth E. and Jane A. Meyer Foundation provided funding for a carillon that was added to an expansion of the university's library. Dedicated in the name of Jane Meyer, the 48-bell (four octaves) musical instrument sits atop a 140 foot tall bell tower on the campus.

Ken continues to give of his time to important personal priorities. He has served on the Blue Cross-Blue Shield of St. Louis Board for 15 years and has been a longtime member of the Board of Trustees for Westminster College. He also established a foundation at Covenant Presbyterian Church where he is a long time member. He has served on the Cox Health System Board of Directors, was a founder of the First City National Bank and was a Regent at Southwest Baptist University.

Ken's philosophy may be best captured in a Vince Lombardi poster that declares ''Winning is a habit.'' Ken Meyer has certainly lived a life as a champion of causes. He may be the most enthusiastic supporter that Southwest Missouri State University has ever had.

On the occasion of Ken's 75th birthday on October 14, I wish to thank him for his untiring work for the community and alma mater; thank him for the beautiful music originating from the Jane Meyer Carillon; and thank him for bringing dependable information and entertainment to his countless listeners.

H.R. 4874

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. OTTER. Mr. Speaker, I introduced H.R. 4874 to correct 122-year-old survey errors along Spirit Lake and Twin Lakes in northern Idaho. The bill requires the Bureau of Land Management to conduct a new survey of the lakes to correct errors identified in the original 1880 survey and directs the Secretary of the Interior to disclaim any Federal interest in lands.

For over one hundred years, individuals have owned land around the beautiful lakes located in Idaho's Kootenai County. However, ownership now is in question for more than 400 people who bought the land and pay taxes on the property. H.R. 4874 will correct that problem.

In 1880 John B. David, a surveyor under contract with the General Land Office, grossly misrepresented portions of the actual lakeshore around Spirit Lake and Twin Lakes. In some places the meander lines along the shore are up to a mile and a half away from their actual location. No one noticed the inaccurate survey when the land was originally patented, and no one caught the mistake over the years as the land changed hands. In the meantime, the shorelines of these popular lakes have become heavily developed.

It was not until recently that Kootenai County Surveyor discovered the problem. County officials have expressed concern over their inability to approve and regulate new developments, surveys, and permits due to the inaccuracy of the original government survey. The problem will only worsen as the lakes become more developed.

Under current law, the Bureau of Land Management is required to conduct a resurvey of the actual meander of the lakes. The lands between the old incorrect meander line and the new meander line would become omitted land and would revert to federal ownership. Property owners would be required to repurchase, at fair market value, the land they believed they owned for over 100 years, as well as pay for survey and administrative costs. That is simply not fair. These individuals bought the land in good faith and the government should not be allowed to take it from them simply because of a survey error over 120 years ago.

My legislation corrects the problem by creating a solution that retains the correct ownership situation without placing the expense of correcting it on the affected property owners. H.R. 4874 allows BLM to issue a ''disclaimer of interest'' in the affected lands so title companies and Kootenai County can proceed with ownership related matters surrounding clear title. The legislation also authorizes the necessary funding for BLM to conduct a new survey and perform the required administrative procedures.

Most of the property owners involved in this situation have a chain of title that goes back over 100 years. H.R. 4874 is really the only acceptable solution to the problem. I look forward to passage of this legislation into law.

SETPEMBER 11—ONE YEAR LATER

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HEFLEY. Mr. Speaker, America will never be the same as a result of September 11, 2001. The horrific events of that day dramatically changed the landscape of not only New York City and Washington, D.C., but also the entire civilized world. The images of commercial airliners plunging into symbols of American enterprise, economy and security will forever be seared on our individual and national memories. But, also vivid are the images of Americans' spirit of community, gratitude and generosity that have been demonstrated these past twelve months.

Through our heartache and sorrow, Americans joined together this year in an unprecedented show of strength and unity. The outpouring of patriotism and pride across the country is displaying itself in every conceivable way. The American flag is flying: large and small; cloth and paper; store-bought and handmade; the red, white and blue is everywhere. Americans opened their homes and wallets to care for the victims. Goods and services were donated to the victims and rescue workers at an almost unmanageable pace. Restaurants in New York and Washington opened their doors to feed the rescuers, people stood on street corners and handed food to passing firemen and companies donated pillows and blankets for weary workers.

The morning after the attack, a column appeared in the Miami Herald that spread across the Internet because it captured the thoughts and feelings of our nation so aptly. In it, the columnist described the ''vast and quarrelsome'' American family, one ''rent by racial, social, political and class division, but a family nonetheless.'' If the tragedy proved anything, it is that the American family is one that reaches out its hand to help another in need.

The tragedy also redefined the American hero and turned ordinary people into extraordinary Americans. After the first assault on the World Trade Center, New York City firefighters and policemen rushed into the building and

began saving lives—even as the buildings were collapsing. Yes, it was the job of firefighters to go into the buildings, but they could have reasoned that the buildings were going to collapse anyway, so why try. When the victims rushed out, they rushed in, and became heros in the process. Three hundred-forty three firefighters sacrificed their lives to save more than 25,000.

Our nation has had a resurgence of faith and spirituality. The tragedy caused people to reevaluate their core values and cling to their traditions. In one day, everything that we thought was meaningful and important slid to the wayside and we rediscovered fundamental beliefs about faith, family and freedom. If the terrorists had hoped to break the American spirit, they failed spectacularly.

We are now engaged in a war on terrorism and it is a war we will win. This is a struggle that concerns the whole of the democratic and civilized and free world. We will bring to account those responsible, and we will dismantle the apparatus of terror and eradicate the evil of mass terrorism in our world.

The cause that we are fighting is just and it is decent. No citizen, in any country, should live in fear of senseless terrorist attacks. On September 11, 2002, thousands of American civilians gave their lives for a cause they did not know. An attack against civilian targets of women and children, mothers and fathers, peaceful and without prejudice, is beyond comprehension in our modem, civilized world.

America responded to this crisis and emerged from the tragedy stronger and more determined. The course and duration of the conflict is unknown, but it's outcome is not. America will prevail and remain the greatest nation in the world.

CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in disappointment. The Continuing Resolution, House Joint Resolution 111, on the floor today is a slap in the face of the American people. Our constituents all over the country are counting on us to help them put food on the table, provide their children with the best education possible and to make them and their families safer. Despite the best efforts of Democrats, the Republican leadership of the House continues to let them down. It is inexcusable that this body has only passed five appropriations bills. What is even more disappointing is that the Labor/HHS/Education Appropriations bill has not even been brought to the House floor for a vote. The other body has passed its version of the bill, yet we continue to twiddle our thumbs at the expense of our children. The Senate's proposal would increase education funding in the President's budget by a little over $3 billion and would provide funding increases for Teacher Quality, Title 1, Head Start, and financial aid programs, and would restore funding for rural school programs. Instead of following in the Senate's lead, the House Republicans refuse to act on this issue.

The failure of the Republicans and the Administration to follow through on their commitment to education is disappointing. The ''No Child Left Behind Act'' was supposed to provide our children with the resources needed to obtain the best education possible, but, unfortunately, this has not happened. The law was touted as a way to prevent children from being ''trapped'' in failing schools but left behind may be thousands of unhappy parents and students. The President's budget of $50.3 billion in discretionary funding for FY2003 has stopped six years of steady progress in federal support to local schools dead in its tracks. Under his proposal, the overall education budget would only increase by 2.8 percent, barely enough to cover inflation. Our so-called ''Education President'' is doing the exact opposite of what he promised. He is leaving our children behind.

Unfortunately, the only version of the House Republicans' Labor HHS Education appropriations bill follows the President's budget request. The bill would freeze or reduce funding for most education programs, including the teacher quality, after-school, math/science partnerships, Safe and Drug-Free schools, bilingual education, Pell Grants, Gear-Up and TRIO programs. Funding for several important programs, including rural education and technology training for teachers would be completely eliminated. It also includes no resources to address the $127 billion crisis in school repairs. The bill cuts funding for the ''No Child Left Behind Act'' by $90 million from last year, resulting in 16,000 fewer teachers getting trained, 50,000 fewer children in after-school programs, and yet another year without the needed resources to turn around failing schools. The President and the Republicans continue to break their promises to the children of our country.

In my home state of Illinois, they are attempting to take away nearly $200 million needed to support the Title I grants program, which provides supplemental assistance to improve the educational attainment of low-achieving students, especially those in high poverty areas. Also, they are cutting nearly $600 million from IDEA funding, which is desperately needed to improve special education in Illinois. Finally, student debt is skyrocketing as college tuitions rise, making loan affordability critical. Despite this fact, the Administration's budget cuts the maximum Pell Grant, which provides up to $4,000 to low-income students to help with college tuition costs, to $3,600, $800 short of what is needed to keep pace with projected tuition hikes.

Mr. Speaker, this is not what I consider education reform. If we refuse to fund our educational system, then we are only cutting short the potential of our country's children and jeopardizing our nation's future. I urge my colleagues to listen to the millions of Americans out there and support a bill that follows the Senate's bill and not the President's budget. It is time to give our children the opportunities they deserve.

HOME SAFETY COUNCIL STUDY ON HOME INJURIES AND DEATHS

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. BURR of North Carolina. Mr. Speaker, unintentional home injuries have reached an unacceptable level, according to a new study by the Home Safety Council, and Americans need to be aware of the risks they face in their own homes. It may be surprising to some that these injuries are the leading cause of death for those between the ages of 1 and 44, and—other than illness—unintentional injuries are the number one cause of death in the United States.

The study, recently completed by the University of North Carolina, also shows us how unintentional home injuries hurt America's working families and our economy. Lost workdays for injured parents cost both employees and employers, not to mention driving up health care costs and raising dilemmas in providing childcare. These injuries cost Americans nearly $380 billion each year, and account for an estimated 10 percent of all visits to hospital emergency rooms.

We are forming a Congressional Home Safety Working Group in the next Congress that can directly address home safety issues on Capitol Hill and in Federal agencies. The working group will examine how the Federal Government can support home safety education and prevention activities. A year from now, we need to see a reduction in the number of unintentional home injuries. For some great suggestions on what Americans can do right now to protect themselves, visit *www.homesafetycouncil.org*.

I want to congratulate David Oliver, Executive Director of the Home Safety Council, for commissioning this monumental study; Dr. Carol Runyan, Director of the Injury Prevention Research Center at University of North Carolina at Chapel Hill for conducting the study; and Dr. Sue Binder, Director of the National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, for supporting this study and bringing Federal attention to this critical issue. I would also like to encourage my fellow colleagues to raise the level of attention to home safety issues on Capitol Hill and in Federal agencies.

MOUNT RAINIER NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 2002

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. DUNN. Mr. Speaker, I am introducing the Mt. Rainier National Park Boundary Adjustment Act. This legislation will enable the National Park Service to rebuild a road and popular campground located in the Northwestern corner of the park that has been devastated by years of reoccurring floods.

As a life-long Washingtonian, I appreciate the importance of maintaining our most treasured natural resources. Mt. Rainier National Park is one of the crown jewels of the national

park system. To enhance the enjoyment of the park, this legislation will allow visitors greater access to a temperate rainforest.

Unfortunately, the road leading into Ipsut Creek Campground is below the Carbon River in several spots, resulting in frequent road washouts. Consequently, it is difficult, if not impossible, for visitors to drive safely to the campground. With the boundary adjustment, the park will be able to move the campground to a more secure area and provide for safe travel.

To accomplish the boundary adjustment, land will be purchased from Plum Creek Timber Company and the U.S. Forest Service will transfer land to the National Park Service. In the end, the boundary adjustment will include approximately 1000 acres of both private and U.S. Forest Service land. This legislation will also allow the Secretary of the Interior to acquire land in the vicinity of Wilkeson, Washington for a visitor's center. This center will provide vital information to people accessing Mt. Rainier National Park in the Carbon and Mowich Corridors.

I look forward to working with the Resources Committee and my colleagues to enact this boundary adjustment.

ON THE RETIREMENT OF BERNADETTE CASEY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ISRAEL. Mr. Speaker, I rise to pay tribute to an exemplary member of the Long Island community.

The Suffolk County Police Department consistently shows us the best and most heroic that Long Island has to offer. For 20 years, Bernadette Casey has served as a valuable member of that department. During that two-decade tenure, Ms. Casey was assigned to the Homicide Squad as Stenographer, Senior Stenographer and Principal Stenographer. She has made a lasting contribution to the safety of Long Island residents.

On August 31, 2002, Bernadette Casey retired from the police department. She will be sorely missed by her colleagues, who brought her retirement to my attention. I come to this floor so that I may offer my congratulations and best wishes.

Mr. Speaker, Long Island appreciates the service of Bernadette Casey.

A SPECIAL TRIBUTE TO GEORGE L. MYLANDER FOR HIS DEDICATED SERVICE TO THE COMMUNITY OF SANDUSKY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Ohio's Fifth Congressional District. George L. Mylander, of Sandusky, Ohio, is being honored for his dedicated service and loyalty to the citizens of Sandusky.

Mr. Speaker, George's efforts are being recognized by the Firelands Regional Medical Center, of which both he and his family played a significant role in developing. Serving the community was not only George's duty but also his honor. These chances to give back to the community have brought him a lifetime of both personal and professional achievement. George truly is a valued asset to the City of Sandusky.

George has served Sandusky well throughout his years, both professionally and philanthropically. He began as a schoolteacher in the Sandusky City School system, and has since put his efforts to work in the financial and health care industries throughout greater Northwest Ohio.

George's numerous charitable interests include the Stein Hospice Service, Wightman-Wieber Foundation, and the United Way of Erie County. The Greater Toledo Area Chapter of the National Society of Fund Raising Executives recently recognized George's philanthropic efforts when they honored him with their Outstanding Philanthropist Award. He is also active in the local American Legion, Kiwanis Club, and serves on the boards of the Erie County Chamber of Commerce, and Bowling Green State University's Foundation.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to George Mylander. Our communities are served well by having such honorable and giving citizens, like George, who care about the well being and stability of their communities. We wish him the very best on this special occasion.

REAUTHORIZATION OF THE WATER DESALINATION ACT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. HORN. Mr. Speaker, I rise today to recognize the reauthorization of the Water Desalination Act of 1996, included in H.R. 5460, the Federal Water Project Recreation Act which the House approved today.

I am pleased that language from H.R. 4792, the reauthorization of the Water Desalination Act, which I introduced earlier this year has been included in the Federal Water Project Recreation Act. This legislation will continue an authorization of $55 million through 2008 for the Desalination and Water Purification Research and Development program (DWPR). The DWPR program has promoted important research to reduce treatment costs of previously unusable water sources such as brackish groundwater and coastal waters. These projects have proved to be valuable investments in helping to meet our nation's future water needs.

Since its inception in 1996, the Desalination and Water Purification Research and Development program has helped fund research in cooperation with 20 universities and institutes of higher learning, 33 local governments, and 59 domestic private sector organizations. In all, nearly 30 states are represented in a broad cooperation of both public and private organizations.

Such cooperation has produced impressive results with the partnership's efforts making significant technological advances in the field of water desalination and water purification. Clean water is essential for the health of all Americans. As our population continues to grow and conventional water supplies become over used, we will need to look at new resources such as sea water to supplement our supply.

I am pleased that with the reauthorization of the Water Desalination Act of 1996 my colleagues recognize the importance of desalination technology. This is a significant step forward in ensuring a safe and steady water supply for our nation.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mrs. MALONEY of New York. Mr. Speaker, on September 24, I missed rollcall votes No. 404, 405 and 406.

Had I been present I would have voted ''yea'' on rollcall votes No. 404, 405 and 406.

On September 25, I missed rollcall votes No. 407, 408 and 409; had I been present I would have voted ''yea'' on these rollcall votes. Additionally, I missed rollcall vote No. 410 on agreeing to the resolution providing for consideration of H.R. 4691. Had I been present I would have voted ''nay'' on rollcall vote No. 410. I would have voted ''yea'' on rollcall vote No. 411 on the motion to recommit with instructions and I would have voted ''nay'' on rollcall vote No. 412. I would have also voted ''nay'' on rollcall votes No. 413 and 414 and ''yea'' on rollcall vote No. 415.

On September 26, I missed rollcall vote No. 416; had I been present I would have voted ''nay'' on this rollcall vote. On rollcall votes No. 417 and 418, I would have voted ''yea.'' On rollcall vote No. 419, I would have voted ''nay'' on agreeing to the resolution to provide for consideration of H.R. 4600. Additionally, I would have voted ''yea'' on rollcall vote No. 420 and ''nay'' on rollcall vote No. 421. Had I been present, I would have voted ''yea'' on rollcall votes No. 422 and 423.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during Rollcall Vote 423. Had I been present I would have voted Yes.

HELP EFFICIENT, ACCESSIBLE, LOW COST, TIMELY HEALTH CARE ACT OF 2002

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to the bill H.R. 4600, which

is before us today. We are facing a medical malpractice problem. We are also facing a medical malpractice insurance problem. But rather than addressing those issues, this bill would actually make both problems worse. The Institute of Medicine study, ''To Err is Human,'' reported that between 44,000 and 98,000 Americans die each year from medical errors, making medical malpractice the 8th leading cause of death. More people die from medical errors than from automobile accidents, breast cancer or AIDS. We also know that a handful of physicians and facilities are responsible for the lion's share of medical malpractice cases. Does this bill do anything about improving health care safety? Does it make it easier for patients to avoid dangerous physicians or facilities? Does it require that those with bad medical records—like bad drivers—get charged higher malpractice premiums while safe providers—like safe drivers—get discounts? No.

We also know that we have a medical malpractice insurance problem. Just as businesses and health care consumers are complaining about double digit premium increases, so, too, are providers. Once again, the evidence suggests a solution. Medical malpractice insurance companies made bad investments—now they are raising premiums to pay for their mistakes. Studies show that there is usually no connection between premiums and payouts—with no or little regulation, insurers are free to charge what they want. Does this bill do anything about medical malpractice insurance practices? Does it even require that the federal government monitor premiums to determine the effect of this bill on premiums and make sure that insurers don't just pocket any savings instead of passing them through lower premiums? Do the authors of this bill have any evidence from the insurance industry that premium rates will come down or moderate if we pass H.R. 4600? No.

Instead of addressing medical malpractice or medical malpractice insurers, this bill is a plain and simple assault on the rights of consumers—health care patients and their families who have already been injured once would be injured again and again because of this bill. There is not a single provision in this bill that strengthens the rights of consumers or improves their access to quality care. But there is not a single provision in this bill that doesn't erode consumers' legal rights to win compensation for their injuries and to send the signal that dangerous medicine does not pay. This bill doesn't just affect physicians. It provides a broad liability shield for drug companies, nursing homes, medical device manufacturers and suppliers. This bill may well increase health insurance premiums to small businesses and individuals because it says that, if you are fortunate enough to have health insurance, your policy may have to pay your costs even if you prove malpractice in a court of law. And most disturbing of all, this bill puts a $250,000 price tag on the life of a child. The authors of this bill say that we shouldn't worry about caps on non-economic damages. After all, they say, there are no caps on economic damages. But there are no economic damages to compensate for the loss of an infant or a grandmother, for the loss of sight or mobility. This bill tells all those families who suffer those losses—through proven malpractice—that their losses are worth a paltry $250,000. I urge this body to reject this anti-consumer bill. I also urge my colleagues to read the attached letter, sent to me by USAction, regarding this important issue.

US ACTION,
Washington, DC, September 24, 2002.

DEAR REPRESENTATIVE: On behalf of our twenty-four statewide organizations, I want to express our strong opposition to H.R. 4600, the so-called HEALTH Act, and ask that you vote no when it is considered on the House floor this week.

H.R. 4600 is a direct assault on the rights of consumers. Instead of addressing the root of the premium problem—the insurance industry—it attacks medical malpractice victims themselves. Nursing home residents, prescription drug and medical device users, and other patients would all lose rights that they have had since the beginning of our nation. Yet, there are absolutely no indications from the medical malpractice industry that this harsh, anti-consumer legislation would result in any reduction in premium rates or greater accessibility of malpractice insurance.

At the same time that more and more FDA-approved drugs are being pulled off the market because of safety concerns, this bill would immunize drug or medical device manufacturers if their product had been approved by the FDA or is ''generally recognized as safe and effective.'' While more and more families are concerned about nursing home quality, this bill would limit the liability of nursing homes that knowingly put their residents at risk. Under H.R. 4600, Congress would place a $250,000 limit on the loss of a child or sight or the ability to walk. These are just a few of the most outrageous provisions of this bill, which would put more consumers at risk and shield dangerous manufacturers and practitioners from full liability for their actions. And it does so without any guarantee that malpractice rates would fall or even any provision that the federal government would monitor those rates to determine their appropriateness.

Again, I urge you to protect health care consumers by voting against this irresponsible and dangerous bill.

Sincerely,

WILLIAM MCNARY,
President.

FIRST LADY OF TAIWAN CHEN WU-SUE-JEN

SPEECH OF

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 2002

Mr. WEXLER. Mr. Speaker, last week we witnessed an historic event in the long-standing relationship between the United States and our ally Taiwan. On Wednesday, September 25, 2002, the First Lady of Taiwan Chen Wu-Sue-jen addressed a bipartisan gathering of Members of Congress to express her heartfelt support for U.S.-Taiwan relations and a common commitment to freedom, democracy and human rights. I have included a copy of the First Lady's speech to be entered into the CONGRESSIONAL RECORD.

As a strong proponent our nations' unbreakable bond with Taiwan, I want to thank Madame Chen Wu for her statement in support of the American people and our war against international terror. All Americans greatly appreciate President and Mrs. Chen's heartfelt message of unity and solidarity with our nation in our greatest time of need. Additionally, I want to express my admiration for Mrs. Chen Wu, whose undeniable courage in the face of adversity has helped create a future filled with prosperity and hope for her people.

As Co-chairman of the Congressional Taiwan Caucus, I am hopeful that we can build on Madame Chen Wu's visit, which will only serve to enhance and strengthen U.S.-Taiwan relations and cooperation.

FRIENDS INDEED

(By Madam Chen Wu, Sue-jen)

Honorable Members of Congress, the best friends of Taiwan: It is a most honorable and warm moment for me to be able to come to the Capitol Hill, in the capacity as the First Lady of Taiwan, to meet so many good friends in the U.S. Congress. Standing here, I feel a strong sense of affinity and goodwill.

Although my husband cannot come with me on this trip, you should know that after 27 years of marriage, what I say here today should not be objectionable to him!

What I mean is my husband cherishes my opinions. If he were coming here to give a speech in person, he would certainly consult me beforehand and put my ideas into his remarks.

You might think that I am joking, but don't forget, when I was elected a Legislator in 1986, President was my legislative assistant, and I was his boss!

The first thing I would like to say is that the friendship between Taiwan and U.S. is very strong and everlasting. The fact that I am here to see you in the Congress is a sure sign of this. Indeed, in Taiwan there are countless government officials, university professors, and high-tech professionals who received higher education in the U.S. They brought home not only advanced knowledge and skills, but also the American values of democracy, freedom and human rights. Thus these values stimulated not only our economic advancement, but also our democratization.

In 1979 this great democratic institution passed the Taiwan Relations Act, which explicitly affirms that the U.S. will help Taiwan defend itself and expresses the American concern for Taiwan's commercial development and human rights. The Act even states that ''the preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.'' Thanks to such support, we are able to enjoy such remarkable political and economic achievements today, and it is easy to understand why the Taiwan people deeply appreciate the U.S. standing here in the Congress, which represents all the American people and their democratic system, I would like to say thank you to all of you from the bottom of my heart.

Through our political reforms over the past years, Taiwan has become a democratic country that fully embraces the values of freedom and human rights. As a result of the 2000 presidential election, Taiwan undertook the unprecedented challenge of the first democratic transition of power in its history. Now we are proud to say that Taiwan is a genuine, consolidated democracy. This undeniable fact will enable Taiwan to sail stably into the future on the sea of democracy.

Today you can hear all kinds of opinions in Taiwan, and sometimes the controversies seem quite serious. However, if you ask the Taiwan people whether they would like to go back to the old days when the freedoms of speech and ideas were deprived of, I don't think you will get a single positive answer. Simply put, the concept of democracy and freedom upheld by the Taiwan government

today is: ''Even though I don't agree you, I swear to protect your freedom of speech.''

Out of that spirit, political leaders such as President Chen and Vice President Lu, even though they previously suffered as political prisoners, hold no grudges or hatred. Likewise, some people might think that a person like me confined to a wheelchair should be angry about the past. But, on the contrary, we are all filled with joy at Taiwan's democratic achievements. In fact, because of our opportunity to help bring about Taiwan's democracy, the little sacrifice we made became a reward in itself.

Many political scientists wonder why Taiwan was able to experience the democratic process more peacefully and smoothly than many other countries in the ''third wave'' democratization. I think the main reason is that the current political leaders have the magnanimity to sow the seeds of love in the place of hatred.

People in Taiwan believe in the universal values of freedom, democracy, and human rights. Taiwan's security is more enhanced than before as a result of its progress in democratization. It is also for the same reason that we have so many good friends in the United States of America. And not only here, but also in other democracies; for example, the European Parliament recently passed a resolution expressing strong support for Taiwan. The beautiful smile of democracy is indeed the best protector of Taiwan's security. A basic mission of Taiwan's democratic government is to handle cross-Strait issues with a responsible attitude as well as to participate in international affairs in ever more positives ways.

A year ago, the American people suffered the terrible attacks of September 11. The Taiwan people felt the same shock and sadness. Since this tragedy, Taiwan has tried hard to cooperate with the United States and the International community to play an active role, for example through exchanges of anti-terrorism intelligence and efforts to counter money laundering. Taiwan's government has also cooperated intensively with nongovernmental organizations to provide humanitarian assistance to the innocent people of Afghanistan, to cultivate love and hope in the devastated Afghan mountains. We will continue to work with the international community to help Afghanistan and enable the Afghan people to put disaster behind them and rebuild their sense of hope.

On the anniversary of September 11, the Taiwanese people continued to feel sorrow for the attacks. Two weeks ago, President Chen called together all our top government officials to review Taiwan's actions in combating terrorism. He also delivered an anti-terrorism declaration reaffirming his support to the American-led global coalition against terrorism.

Taiwan is a true friend of America. We stand with America now and we will stand with America forever!

Although my husband is not able to visit you this time, I bring his greetings to you. It will be my pleasure to bring your goodwill back to President Chen, to the government and to the people of Taiwan.

Thank you, my dear friends. Thank you!

VISIT OF PRESIDENT LEO FALCAM OF THE FSM

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. WATSON of California. Mr. Speaker, I rise today to highlight the visit of The Honorable Leo Falcam, President of the Federated States of Micronesia.

This year marks the 57th year of the United States presence in the territory of what are now called the Freely Associated States or FAS. The U.S. took possession of many of the islands comprising the modern FAS during WWII and has exercised various forms of political oversight since that time. On July 18, 1947, the U.S. Government began to administer to the FAS as a United Nations Mandated Strategic Trust known as the United Nations Trust Territory of the Pacific Islands. The charge to the United States from the United Nations went well beyond administering the Trust Territory Article Two. Article Six of the Trusteeship Agreement added four specific tasks to the U.S. mission: ''The administering authority shall promote (1) . . . the development toward self-government or independence . . . (2) the economic advancement and self sufficiency . . . (3) . . . the social advancement . . . and (4) . . . the educational advancement of the inhabitants.''

Mr. Speaker, as the former Ambassador to the Federated States of Micronesia, I was charged by President Clinton to uphold our Compact of Free Association and represent the United States. The FSM became freely associated with the U.S. in 1986. The Compact Agreement is currently being renegotiated, and a new Compact Agreement is imminent. The goal of the new Compact is to provide the FSM with the funding and tools to become an economically independent and viable democratic nation.

Chuuk, Kosrae, Pohnpei and Yap are the four states that comprise the FSM. They are located in an area called the Western Pacific, just north of the Equator. Spread across more than a million miles of ocean, the island states are made of 607 islands, but only 65 are inhabited. The total land area of the islands is 271 square miles, with Pohnpei having about half that land area and the rest equally divided among the three states. The FSM's estimated population is just over 100,000 people.

The seat of the FSM government resides in Palikir on the island of Pohnpei. Mr. Speaker, today I have had the distinct honor, along with several of my distinguished colleagues, to meet with the President of the Federated States of Micronesia, the Honorable Leo Falcam.

Mr. Speaker, President Falcam has served the FSM with distinction his whole life. President Falcam served at the highest levels during the Trusty Territory days up until now. He has played a key role in the island nation's struggle for self-determination. He was formerly the Governor of Pohnpei, Member of Congress, and now the President.

Mr. Speaker, I especially want to note that the Federated States of Micronesia has always been a loyal friend and staunch supporter of the United States. This bond of friendship is demonstrated by the fact that the FSM has been one of the United States' most reliable friends in the United Nations as well as other international fora.

I also want to note that a number of citizens of the FSM currently serve in the U.S. military and that President Falcam's son is a Marine Lt. Commander, currently stationed in Okinawa—a fact of which I know President Falcam is particularly proud.

Mr. Speaker, a new compact is currently being negotiated by the United States and the FSM. It is my understanding that many of the issues have been resolved and that a new Compact is close to being approved by both sides. While a number of important issues remain to be resolved—such as the level of funding and decrements and future commitments of FEMA—I am confident that a new Compact will be approved by the Congress and signed by the President in the next year that allows the Federated States of Micronesia to realize their long-term goals of economic and political self-sufficiency.

WELCOMING QUEEN SIRIKIT OF THAILAND TO THE UNITED STATES

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. ROHRABACHER. Mr. Speaker, it is with great honor that I rise to welcome the visit of a great friend of our country and our sacred principles of liberty and democracy, Her Majesty, Queen Sirikit of Thailand. Queen Sirikit will arrive in Washington on October 4 to begin a two week visit. Her Majesty will also travel to New York to further her charitable activities. And in Houston, Her Majesty will be presented with the University of Texas M.D. Anderson Cancer Center Award for Humanitarian Service, recognizing her lifelong dedication, not only for improving the health and well being of the people of Thailand, but for her international leadership in health and the environment.

I have long admired the Queen and her distinguished husband, His Majesty, King Bhumibol, who has led Thailand to a half century of peace and prosperity. Our long, constructive relationship with the government and people of Thailand dates back to the Presidency of Andrew Jackson whose administration, in 1833, negotiated and signed the Treaty of Amity and Commerce. This treaty was the first of its kind that our young Republic had signed with any Asian nation. It ushered in a 169 year period of mutually beneficial economic, cultural and security relations.

Thailand is one of only five Asian countries with whom we have finalized a bilateral security agreement. Each year the armed forces of Thailand join with our own military to stage ''Cobra Gold'' maneuvers, the largest such operations involving U.S. forces in the Asian continent. And, economically, United States, remains the primary destiny for Thailand's exports, while Thailand itself ranks as high as 22nd largest market for U.S. exports. On all levels, led by the Royal Family, Thailand can clearly be considered our friend.

Queen Sirikit has worked tirelessly to improve the lives of those disadvantaged in society, be they in Thailand or elsewhere. For the past 46 years, Queen Sirikit has served as the President of the Thai Red Cross Society. In this role, her Majesty has been the leading protector of thousands of refugees who have fled turmoil and tragedy in neighboring countries. Her Majesty has paid similar close attention to her own people. To increase the income of the country's rural families, Her Majesty has initiated many projects, such as the Foundation for the Promotion of Supplementary Occupations and Techniques, better

known as the SUPPORT Foundation. This should serve as an outstanding example for other developing countries. Queen Sirikit understands that, if Thailand is to enjoy long-term prosperity, rural people must have hope for their future.

A multitude of distinguished organizations have honored her work. The Food and Agriculture Organizations of the United Nations has awarded her the distinguished Ceres medal. Her work for the rural poor of Thailand led Tufts University to award her an Honorary Doctorate in Humane Letters. Similarly, her solicitude for the health of both Thais and Cambodian refugees prompted Great Britain's Royal College of Physicians to award her an Honorary Fellowship.

I ask all members of the House to join me in welcoming Queen Sirikit to the United States. I know that many of us have been invited to attend an event which Her Majesty will be presiding over at the Library of Congress in the evening of Wednesday, October 9, which will feature an exhibition of the work and activities of the SUPPORT Foundation. I look forward to seeing many of my colleagues there to extend our admiration and best wishes to this great friend of the United States.

PAYING TRIBUTE TO MARIE BARKMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I recognize the life and passing of Mrs. Marie Barkman of Pueblo, Colorado. Mrs. Barkman passed away just four days shy of her 104th birthday, and as her family mourns their loss I would like to pay tribute to her memory and the extraordinary contributions she has made to her community.

Mrs. Barkman was a leading philanthropist in her community, and made a real difference through her community service projects and charities throughout the City of Pueblo. Mrs. Barkman and her husband Frank, funded over one million dollars for the construction of two libraries, one in the Belmont area and the other on the South Side of Pueblo. They also contributed another $100,000 to the construction of another library in Pueblo West. In addition to providing the citizens of Pueblo with modern library facilities, Mrs. Barkman also contributed generously to Pueblo's YMCA and the El Pueblo Boys Ranch. –

It was for the dedicated generosity of their time and money that Mr. and Mrs. Barkman were named 1991 ''Citizens of the Year'' by the Pueblo Chamber of Commerce. Mrs. Barkman found purpose and happiness in her life not through the pursuit of material possessions but in the joy and satisfaction that comes with helping others. It is through her pure intentions and tireless energy that she put toward her good works that Marie Barkman became renowned throughout Pueblo as a caring benefactor and a friend to all who knew her.

Mr. Speaker, it is with solemn respect and honor that I recognize Mrs. Marie Barkman before this body of Congress and this nation for the benevolent contributions she has made to the City of Pueblo. She was truly an outstanding figure that has left a legacy of goodwill and generosity that will benefit succeeding generations throughout the state for generations to come. Although we mourn the loss of Mrs. Marie Barkman, her life and spirit will live on in the literally thousands of lives she impacted through her generosity and caring spirit.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Wednesday, October 2, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 3

Time to be announced
Conferees
Meeting of conferees on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people.
2123, Rayburn Building

9 a.m.
Rules and Administration
To hold hearings to examine the nomination of Bruce R. James, of Nevada, to be Public Printer, Government Printing Office.
SR–301

Foreign Relations
To hold hearings to examine the nominations of Richard Allan Roth, of Michigan, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau; Joseph Huggins, of the District of Columbia, to be Ambassador to the Republic of Botswana; and Robin Renee Sanders, of New York, to be Ambassador to the Republic of Congo.
SD–419

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings to examine park overflight regulations.
SR–253

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Administration's national money laundering strategy for 2002.
SD–538

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Finance
To hold hearings to examine the final report produced by the President's Commission to Strengthen Social Security.
SD–215

Intelligence
To resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.
SH–216

10:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of Maura Ann Harty, of Florida, to be Assistant Secretary of State for Consular Affairs; Kim R. Holmes, of Maryland, to be Assistant Secretary of State for International Organization Affairs; Francis X. Taylor, of Maryland, to be Assistant Secretary of State for Diplomatic Security, and Director for the Office of Foreign Missions, with the rank of Ambassador; and Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador on the Commission on the Status of Women of the Economic and Social Council of the United Nations.
SD–419

11 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nomination of Nancy C. Pellett, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration.
SR–328A

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine Title IX, the equal treatment of women in education focusing on the sciences.
SR–253

Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development; Diana E. Furchtgott-Roth, of Maryland, to be a Director of the Federal Housing Finance Board; Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development; Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and Rafael Cuellar, of New Jersey, and Michael Scott, of North Carolina, each to be a Member of the Board of Directors of the National Consumer Cooperative Bank.
SD–538

OCTOBER 4

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employee situation focusing on September 2002.
1334, Longworth Building

10 a.m.
Foreign Relations
To hold hearings to examine the nominations of John Randle Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala; John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay; and David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.
SD–419

11 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nomination of Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States.
SD–538

OCTOBER 7

1:30 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the nomination of Mark McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.
SD–430

2 p.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

OCTOBER 8

9 a.m.
Governmental Affairs
To hold hearings to examine the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004.
SD–342

Governmental Affairs
To hold hearings to examine the nomination of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and the nomination of Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission.
SD–342

9:30 a.m.
Environment and Public Works
To hold oversight hearings to examine the current implementation of the Clean Water Act.
SD–406

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine perspectives on America's transit needs.
SD–538

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the current system of regulation of the herb ephedra and oversight of dietary supplements.
SD–342

Judiciary
Business meeting to consider pending calendar business.
SD–226

2 p.m.
Judiciary
To hold hearings to examine the Feres Doctrine focusing on the examination of military exception to the Federal Torts Claims Act.
SD–226

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold oversight hearings to examine instability in Latin America focusing on U.S. policy and the role of the international community.
SD–538

OCTOBER 9

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider the nomination of Mark B. McClellan, of the

District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

Room to be announced

10 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine new laws implemented by the Administration in the fight against terrorism.

SD–226

2:30 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings to examine affordable housing preservation.

SD–538

POSTPONEMENTS

OCTOBER 8

10 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine the detention of U.S. citizens.

SD–226

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9779–S9860

Measures Introduced: Nine bills and three resolutions were introduced, as follows: S. 3027–3035, S.J. Res. 46–47, and S. Res. 332. **Pages S9845–46**

Measures Passed:

National 4-H Youth Development Program Week: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 143, designating October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week", and the resolution was then agreed to. **Pages S9783–85**

Veterans of Foreign Wars: Senate passed H.R. 3838, to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, clearing the measure for the President. **Page S9858**

AMVETS Charter Amendment: Senate passed S. 1972, to amend the charter of the AMVETS organization. **Page S9858**

AMVETS Charter Amendment: Senate passed H.R. 3214, to amend the charter of the AMVETS organization, clearing the measure for the President. **Page S9858**

POW/MIA Memorial Flag Act: Committee on the Judiciary was discharged from further consideration of S. 1226, to require the display of the POW/MIA flag at the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial, and the bill was then passed. **Pages S9858–59**

Birth Defects and Developmental Disabilities Prevention Act: Senate passed S. 2980, to revise and extend the Birth Defects Prevention Act of 1998, after agreeing to a committee amendment in the nature of a substitute. **Pages S9859–60**

21st Century Department of Justice Appropriations Authorization Act Conference Report—Agreement: A unanimous-consent agreement was reached providing for further consideration of the conference report on H.R. 2215, to authorize appropriations for the Department of Justice for fiscal year 2002, and then began consideration of the conference report, at 11:30 a.m., on Thursday, October 3, 2002, with a vote to occur on the motion to close further debate on the conference report. **Page S9860**

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany 1997 Amendment To Montreal Protocol (Treaty Doc. 106–10) and Amendment To Montreal Protocol ("Beijing Amendment") (Treaty Doc. 106–32) (Ex. Rept. 107–10) **Page S9845**

Nominations Confirmed: Senate confirmed the following nominations:

Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Ronald H. Clark, of Texas, to be United States District Judge for the Eastern District of Texas.

Thomas Forrest Hall, of Oklahoma, to be an Assistant Secretary of Defense.

James Knoll Gardner, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

James Franklin Jeffrey, of Virginia, to be Ambassador to the Republic of Albania.

Richard L. Baltimore III, of New York, to be Ambassador of the United States to the Sultanate of Oman.

Martin George Brennan, of California, to be Ambassador to the Republic of Zambia.

Vicki Huddleston, of Arizona, to be Ambassador to the Republic of Mali.

Donald C. Johnson, of Texas, to be Ambassador to the Republic of Cape Verde.

Jimmy Kolker, of Missouri, to be Ambassador to the Republic of Uganda.

Gail Dennise Thomas Mathieu, of New Jersey, to be Ambassador to the Republic of Niger.

James Irvin Gadsden, of Maryland, to be Ambassador to the Republic of Iceland.

J. Anthony Holmes, of California, to be Ambassador to Burkina Faso.

Aurelia E. Brazeal, of Georgia, to be Ambassador to the Federal Democratic Republic of Ethiopia.

Charles E. Erdmann, of Colorado, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law. **Page S9860**

Nominations Received: Senate received the following nominations: Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services. **Page S9860**

Messages From the House: **Page S9844**

Measures Referred: **Pages S9844–45**

Measures Placed on Calendar: **Pages S9779, S9845**

Measures Read First Time: **Pages S9804, S9845**

Executive Communications: **Page S9845**

Petitions and Memorials: **Page S9845**

Executive Reports of Committees: **Page S9845**

Additional Cosponsors: **Pages S9846–47**

Statements on Introduced Bills/Resolutions: **Pages S9847–56**

Additional Statements: **Pages S9841–44**

Amendments Submitted: **Page S9856**

Notices of Hearings/Meetings: **Page S9856**

Authority for Committees to Meet: **Pages S9856–57**

Privilege of the Floor: **Page S9857**

Adjournment: Senate met at 9:30 a.m., adjourned at 6:45 p.m., until 10 a.m., on Thursday, October 3, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9860).

Committee Meetings

(Committees not listed did not meet)

AIRLINE VIABILITY

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine airlines viability in the current economic climate, and the financial condition of commercial aviation, industry responses and the affect of competition, after receiving testimony from JayEtta Hecker, Director, Physical Infrastructure Issues, General Accounting Office; Leo Mullin, Delta Air Lines, and Edward Wytkind, Transportation Trades Department (AFL–CIO), both of Washington, D.C.; and Susan Donofrio, Deutsch Bank Securities Inc., New York, New York.

POWER PLANT EMISSIONS

Committee on Environment and Public Works: Committee concluded hearings to examine the status and studies of the health impacts of fine particles which result from fuel combustion from motor vehicles, power generation, and industrial facilities, as well as from residential fireplaces and wood stoves, known as PM–2.5, focusing on those effects associated with power plant emissions, after receiving testimony from Jonathan M. Samet, Johns Hopkins University Bloomberg School of Public Health, Baltimore, Maryland; Robert M. O'Keefe, Health Effects Institute, Boston, Massaschusetts; Ronald E. Wyzga, Electric Power Research Institute, Palo Alto, California; Ben Rose, Green Mountain Club, Inc., Waterbury Center, Vermont; and Jonathan Levy, Harvard University School of Public Health, Boston, Massachusetts.

STOPPING CHILD PORNOGRAPHY

Committee on the Judiciary: Committee held hearings on S. 2520, to amend title 18, United States Code, with respect to the sexual exploitation of children, S. 2511/H.R. 4623, to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, and to prevent the use of child pornography and obscenity to facilitate crimes against children, and related provisions of the Supreme Court's ''Free Speech'' decision which struck down portions of the 1996 Child Pornography Protection Act for violating the First Amendment, receiving testimony from Senator Carnahan; Representative Pomeroy; Daniel P. Collins, Associate Deputy Attorney General/Chief Privacy Officer, Department of Justice; Frederick Schauer, Harvard University Kennedy School of Government, Cambridge, Massachusetts; Anne M. Coughlin, University of Virginia School of Law, Charlottesville; and Daniel S. Armagh, National Center for Missing and Exploited Children, Alexandria, Virginia.

Hearings recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 21 public bills, H.R. 5520, 5522–5541; and 7 resolutions, H.J. Res. 113–115; H. Con. Res. 495–497, and H. Res. 569, were introduced. **Pages H6982–83**

Reports Filed: Reports were filed today as follows:

H.R. 1946, to require the Secretary of the Interior to construct the Rocky Boy's/North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system (H. Rept. 107–715);

H.R. 5521, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003 (H. Rept. 107–716);

H.R. 5428, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, amended (H. Rept. 107–717); and

H. Res. 568, providing for consideration of H.J. Res. 112, making further continuing appropriations for the fiscal year 2003 (H. Rept. 107–718). **Pages H6981–82**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Fosella to act as Speaker pro tempore for today. **Page H6929**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Gerald M. Kane, Temple Beth El of Las Cruces, New Mexico. **Page H6929**

Journal: Agreed to the Speaker's approval of the Journal of Tuesday, Oct. 1 by a yea-and-nay vote of 343 yeas to 55 nays with 1 voting ''present,'' Roll No. 417. **Page H6930**

Suspension—Day of Tribute to all Firefighters: The House agreed to suspend the rules and pass H. Con. Res. 476, expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes (agreed to by a ⅔ yea-and-nay vote of 407 yeas with none voting ''nay'', Roll No. 428). The concurrent resolution was debated on Oct. 1. **Pages H6930–31**

Suspension Failed—Houses of Worship Political Speech Protection Act: The House failed to suspend the rules and pass H.R. 2357, to amend the Internal Revenue Code of 1986 to permit churches and other houses of worship to engage in political campaigns (failed to agree to by a ⅔ yea-and-nay vote of 178 yeas to 239 nays, Roll No. 429). **Pages H6931–32**

Recess: The House recessed at 1:37 p.m. and reconvened at 2:06 p.m. **Page H6951**

Marriage Tax Relief: The House agreed to H. Res. 543, expressing the sense of the House that Congress should complete action on H.R. 4019, making marriage tax relief permanent by a yea-and-nay vote of 285 yeas to 130 nays, Roll No. 430. H. Res. 547, the rule that provided for consideration of the resolution was agreed to on Sept. 25. **Pages H6933–41, H6951–52**

Vacancies in the House of Representatives in the Event of a Catastrophe: The House agreed to H. Res. 559, expressing the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion by a yea-and-nay vote of 414 yeas with none voting ''nay,'' Roll No. 431. The resolution was considered pursuant to the order of the House of Sept. 26. **Pages H6941–48, H6952–53**

Motion to Instruct Conferees—Help America Vote Act: Agreed to the Meek of Florida motion to instruct conferees on H.R. 3295, Help America Vote Act, to take actions as may be appropriate to convene a public meeting of the managers on the part of the House and Senate and to ensure that a conference report is filed prior to October 4, 2002 by a yea-and-nay vote of 400 yeas to 14 nays, Roll No. 432. **Pages H6948–51, H6953**

Representative Visclosky Question of Privilege: The Chair ruled that the resolution offered by Representatives Visclosky did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea-and-nay vote of 210 yeas to 200 nays, Roll No. 433. **Pages H6954–55**

Representative Brown of Ohio Question of Privilege: The Chair ruled that the resolution offered by Representatives Brown of Ohio did not constitute a question of the privileges of the House. Agreed to

table the motion to appeal the ruling of the Chair by a yea-and-nay vote of 212 yeas to 204 nays, Roll No. 434. **Pages H6955–57**

Representative Holden Question of Privilege: The Chair ruled that the resolution offered by Representatives Holden did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea-and-nay vote of 214 yeas to 202 nays, Roll No. 435. **Pages H6958–59**

Representative Obey Question of Privilege: The Chair ruled that the resolution offered by Representatives Obey did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea-and-nay vote of 212 yeas to 202 nays, Roll No. 436, **Pages H6959–61**

Questions of Privilege: Representative Farr announced his intention to offer a privileged resolution expressing the sense of the House that Congress should completed action on H.R. 854, Medicaid Safety Net Hospital Continued Preservation Act, or other provider reimbursement legislation before recessing. Representative Carson announced her intention to offer a privileged resolution expressing the sense of the House that Congress should complete action on the FY 2003 Transportation Appropriations with its allocation of $1.2 billion for Amtrak. **Page H6961**

Amendments: Amendments ordered printed pursuant to rule appear or pages H6961–62.

Quorum Calls—Votes: Ten yea-and-nay votes developed during the proceedings of the House today and appear on pages H6930, H6930–31, H6931–32, H6952, H6952–53, H6953, H6955, H6957, H6959 and H6960–61. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:21 p.m.

Committee Meetings

INVASIVE SPECIES

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition and Forestry held a hearing on Invasive Species. Testimony was heard from Scott Miller, Chairman, Department of Systematic Biology, National Museum of Natural History, Smithsonian Institution; James Tate, Science Advisor to the Secretary, Department of the Interior; the following officials of the USDA: Dave Tenny, Deputy Under Secretary, Natural Resources and Environment; and James G. Butler, Deputy Under Secretary, Marketing and Regulatory Programs; Jill T. Stevenson, Deputy Director, Fisheries Service, Department of Natural Resources, State of Maryland; Connie Riherd, Division of Plant Industry, Department of Agriculture and Consumer Services, State of Florida; and public witnesses.

U.S. POLICY TOWARDS IRAQ

Committee on Armed Services: Continued hearings on U.S. Policy towards Iraq. Testimony was heard from Eliot A. Cohen, Professor and Director, Strategic Studies, School of Advanced International Studies, John Hopkins University; and Michael E. O'Hanlon, Senior Fellow, The Brookings Institution.

RECOGNIZING THE CONTRIBUTIONS OF PATSY T. MINK

Committee on Education and the Workforce: Ordered reported H. J. Res. 113, recognizing the contributions of Patsy T. Mink.

MEDICAL DEVICE AMENDMENTS; CHILD SAFETY ENHANCEMENT ACT

Committee on Energy and Commerce: Ordered reported, as amended, the following bills: H.R. 3580, Medical Device Amendments of 2001; H.R. 5504, Child Safety Enhancement Act of 2002.

SAUDI ARABIA: AMERICANS KIDNAPPED

Committee on Government Reform: Held a hearing on "Americans Kidnapped to Saudi Arabia: Is the Saudi Government Responsible?" Testimony was heard from public witnesses.

Hearings continue tomorrow.

RESOLUTION—AUTHORIZING USE OF U.S. ARMED FORCES AGAINST IRAQ

Committee on International Relations: Began consideration of H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq.

Will continue tomorrow.

CHILD ABDUCTION PREVENTION ACT; PROTECTION OF LAWFUL COMMERCE IN ARMS ACTS; PRIVATE RELIEF BILL

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 5422, Child Abduction Prevention Act; and H.R. 2037, Protection of Lawful Commerce in Arms Acts.

The Committee also approved a private relief bill.

PLEDGE OF ALLEGIANCE—REAFFIRMING ONE NATION UNDER GOD

Committee on Rules: Testimony was heard from Chairman Sensenbrenner and Representative Nadler, but action was deferred on S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

Committee on Rules: Committee granted, by voice vote, a closed rule providing 1 hour of debate on H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit. Testimony was heard from Chairman Young and Representative Obey.

FIRE SERVICES—MEETING NEEDS

Committee on Science: Held a hearing on Meeting the Needs of the Fire Services: H.R. 3992, to establish the SAFER Firefighter Grant Program and H.R. 4548, to amend the Federal Fire Prevention and Control Act of 1974 with respect to firefighter assistance. Testimony was heard from public witnesses.

PROVIDE FINANCIAL RELIEF—AIRLINE INDUSTRY—REFORM FAA

Committee on Transportation and Infrastructure: Subcommittee on Aviation approved for full Committee action, as amended, H.R. 5506, Aviation Industry Stabilization and Reform Act of 2002.

WOMEN VETERANS—VA'S CURRENT PROGRAMS

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on VA's current programs for women veterans. Testimony was heard from Representative Wilson; the following officials of the Department of Veterans Affairs: Robert H. Roswell, Under Secretary, Health; Irene Trowell-Harris, Director, Center for Women Veterans; Marsha L. Four, R.N., Chair, Advisory Committee on Women Veterans; Carole Turner, Director, Women Veterans Health Programs, Veterans Health Administration; Toni Lawrie, Coordinator, Women Veterans Clinic, VA Medical Center, Bay Pines, Florida; and Margaret Seaver, M.D., Director, Women's Veterans Health Care Program, VA Boston Health Care System; and public witnesses.

BRIEFING—GLOBAL HOT SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Hot Spots. The Committee was briefed by departmental witnesses.

CIA COMPENSATION REFORM

Permanent Select Committee on Intelligence: Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on CIA Compensation Reform. Testimony was heard from departmental witnesses.

COUNTERTERRORISM EFFORTS—EUROPEAN ALLIES' COOPERATION

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to hold a hearing on European Allies' Cooperation in the Counterterrorism Efforts. Testimony was heard from departmental witnesses.

Joint Meetings

SECURING AMERICA'S FUTURE ENERGY ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, but did not complete action thereon will continue on tomorrow.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *October 1, 2002, p. D1017)*

H.R. 3880, to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism. Signed on October 1, 2002. (Public Law 107–230)

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. Signed on October 1, 2002. (Public Law 107–231)

H.R. 5157, to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003. Signed on October 1, 2002. (Public Law 107–232)

S. 2810, to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering. Signed on October 1, 2002. (Public Law 107–233)

NEW PRIVATE LAWS

(For last listing of Private Laws, see DAILY DIGEST *July 18, 2001, p. D729)*

S. 1834, for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit. Signed October 1, 2002. (Private Law 107–2)

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 3, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the nomination of Nancy C. Pellett, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, 11 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine the Administration's national money laundering strategy for 2002, 9:30 a.m., SD–538.

Full Committee, to hold hearings to examine the nominations of Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development; Diana E. Furchtgott-Roth, of Maryland, to be a Director of the Federal Housing Finance Board; Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development; Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and Rafael Cuellar, of New Jersey, and Michael Scott, of North Carolina, each to be a Member of the Board of Directors of the National Consumer Cooperative Bank, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold oversight hearings to examine park overflight regulations, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine Title IX, the equal treatment of women in education focusing on the sciences, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Finance: to hold hearings to examine the final report produced by the President's Commission to Strengthen Social Security, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of Richard Allan Roth, of Michigan, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau; Joseph Huggins, of the District of Columbia, to be Ambassador to the Republic of Botswana; and Robin Renee Sanders, of New York, to be Ambassador to the Republic of Congo, 9 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Maura Ann Harty, of Florida, to be Assistant Secretary of State for Consular Affairs; Kim R. Holmes, of Maryland, to be Assistant Secretary of State for International Organization Affairs; Francis X. Taylor, of Maryland, to be Assistant Secretary of State for Diplomatic Security, and Director for the Office of Foreign Missions, with the rank of Ambassador; and Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador on the Commission on the Status of Women of the Economic and Social Council of the United Nations, 10:30 a.m., SD–419.

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 Rules and Administration: to hold hearings to examine the nomination of Bruce R. James, of Nevada, to be Public Printer, Government Printing Office, 9 a.m., SR–301.

House

Committee on Education and the Workforce, hearing on "The Rising Price of a Quality Postsecondary Education: Fact or Fiction," 9:30 a.m., 2175 Rayburn.

Committee on Financial Services, hearing entitled "Reforming the Real Estate Settlement Procedure: Review of HUD's proposed RESPA Rule," 10 a.m., 2128 Rayburn.

Committee on Government Reform, to continue hearings on "Americans Kidnapped to Saudi Arabia: Is the Saudi Government Responsible?" 10 a.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on "Responding to West Nile Virus: Public Health Implications and Federal Response," 2 p.m., 2154 Rayburn.

Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, hearing on "Disappearing Tax Dollars: What Changes Are Needed?" 2 p.m., 2247 Rayburn.

Committee on International Relations, to continue consideration of H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq, time to be announced, 2172 Rayburn.

Committee on Resources, to mark up the following: H.R. 2202, Lower Yellowstone Reclamation Projects Conveyance Act; H.R. 4601, to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area; H.R. 4912, to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used; H.R. 5319, Healthy Forests Reform Act of 2002; H.R. 5399, Carpinteria and Montecito Water Distribution Systems Conveyance Act of 2002; H.R. 5460, Reclamation Recreation Management Act of 2002; and the Comprehensive Natural Resources Protection Act, 12 p.m., 1324 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the Coastal America program, and on the transfer of certain NOAA property to the Board of Trustees of the California State University, 10 a.m., 1334 Longworth.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on the Threat of Near-Earth Asteroids, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''CMS Regulation of Healthcare Services,'' 2 p.m., 2360 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on Medicare Payments for Currently Covered Prescription Drugs, 10 a.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, time to be announced, 2123 Rayburn Building.

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

10 a.m., Thursday, October 3

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will resume consideration of the conference report on H.R. 2215, 21st Century Department of Justice Appropriations Authorization Act, with a vote to occur on the motion to close further debate on the conference report.

Also, upon disposition of the conference report on H.R. 2215 (listed above), Senate expects to resume consideration of the motion to proceed to consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq, with a vote to occur on the motion to close further debate on the resolution.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, October 3

House Chamber

Program for Thursday: Consideration of H.J. Res. 112, Further Continued Appropriations (closed rule, one hour of general debate).

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