The House met at noon and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, October 16, 2002.

I hereby appoint the Honorable Gil GUTKNECHT to act as Speaker pro tempore on this day.

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

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

Lord God, Healer of body and soul and Weaver of the fabric of this Nation, be our Strength both now and in the future.

As the House of Representatives convenes today, we are mindful that a year ago we were not only at war against terrorists who threatened the health and security of society, but we faced also the onslaught of anthrax within the walls of government here on Capitol Hill.

Thanks be to you, O God, the battle of anthrax was won with the responsible and creative work of all who served in the Office of the Attending Physician. We bless You and thank You for these men and women who care for the health of Congress and its visitors each day.

With them, and because of them, let America lift its voice in grateful praise for all in the medical profession and all in medical research; that guided by Your hand and pervasive ethical standards this Nation will prove to be the leader of the world in the field of care and medicine now and for ages to come. 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. WILSON of South Carolina. 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. WILSON of South Carolina. 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. The question is on clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH 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. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Tuesday, October 15, 2002:

H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The Speaker will entertain unlimited 1-minutes.

ESTABLISH THE DEPARTMENT OF HOMELAND SECURITY
(Mr. GIBBONS asked and was given permission to address the House for 1

NOTICE
Effective January 1, 2003, the subscription price of the Congressional Record will be $434 per year or $217 for six months. Individual issues may be purchased for $6.00 per copy. Subscriptions in microfiche format will be $141 per year with single copies priced at $1.50. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, Public Printer

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, every day we are reminded of the need for the Department of Homeland Security. Recently, the United States Marines were assaulted and several were killed in a terrorist ambush off the coast of Kuwait; deadly terrorist bombs exploded in Bali, Indonesia, killing hundreds; and a sniper is running loose right here in the District of Columbia.

Terrorism, whether international or domestic, is an unfortunate reality. The Department of Homeland Security can help keep Americans safe by ensuring a coordinated and effective response to terrorism.

On July 6, this House passed bipartisan legislation establishing a Department of Homeland Security. The President supports the House bill because it allows him the flexibility to meet any threat.

Now is the time for the Senate to act and pass this vital legislation for the protection of all Americans.

CONGRESS DID NOT AUTHORIZE COLONIZATION OF IRAQ OR SEIZURE OF ITS OIL

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

Mr. KUCINICH. Mr. Speaker, recent news reports that the administration plans to seize Iraqi oil and use the money to set up a military government in Iraq raise serious questions of the administration’s intentions in the region. Congress did not authorize the colonization of Iraq.

Congress did not authorize the seizure of Iraqi oil. These reports released the day after the congressional vote raise serious questions about the administration’s intentions for the region, the completeness of their disclosures to Congress, and the role of certain oil companies in U.S. foreign policy.

I believe that had the administration fully disclosed their plans before the congressional vote that they intended not only military occupation but colonization and seizure of oil belonging to the people of Iraq, there may have been a much different outcome in the vote.

The resolution passed by Congress authorizing enforcement of U.N. Security Council resolutions authorized not colonization and not taking things which do not belong to the United States.

HONORING THE LEXINGTON COUNTY MONUMENT FUND

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

Mr. WILSON. Mr. Speaker, I rise today to recognize the Lexington County Monument Fund which, on Veterans Day, will dedicate its monument to the veterans of World War II, Korea, Vietnam, and the homefront.

This monument is one of the first in the Nation to recognize jointly the heroic efforts of the veterans of these three crucial war periods. Very importantly, it is the only one to recognize the sacrifices in support of the people back home who worked the farms, built and furnished equipment and supplies to the military, and kept family members safe.

We are especially honored that Brigadier General Paul W. Tibbets, the pilot of the Enola Gay, will serve as the keynote speaker at the dedication ceremony.

This monument is the result of the tireless efforts of Mr. Thomas Comerford, chairman of the Monument Committee and Clerk of Court for Lexington County.

I would also like to pay special recognition to Mr. James St. Clair of Gaston, who provided invaluable assistance.

THE ECONOMY

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

Ms. SOLIS. Mr. Speaker, while the President and his Republican colleagues continue to focus their attention on foreign policy, they regretfully leave behind a very important issue, one that affects millions of families across the country; that is, the economy. In the past 2 years 1.6 million people have lost their jobs, and 14 million more people lost their health care insurance last year alone. Americans have lost over $4.5 million in the stock market since this President took office.

The massive Republican tax cut passed last year was supposed to help working families. It actually left us in a major recession.

We need to increase the minimum wage. We need to extend unemployment insurance for the hardest-working people in our country that lost their jobs because of this recession. Unemployment is at 5.5, and among Hispanics in our country it is a staggering 7.4 percent. In my district alone it is 10 percent.

This problem is real, and it is serious. We need to get to work on it. I ask Congress and the President to stop ignoring this issue and to come up with an economic stimulus plan for working families.

THE STATE OF THE U.S. ECONOMY

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

Ms. SANCHEZ. Mr. Speaker, I rise today to speak about the declining state of our economy. What has happened to our economy in these past 2 years? It is devastating. Health care costs and prescription drug costs are up. Employees are seeing their hard-earned retirement and 401(k) savings evaporate.

Despite these economic hardships, the Republicans continue to support big corporate interests, ignoring the economic troubles of America’s working families. It is time that we call upon this administration and this Republican House to acknowledge, to acknowledge the serious economic difficulties that we now face.

We must stop draining the Social Security Trust Fund, and we must pass a Medicare prescription drug benefit that lowers drug prices and helps all seniors. We must get this economy moving in the right direction, and it is my hope that my colleagues will join me in trying to ease the economic strain facing American families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken after debate has concluded on the motion to suspend the rules, but not before 2 p.m. today.

HEALTH CARE SAFETY NET AMENDMENTS OF 2002

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1533) to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes, as amended.

The Clerk read as follows:

S. 1533
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Health Care Safety Net Amendments of 2002.”

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

Sec. 101. Health centers.
Sec. 102. Telemedicine; incentive grants related to rural health.
Sec. 103. Health care coverage for uninsured and underinsured patients.
Sec. 104. Other amendments.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs
Sec. 201. Grant programs.

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Subtitle B—Telehealth Grant Consolidation

Sec. 311. Short title.

Sec. 312. Consolidation and reauthorization of provisions.

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program

Sec. 221. Programs.

TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

Sec. 301. National Health Service Corps.

Sec. 302. Designation of health professional shortage areas.

Sec. 303. Assignment of Corps personnel.

Sec. 304. Programs and assignment of Corps personnel.

Sec. 305. Cost-sharing.

Sec. 306. Eligibility for Federal funds.

Sec. 307. Facilitation of effective provision of Corps services.

Sec. 308. Authorization of appropriations.

Sec. 309. National Health Service Corps Scholarship Program.

Sec. 310. National Health Service Corps Loan Repayment Program.

Sec. 311. Obligated service.

Sec. 312. Private practice.

Sec. 313. Breach of scholarship contract or loan repayment contract.

Sec. 314. Authorization of appropriations.

Sec. 315. Grants to States for loan repayment programs.

Sec. 316. Demonstration grants to States for community scholarship programs.

Sec. 317. Demonstration project.

TITLE IV—HEALTHY COMMUNITIES ACCESS PROGRAM

Sec. 401. Purpose.

Sec. 402. Creation of Healthy Communities Access Program.

Sec. 403. Expanding availability of dental services.

Sec. 404. Studying and removing barriers to participation of farmworkers in health programs.

TITLE V—STUDY AND MISCELLANEOUS PROVISIONS

Sec. 501. Guarantee study.

Sec. 502. Graduate medical education.

TITLE VI—CONFORMING AMENDMENTS

Sec. 601. Conforming amendments.

SEC. 101. HEALTH CENTERS.

Section 330 of the Public Health Service Act (42 U.S.C. 294a) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i)(III)(bb), by striking “screening for breast and cervical cancer and inserting “appropriate cancer screening”;

(B) in clause (ii), by inserting “including specialty referral when medically indicated care and services”;

and

(C) in clause (iii), by inserting “holloring,” after “social,”;

(2) in subsection (b)(2),

(A) in paragraph (A)(i)(I), by striking “associated with water supply;” and inserting the following: “associated with—

(I) water supply;

(II) air or pesticide exposures;

(III) air quality; or

(IV) exposure to lead;”;

(B) by redesignating subparagraphs (A) and (B) as subparagraphs (C) and (D), respectively; and

(C) by inserting before subparagraph (C) (as so redesignated by subparagraph (B)) the following—

“(A) behavioral and mental health and substance abuse services;

“(B) recuperative care services;”;

“(D) in subparagraph (B)—

(3) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in the heading, by striking “COMPREHENSIVE SERVICE DELIVERY” and inserting “MANAGED CARE”;

(ii) in the matter preceding clause (i), by striking “network or plan” and all that follows through the period and inserting “managed care network or plan.”;

and

(iii) in the matter following clause (ii), by striking “any managed care network or plan” and all that follows through the period; and

(B) by adding at the end the following:

“(C) PRACTICE MANAGEMENT NETWORKS.—The Secretary may make grants to health centers that receive assistance under this section to enable the centers to plan and develop practice management networks that will enable the centers to—

(1) reduce costs associated with the provision of health care services;

(2) improve access to, and availability of, health care services provided to individuals served by the centers;

(3) enhance the quality and coordination of health care services; or

(4) improve the health status of communities;

“(D) USE OF FUNDS.—The activities for which a grant may be made under subparagraph (B) or (C) may include the purchase or lease of equipment, which may include data and information systems (including paying for the costs of amortizing the principal of, and paying the interest on, loans for equipment), the provision of training and technical assistance related to the provision of health care services on a prepaid basis or under another managed care arrangement, and other activities that promote the development of practice management or managed care networks and plans.”;

(2) in subsection (c), by striking the subsection heading and inserting—

“LOAN GUARANTEE PROGRAM.—;

“(B) in paragraph (1)—

(i) in subparagraph (A), by striking “the principal and interest on loans” and all that follows through the period and inserting “up to 90 percent of the principal and interest on loans made by independent lenders to health centers, funded under this section, for the costs of developing and operating managed care networks or plans described in subsection (c)(1)”;

(ii) by redesignating paragraphs (3)(A) and (B) of section 1010A(c) as subparagraphs (C) and (D), respectively; and

(iii) by adding at the end the following:

“(1) to refinance an existing loan (as of the date of refinancing) to the center or centers that receive assistance under this section, for the costs associated with the refinancing.

“(2) for the purpose of enabling the centers to—

(A) that such refinancing will be beneficial to the center or centers that receive assistance under this section, for the purpose of

(B) will enable the centers to

(2) by redesigning subparagraphs (A) and (B) of” after “any fiscal year under”; and

(3) by redesigning paragraphs (4) and (5) of subparagraph (A), respectively;

(4) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting “and seasonal agricultural worker” after “agricultural worker”; and

(ii) in paragraph (B), by striking “and members of their families” and inserting “and seasonal agricultural workers, and members of their families.”;

(3) in subsection (h)—

(A) in paragraph (1), by striking “homeless children and children at risk of homelessness” and inserting “homeless children and youth and children at risk of homelessness”;

(B) in paragraph (3)(A), by striking “2 percent of the total amount appropriated under this section for such fiscal year.”; and

(C) by redesigning subparagraphs (4) and (5) of paragraph (5) and (6) of subsection (g);

(iv) by striking paragraphs (1) through (4) and (6) of subsection (b) the following:

“(4) TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.—If any grantee under this section has provided services described in this section under the grant to a homeless individual, such grantee may, notwithstanding that the individual is no longer homeless as a result of becoming a resident in permanent housing, expend the grant to continue to provide such services to the individual for not more than 12 months.;” and

(C) in paragraph (5)(C) (as redesignated by subparagraph (B)), by striking “and residental treatment” and inserting “outpatient treatment, residential treatment, and rehabilitation”;

(7) in subsection (j)(3)—

(A) in subparagraph (K)—

(i) in clause (1)—

(I) by striking “(i)” and inserting “(i)(D);”;

and

(C) by redesigning subparagraphs (A) and (B) as subparagraphs (C) and (D), respectively; and

(D) by inserting before subparagraph (C) (as so redesignated by subparagraph (B)) the following—

“(A) behavioral and mental health and substance abuse services;
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CONGRESSIONAL RECORD—HOUSE

October 16, 2002

SEC. 102. TELEMEDICINE, INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.

(a) In General.—The Secretary of Health and Human Services may make grants to State professional licensing boards to carry out programs under which such licensing boards, or various States cooperate to develop and implement State policies that will reduce statutory and regulatory barriers to telemedicine.

(b) Authorization of Appropriations.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

SEC. 201. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

SEC. 330A. RURAL HEALTH SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

(a) Purpose.—The purpose of this section is to provide grants for expanded delivery of health care services in rural areas, for the planning and implementation of small health care provider quality improvement activities.

(2) DEFINITIONS.

(1) DIRECTOR.—The term `Director means the Director specified in subsection (d).'

(2) FEDERALLY QUALIFIED HEALTH CENTER.—The term `Federally qualified health center' means ... the number of clients for whom English is a second language, including hiring professional translation and interpretation services.

(3) TECHNICAL ASSISTANCE.—The Secretary shall establish a program through which such center shall provide technical and other assistance to eligible entities to assist such entities to meet the requirements of subsection (i). Such assistance may include necessary technical and financial assistance, including fiscal and program management assistance, training in fiscal and program management, operational and administrative support, and the provision of information to the entities of the variety of resources available under such Act (42 U.S.C. 254c) for the improvement of the health care of such clients with respect to linguistic access.
“(ii) to provide for the planning and implementation of integrated health care networks in rural areas under subsection (f); and

“(iii) to provide for the planning and implementation of small health care provider quality improvement activities under subsection (g).

“(2) RURAL HEALTH CARE SERVICES OUTREACH GRANTS.—

“(A) GRANTS.—The Director may award grants to eligible entities to promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

“(B) ELIGIBILITY.—To be eligible to receive a grant under this subsection for a project, an entity

“(i) shall be a rural public or rural non-profit private entity; and

“(ii) shall represent a consortium composed of members—

“(A) that include 3 or more health care providers; and

“(B) that may be nonprofit or for-profit entities; and

“(C) shall not previously have received a grant under this subsection (other than a grant for planning activities) for the same or a similar project.

“(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

“(B) an explanation of the reasons why Federal assistance is required to carry out the project;

“(C) a description of—

“(i) the history of collaborative activities carried out by the participants in the network;

“(ii) the degree to which the participants are ready to integrate their functions; and

“(iii) how the rural community or region to be served will benefit from and be involved in the activities carried out by the network;

“(D) a description of how the local community or region to be served will experience increased access to quality health care services and provision of services by the entity;

“(E) a plan for sustaining the project after Federal support for the project has ended; and

“(F) other such information as the Secretary determines to be appropriate.

“(4) EXPENDITURES FOR SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—

“(1) GRANTS.—The Director may award grants to provide for the planning and implementation of small health care provider quality improvement activities. The Director may award the grants for periods of 1 to 3 years.

“(B) for construction.

“(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an entity

“(A) shall be a rural public or rural non-profit private health care provider or provider of health care services, such as a critical access hospital or a rural health clinic; or

“(B) shall represent a network composed of members—

“(i) that include 3 or more health care providers; and

“(ii) that may be nonprofit or for-profit entities; and

“(iii) that may previously have received a grant under this subsection (other than a grant for planning activities) for the same or a similar project.

“(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an entity

“(A) shall be a rural public or rural non-profit private health care provider or provider of health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

“(B) shall represent a consortium composed of members—

“(i) that include 3 or more health care providers; and

“(ii) that may be nonprofit or for-profit entities; and

“(iii) that shall not previously have received a grant under this subsection (other than a grant for planning activities) for the same or a similar project.

“(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity will carry out using the funds provided under the grant;

“(B) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of services by the entity;

“(D) a description of the reasons why Federal assistance is required to carry out the project; and

“(E) a plan for sustaining the project after Federal support for the project has ended;

“(F) a description of how the project will be evaluated; and

“(G) other such information as the Secretary determines to be appropriate.

“(5) PREFERENCE.—In awarding grants under this subsection, the Secretary shall give preference to entities that—

“(A) are located in health professional shortage areas or medically underserved communities, or serve medically underserved populations; or

“(B) propose to develop projects with a focus on primary care, and wellness and prevention strategies.

“(6) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsections (a), (b), and (g).

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal years 2004 and 2005, and such additional amounts as may be necessary for each of fiscal years 2006 through 2009.”

Subtitle B—Telehealth Grant Consolidation

SEC. 211. SHORT TITLE.

This subtitle may be cited as the “Telehealth Grant Consolidation Act of 2002”.

SEC. 212. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 205 et seq) is amended by adding at the end the following:

“SEC. 3301. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

“(a) Definitions.—In this section—

“(1) DIRECTOR; OFFICE.—The terms ‘Director’ and ‘Office’ mean the Director and Office specified in subsection (b).”

“(2) FEDERALLY QUALIFIED HEALTH CENTER AND RURAL HEALTH CLINIC.—The term ‘Federally qualified health center and rural health clinic’ have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395xx(aa)).

“(3) FRONTIERS COMMUNITY.—The term ‘Frontiers community’ have the meaning given the term in regulations issued under subsection (r).
“(4) MEDICALLY UNDERSERVED AREA.—The term ‘medically underserved area’ has the meaning given the term ‘medically underserved community’ in section 798B.

“(5) UNDESERVED POPULATION.—The term ‘medically underserved population’ has the meaning given the term in section 330(d)(3).

“(6) TELEHEALTH SERVICES.—The term ‘telehealth services’ means services provided through telehealth technologies.

“(7) TELEHEALTH TECHNOLOGIES.—The term ‘telehealth technologies’ means technologies relating to the use of electronic information, and telecommunication, technologies, to support and promote, at a distance, health care, public health, professional health-related education, health administration, and public health.

“(8) PROGRAMS.—The Secretary shall establish, under section 301, telehealth network and telehealth resource centers grant programs.

“(9) ADMINISTRATION.—

“(a) ESTABLISHMENT.—There is established in the Health and Resources and Services Administration an Office for the Advance- ment of Telehealth. The Office shall be headed by a Director.

“(b) DUTIES.—The telehealth network and telehealth resource centers grant programs established under section 301 shall be administra- ted by the Director, in consultation with the State offices of rural health, State offices concerning primary care, or other appropriate State government entities.

“(c) GRANTS.—

“(1) TEL EHEALTH NETWORK GRANTS.—The Director may, in carrying out the telehealth network grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used in the areas and communities, and for medically underserved populations, to—

“(A) expand access to, coordinate, and improve the quality of health care services;

“(B) improve and expand the training of health care providers; and

“(C) expand and improve the quality of health information available to health care providers, and patients and their families, for decisionmaking.

“(2) T ELEHEALTH RESOURCE CENTERS GRANTS.—The Director may, in carrying out the telehealth resource centers grant program referred to in subsection (b), award grants to eligible entities for purposes of promoting the use of telehealth services and entities operating out- patient mental health facilities.

“(3) ADMINISTRATION.—The Office shall be headed by a Director.

“(4) ELIGIBLE ENTITIES.—

“(A) LOCAL OR REGIONAL HEALTH OFFICES.—In awarding grants under subsection (d)(1), an entity shall be a nonprofit entity.

“(B) GRANT PERIODS.—In awarding grants under subsection (d)(1) for a fiscal year, the Director shall ensure that—

“(i) not less than 50 percent of the funds awarded shall be awarded for projects in rural areas; and

“(ii) the total amount of funds awarded for such projects for that fiscal year shall be not more than the total amount of funds awarded for such projects for fiscal year 2001 under section 330A (as in effect on the date before the date of enactment of the Health Care Safety Net Amendments of 2002).

“(C) BROAD RANGE OF TELEHEALTH SERVICES.—The eligible entity has a record of providing a broad range of telehealth services, which may include—

“(i) a variety of clinical specialty services;

“(ii) patient or family education;

“(iii) health care professional education; and

“(iv) rural residency support programs.

“(D) DISTRIBUTION OF FUNDS.—

“(i) IN GENERAL.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among the geo- graphical regions of the United States.

“(ii) TEL EMEETING ON RURAL HEALTH.—In awarding grants under subsection (d)(1) for a fiscal year, the Director shall ensure that—

“(A) not less than 50 percent of the funds awarded shall be awarded for projects in rural areas; and

“(B) the total amount of funds awarded for such projects for that fiscal year shall be not more than the total amount of funds awarded for such projects for fiscal year 2001 under section 330A (as in effect on the date before the date of enactment of the Health Care Safety Net Amendments of 2002).

“(E) USE OF FUNDS.—

“(i) TEL EMEETING ON RURAL HEALTH.—The recipient of a grant under subsection (d)(1) may use funds received through such grant for salaries, equipment, and operating or other costs, including the cost of—

“(A) developing and delivering clinical telehealth services that enhance access to community-based health care services in rural areas, frontier communities, or medically underserved areas; and

“(B) developing and acquiring, through lease or purchase, computer hardware and
software, audio and video equipment, computer network equipment, interactive equipment, data terminal equipment, and other equipment that furthers the objectives of the telehealth program, in a manner that enhances access to care in rural areas, frontier communities, or medically underserved areas; or

(ii) for expenditures for indirect costs (as determined by the Secretary), to the extent that the expenditures would exceed 15 percent of the total grant funds;

(m) Coordination.—In providing services under this section, an eligible entity shall coordinate, if feasible, with entities that—

(1) are private or public organizations, that receive Federal or State assistance; or

(2) are public or private entities that operate centers, or carry out programs, that receive Federal assistance; and

(n) Telehealth Services or Related Activities.—

(1) The Secretary shall develop an electronic telecommunication infrastructure to support the telehealth services described in subsection (b), to the extent practicable, with Federal, State, and local agencies and nonprofit organizations that are operating similar programs, to maximize the effect of public dollars in funding meritorious proposals.

(2) A project involving a telehealth resource center shall be subject to the matching requirement described in subparagraph (A), unless the Secretary determines that coordination with other projects is necessary to achieve the objectives of this section.

(3) The Secretary shall require coordination for purposes of paragraphs (1) through (5) of subsection (a) with the grant recipient under the grant; and

(4) The Secretary shall also require coordination for purposes of paragraphs (1) through (5) of subsection (a) within the applicable Health Service Act (42 U.S.C. 254b et seq.) (as determined by the Secretary), to the extent that the expenditures would exceed 15 percent of the total grant funds.

(5) in the case of a project involving a telehealth resource center, may include the use of technology-enhanced educational methods (such as distance learning); and

(6) for grants under subparagraph (A), $20,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006; and

(7) for grants under subsection (d)(2), $20,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.”.

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Services Training and Equipment Assistance Program

Section 221. Programs.

(a) Grants.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the ‘‘Secretary’’) shall award grants to eligible entities to enable such entities to provide for improved emergency medical services in rural areas.

(b) Eligibility.—To be eligible to receive a grant under this section, an entity shall—

(1) be—

(A) a State emergency medical services office; or

(B) a State emergency medical services association;

(C) a State office of rural health;

(D) a local government entity;

(E) a State or local ambulance provider; or

(F) any other entity determined appropriate by the Secretary; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

(i) a description of the activities to be carried out under the grant; and

(ii) an assurance that the eligible entity will comply with the matching requirement of subsection (e).

(c) Use of Funds.—An entity shall use amounts received under a grant made under this section to provide telehealth services (as defined under paragraph (4)), either through grants to emergency medical service squads that are located in, or that serve residents of, a nonmetropolitan statistical area, an area designated as a rural area by any law or regulation of a State, or a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Methodology, originally published in a notice of availability of funds in the Federal Register on February 27, 1992, 57 Fed. Reg. 6725), to—

(1) recruit emergency medical service personnel;

(2) recruit volunteer emergency medical service personnel;

(3) train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

(4) fund specific training to meet Federal or State certification requirements;

(5) develop new ways to educate emergency medical service providers in the use of technology-enhanced educational methods (such as distance learning);

(6) acquire emergency medical services equipment, including cardiac defibrillators;

(7) acquire personal protective equipment for emergency medical service personnel as required by the Occupational Safety and Health Administration; and

(8) educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

(d) Preference.—In awarding grants under this section the Secretary shall give preference to—

(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (F) of subsection (b)(1); and

(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (c).

(e) Matching Requirement.—The Secretary may not award a grant under this section to an entity unless the entity agrees that the entity will make available directly
or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 25 percent of the amount received under the grant.

(4) Emergency Medical Services.—In this section, the term ‘emergency medical services’ means:

(1) resources used by a qualified public or private nonprofit entity, or by any other entity recognized as qualified by the State, (as determined by the State), a registered nurse, a physician assistant, or a physician who provides services similar to services provided by such an emergency medical services provider.

(5) Authorization of Appropriations.—

(a) In general.—There are authorized to be appropriated $20,000,000 for fiscal years 2002 through 2006.

(b) Use of Funds.—An eligible entity that receives a grant under this section shall use the funds—

(1) to provide mental health services, including diagnosis and treatment of mental illness, as delivered remotely by qualified mental health professionals using telehealth;

(ii) to collaborate with local public health entities to provide the mental health services; and

(2) for the populations described in subsection (a)(4)(B).

(c) Use of Funds.—

(1) Program.—An eligible entity that receives a grant under this section may use the grant funds to:

(A) pay telecommunications costs; and

(B) pay qualified mental health professionals on a reasonable cost basis as determined by the Secretary for services rendered.

(d) Prohibited Uses.—An eligible entity that receives a grant under this section shall not use the grant to:

(A) pay or install transmission equipment (other than such equipment used by qualified mental health professionals to deliver mental health services using telehealth under the project involved); or

(B) build upon or acquire real property.

(e) Equitable Distribution.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

(f) Application.—An entity that desires a grant under this section shall submit an application to the Secretary in such form and manner, and containing such information as the Secretary determines to be reasonable.

(g) Report.—Not later than 4 years after the date of enactment of the Health Care Safety Net Amendments of 2002, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate activities funded with grants under this section.

(h) Authorization of Appropriations.—There are authorized to be appropriated $20,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.

TITIE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

SEC. 301. NATIONAL HEALTH SERVICE CORPS PROGRAM.

(a) In General.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (i) as subsection (k); and

(2) by inserting after subsection (j) the following:

‘‘(k) Authorization of Appropriations.—

‘‘There are authorized to be appropriated $20,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.’’

TITIE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

SEC. 301. NATIONAL HEALTH SERVICE CORPS PROGRAM.

(a) In General.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (i) as subsection (k); and

(2) by inserting after subsection (j) the following:

‘‘(k) Authorization of Appropriations.—There are authorized to be appropriated $20,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.’’
"(E) the Corps member agrees in writing that the period of obligated service pursuant to section 338B will be extended so that the aggregate amount of less than full-time service periods will equal the amount of service that would be performed through full-time service under section 338C; and

(1) the Corps member agrees in writing that the period of obligated service begins providing less than full-time service but fails to begin or complete the period of obligated service, the method stated in 338E(c) for determining the length of time for which an individual's written contract will be used after converting periods of obligated service or of service performed into their full-time equivalents,

(3) In evaluating a demonstration project described in paragraph (1), the Secretary shall examine the effect of multidisciplinary teams.".

SEC. 302. DESIGNATION OF HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) In General.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(1) in subsection (a),—

(A) in paragraph (1), by inserting after the first sentence the following: "All Federally qualified health centers and rural health clinics established under section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)), that meet the requirements of section 334 shall be automatically designated as having such shortage of services if that earlier than six years thereafter, each such center or clinic shall demonstrate that the center or clinic meets the applicable requirements of the Federal regulations, issued after the date of enactment of this Act, that revise the definition of a health professional shortage area for purposes of this section;

(B) in paragraph (3), by striking "30(r)(a)" may be a population group" and inserting "338(b)(4)" may be a population group" and replacing the words "in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1))) may be population groups");

(2) in subsection (b)(2), by striking "with special consideration to the indicators of and at what facilities through "services," and inserting a period; and

(3) in subsection (c)(2)(B), by striking "XVIII or XIX" and inserting "XVIII, XIX, or XXI";

(b) REGULATIONS.—

(1) REPORT.—

(A) In General.—The Secretary shall submit the report described in subparagraph (B) if the Secretary, acting through the Administrator of the Health Resources and Services Administration, issues—

(i) a regulation that revises the definition of a health professional shortage area for purposes of section 332 of the Public Health Service Act (42 U.S.C. 254e); or

(ii) a regulation that revises the standards concerning priority of such an area under section 333A of that Act (42 U.S.C. 254f-1).

(B) If the Secretary is issuing a regulation described in subparagraph (A), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report that describes the regulation.

(2) EFFECTIVE DATE.—Each regulation described in paragraph (1)(A) shall take effect 180 days after the committees described in paragraph (1)(B) receive a report referred to in paragraph (1)(A).

(c) SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.—The Secretary of Health and Human Services, in consultation with organizations representing individuals in the dental field and organizations representing publicly funded health care providers, shall develop, implement and maintain mechanisms to provide loans or loan repayments. The Secretary shall consult with the participant of dentists and dental hygienists in the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act (42 U.S.C. 254f) and the Loan Repayment Program under section 338B of such Act (42 U.S.C. 254f-1).

(d) SITE DESIGNATION PROCESS.—

(1) DISSEMINATION.—The Administrator of the Health Resources and Services Administration, in consultation with the Association of State and Territorial Dental Directors, the American Dental Association, and other interested parties, shall develop and implement a plan for increasing the awareness of oral health care needs, particularly in rural areas.

(2) PUBLIC HEALTH SERVICE ACT.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended by adding at the end the following:

"(1) DISSEMINATION.—The Administrator of the Health Resources and Services Administration shall disseminate information concerning the designation criteria described in subsection (b) to—

"(B) in paragraph (3), by striking "the Governor of each State;"

(2) the representative of any area, population group, or facility selected by any such Governor to receive such information;

(3) the representative of any area, population group, or facility that requests such information; and

(4) the representative of any area, population group, or facility determined by the Administrator to be likely to meet the criteria described in subsection (b).

(c) GAO STUDY.—Not later than February 1, 2005, the Comptroller General of the United States shall submit to the Congress a report on the appropriateness of the criteria, including but not limited to infant mortality rates, access to health services taking into account the distance to primary health services, the rate of poverty and ability to pay for health services, and low birth rates, established by the Secretary of Health and Human Services for the designation of health professional shortage areas and whether the designations of Federally qualified health centers and rural health centers as such areas is appropriate and necessary.

SEC. 303. ASSIGNMENT OF CORPS PERSONNEL.

Section 333 of the Public Health Service Act (42 U.S.C. 254f) is amended—

(1) in subsection (a)(1)(A), by striking "health professional shortage areas" and inserting "primary care professional shortage areas and entities";

(2) in subsection (b)(1), by striking "the representative of any area, population group, or facility selected by any such Governor to receive such information;" and

(3) in subsection (c), by striking "the representative of any area, population group, or facility that requests such information;" and

(4) in subsection (d), by redesigning paragraphs (1) through (3) as paragraphs (2) through (4), respectively.

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

"(1) PROPOSED LIST.—The Secretary shall prepare and publish a proposed list of health professional shortage areas and entities that would receive priority under subsection (a)(1) in the assignment of Corps members. The Secretary shall contain the information described in paragraphs (2) and (3) and the relative scores and relative priorities of the entities submitting applications under section 333, in a proposed format. All such entities shall have 30 days after the date of publication of the list to provide additional data and information in support of inclusion on the list or in support of a higher priority determination. The Secretary shall also consider such data and information in preparing the final list under paragraph (2)."

(C) in paragraph (2)(B)(i) that is appropriate for the individual's medical specialty and discipline.

(D) by striking paragraph (3) (as redesignated by subparagraph (A)) and inserting the following:

"(3) NOTIFICATION OF AFFECTED PARTIES.—

"(A) ESTIMATES.—Not later than 30 days after the Secretary has added to a list under paragraph (2) an entity specified as described in subparagraph (A) of such paragraph, the Secretary shall notify such entity that the entity has been provided an authorization to receive assignments of Corps members in the event that Corps members are available for the list.

"(B) INDIVIDUALS.—In the case of an individual obligated to provide service under the Scholarship Program, not later than 3 months before the date described in section 338B(c)(5), the Secretary shall provide to such individual the names of each of the entities specified as described in paragraph (2) that is appropriate for the individual's medical specialty and discipline.

(E) by striking paragraph (4) (as redesignated by subparagraph (A)) and inserting the following:

"(4) REVISIONS.—If the Secretary proposes to make a revision in the list under paragraph (2), and the revision would adversely affect the status of an entity subject to the list, the Secretary shall notify the entity of the revision. Any entity adversely affected

"(E) by striking paragraph (4) (as redesignated by subparagraph (A)) and inserting the following:

"(4) REVISIONS.—If the Secretary proposes to make a revision in the list under paragraph (2), and the revision would adversely affect the status of an entity subject to the list, the Secretary shall notify the entity of the revision. Any entity adversely affected
by such a revision shall be notified in writing by the Secretary of the reasons for the revision and shall have 30 days to file a written appeal of the determination involved which is reasonably considered by the Secretary before the revision to the list becomes final. The revision to the list shall be effective with respect to assignment of Corps members beginning on the date that the revision becomes final.”;

(5) by striking subsection (e) and inserting the following:

“(e) LIMITATION ON NUMBER OF ENTITIES OFFERED AS ASSIGNMENT CHOICES IN SCHOLARSHIP PROGRAM.—

“(1) DETERMINATION OF AVAILABLE CORPS MEMBERS.—On July 1 of each calendar year, the Secretary shall determine the number of participants in the Scholarship Program who will be available for assignments under section 333 during the program year beginning on July 1 of that calendar year.

“(2) DETERMINATION OF NUMBER OF ENTITIES.—At all times during a program year, the number of entities specified under subsection (c)(2)(B)(i) shall be—

“(A) not less than the number of participants determined with respect to that program year under paragraph (1); and

“(B) not greater than twice the number of participants determined with respect to that program year under paragraph (1).”;

(6) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d) respectively.

SEC. 305. COST-SHARING.

Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 256d et seq.) is amended by striking section 334 and inserting—

“SEC. 334. CHARGES FOR SERVICES BY ENTITIES USING CORPS MEMBERS.

“(a) AVAILABILITY OF SERVICES REGARDLESS OF PAY OR PAYMENT SOURCE.—An entity to which a Corps member is assigned shall not deny requested health care services, and shall not discriminate in the provision of services to an individual—

“(1) because the individual is unable to pay for the services; or

“(2) through a payment for the services would be made under—

“(A) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

“(B) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.); or

“(C) the State children’s health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.).

“(b) CHARGES FOR SERVICES.—The following rules shall apply to charges for health care services provided by an entity to which a Corps member is assigned:

“(1) IN GENERAL.—

“(A) SCHEDULE OF FEES OR PAYMENTS.—Except as provided in paragraph (2), the entity shall prepare a schedule of fees or payments for the entity’s services, consistent with locally prevailing rates or charges and designed to cover the entity’s reasonable cost of operation.

“(B) SCHEDULE OF DISCOUNTS.—Except as provided in paragraph (2), the entity shall prepare a corresponding schedule of discounts (including, in appropriate cases, waivers) to be applied to such fees or payments. In preparing the schedule, the entity shall adjust discounts on the basis of a patient’s ability to pay.

“(C) USE OF SCHEDULES.—The entity shall make every reasonable effort to secure from patients payments for services in accordance with such schedules, and fees or payments shall be sufficiently discounted in accordance with the schedule described in subparagraph (B).

“(2) SERVICES TO BENEFICIARIES OF FEDERAL AND FEDERA LALLY ASSISTED PROGRAMS.—In the case of services furnished to an individual who is a beneficiary of a program listed in subsection (a)(2), the entity—

“(A) shall accept an assignment pursuant to section 1395u(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii)) with respect to an individual who is a beneficiary under the medicaid program; and

“(B) shall enter into an appropriate agreement with—

“(i) the State agency administering the program under title XIX of such Act with respect to an individual who is a beneficiary under the medicaid program; and

“(ii) the State agency administering the program under title XXI of such Act with respect to an individual who is a beneficiary under the State children’s health insurance program.

“(3) COLLECTION OF PAYMENTS.—The entity shall take reasonable and appropriate steps to collect all payments due for health care services provided by the entity, including payments from any third party (including a Federal, State, or local government agency and any other third party) that is responsible for part or all of the charge for such services.

SEC. 306. ELIGIBILITY FOR FEDERAL FUNDS.

Section 333(c)(1)(B) of the Public Health Service Act (42 U.S.C. 254e(1)(B)) is amended by striking “XVIII” or “XIX” and inserting “XVIII, XIX, or XXI.”

SEC. 307. FACILITATION OF EFFECTIVE PROVISION OF CORPS SERVICES.

“(a) HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 336 of the Public Health Service Act (42 U.S.C. 254h) is amended—

“(1) in subsection (c), by striking “health manpower” and inserting “health professional”;

“(2) in subsection (d), by striking “health manpower” and inserting “health professional”;

“(b) TECHNICAL AMENDMENT.—Section 338A(b)(6) of the Public Health Service Act (42 U.S.C. 254i(b)(6)) is amended by striking “agreement under—”

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

Section 338(a) of the Public Health Service Act (42 U.S.C. 254a(a)) is amended—

“(1) by striking “(1) For” and inserting “For”;

“(2) by striking “1991 through 2000” and inserting “2002 through 2006”;

“(3) by striking paragraph (2).

SEC. 309. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.

Section 333A of the Public Health Service Act (42 U.S.C. 254l) is amended—

“(1) in subsection (a), by inserting “behavioral and mental health professionals,” after “dentists,”; and

“(2) by striking subsection (b).

SEC. 310. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.

Section 339B of the Public Health Service Act (42 U.S.C. 254h) is amended—

“(1) in subsection (a)—

“(A) in paragraph (1), by inserting “behavioral and mental health professionals,” after “dentists,”; and

“(B) in paragraph (2), by striking “(including mental health professionals)”;

“(2) by redesignating subsection (a) as subsection (B) and striking paragraph (A) and inserting the following:

“(A) a degree in medicine, osteopathic medicine, dentistry, or another health profession, or an appropriate degree from a graduate program of behavioral and mental health, or be certified as a nurse midwife, nurse practitioner, or physician assistant;”;

“(3) in subsection (b), by striking “(1) In general.—”;

“(4) by striking subsection (c).

SEC. 311. OBLIGATED SERVICE.

Section 338C of the Public Health Service Act (42 U.S.C. 254k) is amended—

“(1) in subsection (a), by inserting “behavioral and mental health professionals,” after “dentists,”; and

“(2) in subsection (b), by striking “2002 through 2006” and inserting “2002 through 2006”;

“(3) by striking paragraph (2).

SEC. 312. PRIVATE PRACTICE.

Section 338D of the Public Health Service Act (42 U.S.C. 254n) is amended by striking subsection (b) and inserting the following:

“(b) The written agreement described in subsection (a) shall, after the period of private practice by an individual pursuant to the agreement, the individual shall comply
with the requirements of section 334 that apply to entities and
(B) contain such additional provisions as the Secretary may require to carry out the objective of this subsection.

"The Secretary shall take such action as may be appropriate to ensure that the conditions of the written agreement pre-
scribed in paragraph (4) of this subsection are adhered to.

SEC. 313. BREACH OF SCHOLARSHIP CONTRACT OR LOAN REPAYMENT CONTRACT.

(a) IN GENERAL.—Section 338E of the Public Health Service Act (42 U.S.C. 254a) is amended—

(1) in subsection (a)—

(A) in subparagraph (A), by striking the comma and inserting a semicolon;

(B) by striking (B) by striking the comma and inserting "or";

(C) in subparagraph (C), by striking "or" at the end;

(D) by striking subparagraph (D);

(ii) by striking "338D" and inserting "338G(d)");

(ii) by striking "either";

(iii) by striking "338D or" and inserting "338D and";

(iv) by inserting "or to complete a required residency as specified in section 338A(1)(B)(iv)", before "the United States;

and

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

(3) The Secretary may terminate a contract with an individual under section 338A if, not later than 30 days before the end of the school year to which the contract pertains, the individual—

(A) submits a written request for such termination; and

(B) repays all amounts paid to, or on behalf of, the individual under section 338A(g).

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "338B(d)" and inserting "338G(d)";

(ii) by striking subparagraphs (A) through (C) and inserting the following:

(A) the Secretary shall, from amounts appropriated under subsection (a) for a fiscal year, obligate not less than a total of 10 percent for contracts for both scholarships and loan repayments under the Loan Repayment Program under section 338B to individuals from disadvantaged backgrounds;

(c) SCHOLARSHIPS AND LOAN REPAYMENTS.—With respect to certification as a nurse practitioner, midwife, or physician assistant, the Secretary shall, from amounts appropriated under subsection (a) for a fiscal year, obligate not less than a total of 10 percent for contracts for both scholarships and loan repayments under the Loan Repayment Program under section 338B to individuals from disadvantaged backgrounds;

Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

"SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.

(1) In General.—The Secretary may assign a physician or other health professional licensed to prescribe drugs to provide obligated service at a site described in section 338A(b)(1)(B) that leads to such a certification or individuals who are eligible for the Loan Repayment Program as specified in section 338B(b) for a loan related to such certification.

SEC. 315. GRANTS TO STATES FOR LOAN REPAYMENT SERVICES.

Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended—

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

"(1) AUTHORITY FOR GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administrative Region may make grants to States for the purpose of assisting the States in operating programs described in paragraph (2) in order to provide for the increased availability of primary health care services in health professional shortage areas. The National Advisory Council established under section 307 shall advise the Administrator regarding the programs operated under this paragraph.

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) to submit to the Secretary such reports regarding the Loan Repayment Program, as are determined to be appropriate by the Secretary; and"

(3) in subsection (i), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—For the purpose of making grants under subsection (a), there are authorize to be appropriated $12,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

SEC. 316. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS.

Section 338J of the Public Health Service Act (42 U.S.C. 254t) is amended—

SEC. 317. DEMONSTRATION PROJECT.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254 et seq.) is amended by adding at the end the following:

"SEC. 338L. DEMONSTRATION PROJECT.

"(a) PROGRAM AUTHORIZED.—The Secretary shall establish a demonstration project to provide for the participation of individuals who are chiropractic doctors or pharmacists in the Loan Repayment Program described in section 338B.

(b) PROCEDURE.—An individual that receives assistance under this section with regard to the program described in section 338B shall comply with all rules and requirements described in such section (other than subparagraphs (A) and (B) of section 338B(b)(1)) in order to receive assistance under this section.

"(c) LIMITATIONS.—

(1) IN GENERAL.—The demonstration project described in this section shall provide for the participation of individuals who shall provide services in rural and urban areas.

(2) AVAILABILITY OF OTHER HEALTH PROFESSIONALS.—The Secretary may not assign an individual receiving assistance under this section to provide obligated service at a site unless—

(A) the Secretary has assigned a physician (as defined in section 1861(r) of the Social Security Act) or other health professional licensed to prescribe drugs to provide obligated service at such site under section 338C or 338D; or

(B) such physician or other health professional will provide obligated service at such site currently or concurrently with the individual receiving assistance under this section.

(3) RULES OF CONSTRUCTION.—

(A) Supervision of individuals.—Nothing in this section shall require the Secretary to direct or to require or imply that a physician or other health professional licensed to prescribe drugs must supervise an individual receiving assistance under this section, or to require the participation of individuals in this section, with respect to such project.

(B) LICENSURE OF HEALTH PROFESSIONALS.—Nothing in this section shall be construed to supersede State law regarding licensure of health professionals.

(d) DESIGNATIONS.—The demonstration project described in this section, and any individuals who are selected to participate in such project, shall not be considered by the Secretary in the designation of a health professional shortage area under section 332 during fiscal years 2002 through 2006.

(e) RULE OF CONSTRUCTION.—This section shall not be construed to require any State to participate in the project described in this section.

(f) REPORT.—

(1) IN GENERAL.—The Secretary shall evaluate the participation of individuals in the demonstration project described in this section and prepare and submit a report containing the information described in paragraph (2) to the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) IN GENERAL.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $12,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

"(2) Repayment of amounts paid on behalf of the individual under section 338B(g);

(3) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of Federal or State law, there shall be no obligation for the period within which suit may be filed, a judgment may be enforced, or an action relating to an offset or garnishment, or either of them, may be initiated or taken by the Secretary, the Attorney General, or the head of another Federal agency, as the case may be, for the repayment of the amount due from an individual under this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall apply to any obligation for which a discharge in bankruptcy has not been granted before the date that is 31 days after the date of enactment of this Act.

SEC. 314. AUTHORIZATION OF APPROPRIATIONS.

Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

―END OF DOCUMENT—
Title IV—Healthy Communities Access Program

SEC. 401. PURPOSE.

The purpose of this title is to provide assistance to entities and consortia of health care providers and others, to develop or strengthen integrated community health care delivery systems that coordinate health care services for individuals who are uninsured or underinsured, and to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions who are uninsured or underinsured, through the:

(1) coordination of services to allow individuals to receive efficient and higher quality care from a comprehensive system of care;
(2) development of the infrastructure for a health care delivery system that involves effective collaboration, information sharing, and clinical and financial coordination among all providers of care in the community; and
(3) provision of new Federal resources that do not supplant funding for existing Federal categorical programs that support entities providing services to low-income populations.

SEC. 402. CREATION OF HEALTHY COMMUNITIES ACCESS PROGRAM.

Part D of title I of the Public Health Service Act (42 U.S.C. 254 et seq.) is amended by inserting after subpart IV the following new subpart:

Subpart V—Healthy Communities Access Program

"SEC. 340. GRANTS TO STRENGTHEN THE EFFECTIVENESS, EFFICIENCY, AND COORDINATION OF SERVICES FOR THE UNINSURED AND UNDERINSURED.

"(a) IN GENERAL.—The Secretary may award grants to eligible entities to assist in the development of integrated health care delivery systems to serve communities of individuals who are uninsured and individuals who are underinsured.

"(1) Eligibility.—orphanage, emergency, of, and coordination among, the providers providing services through such systems;

"(2) to assist communities in developing programs targeted toward preventing and managing chronic diseases; and

"(3) to expand and enhance the services provided through such systems.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an entity—

"(i) represents a consortium—

"(A) whose principal purpose is to provide a broad range of coordinated health care services for a community defined in the entity’s grant application as described in paragraph (2); and

"(B) that includes at least one of the following providers that serve the community (unless such provider does not exist within the community, declines or refuses to participate, or places unreasonable conditions on their participation):

"(1) a Federally qualified health center (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa));

"(2) a hospital with a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396d-4(b)(3)) that is greater than 25 percent;

"(3) a public health department; and

"(4) an interested public or private sector health care provider or an organization that has traditional authority to provide medically uninsured and underserved;

"(ii) submits to the Secretary a plan, in form and manner as the Secretary shall prescribe—

"(A) defines a community or geographic area of uninsured and underinsured individuals;

"(B) identifies the providers who will participate in the consortium’s program under the grant, and specifies other providers’ contribution to the care of uninsured and underinsured individuals in the community;

"(C) describes the activities that the applicant and the consortium propose to perform under the grant to further the objectives of this section;

"(D) demonstrates the consortium’s ability to build on the current health care system (as of the date of submission of the application) for serving a community or geographic area of uninsured and underserved individuals by involving and strategically providing a significant volume of care for that community;

"(E) demonstrates the consortium’s ability to develop and coordinate systems of care that either directly provide or ensure the prompt provision of a broad range of high-quality, accessible services, including, as appropriate, primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services in a manner that assures continuity of care in the community or geographic area of uninsured and underinsured individuals;

"(F) provides evidence of community involvement in the development, implementation, and direction of the program that the entity proposes to operate;

"(G) demonstrates the consortium’s ability to ensure that individuals participating in the program are enrolled in public insurance programs for which they are eligible or know of private insurance programs where available;

"(H) presents a plan for leveraging other sources of funding for services and support systems that may include State and local sources and private grant funds, and integrating current and proposed new funding sources in a way to assure long-term sustainability of the program;

"(i) describes a plan for evaluation of the activities carried out under the grant, including measurement of progress toward the goals and objectives of the program and the use of evaluation findings to improve program performance;

"(ii) demonstrates fiscal responsibility through the use of appropriate accounting procedures and appropriate management systems;

"(j) demonstrates the consortium’s commitment to serve the community without regard to the ability of an individual or family to pay by arranging for or providing free or reduced-charge care for insured and uninsured individuals; and

"(k) includes such other information as the Secretary may prescribe.

"(c) LIMITATIONS.—

"(1) NUMBER OF AWARDS.—

"(A) IN GENERAL.—For each of fiscal years 2003, 2004, 2005, and 2006, the Secretary may not make more than 35 new awards under subsection (a) (excluding renewals of such awards).

"(B) RULE OF CONSTRUCTION.—This paragraph shall not be construed to affect awards made before fiscal year 2003.

"(2) IN GENERAL.—An eligible entity may not receive a grant under this section (including with respect to any such grant made before fiscal year 2003) for more than 3 consecutive fiscal years, except that such entity may receive such a grant for not more than 1 additional fiscal year if—

"(A) the entity submits to the Secretary a request for a grant for such an additional fiscal year;

"(B) the Secretary determines that extraordinary circumstances (as defined in paragraph (3)) justify the granting of such request; and

"(C) the Secretary determines that granting such request is necessary to further the objectives described in subsection (a).

"(3) EXTRAORDINARY CIRCUMSTANCES.—

"(A) IN GENERAL.—In paragraph (2), the term ‘extraordinary circumstances’ means an event (or events) that is outside of the control of the eligible entity that has prevented the eligible entity from fulfilling the objectives described by such entity in the application submitted under subsection (b)(2).

"(B) EXAMPLES.—Extraordinary circumstances include—

"(i) natural disasters or other major disruptions to the security or health of the community or geographic area served by the eligible entity; or

"(ii) a significant economic deterioration in the community or geographic area served by the eligible entity that adversely affects the entity receiving an award under subsection (a).

"(4) PRIORITIES.—In awarding grants under this section, the Secretary—

"(A) shall accord priority to applicants that demonstrate the extent of unmet need in the community involved for a more coordinated system of care; and

"(B) shall accord priority to applicants that best promote the objectives of this section, taking into consideration the extent to which the application involved—

"(i) identifies a community whose geographical area has a high or increasing percentage of individuals who are uninsured; and

"(ii) demonstrates that the applicant has included in the consortium providers, support systems, and programs that have a tradition of serving uninsured individuals and underinsured individuals in the community; and

"Awards made under this section shall not be subject to the requirements in title I of the Social Security Act (42 U.S.C. 1395x(aa)).
“(D) proposes a program that would improve coordination between health care providers and appropriate social service providers; and

“(E) demonstrates collaboration with State and local governments;

“(F) demonstrates that the applicant makes use of non-Federal contributions to the greatest possible extent; and

“(G) demonstrates a likelihood that the proposed program will continue after support under this section ceases.

“(1) USE BY GRANTEES.—

“(A) IN GENERAL.—Except as provided in paragraph (2)(B), a grantee may use amounts provided under this section only for—

“(i) direct expenses associated with achieving the greater integration of a health care delivery system so that the system either directly provides or ensures the provision of a broad range of culturally competent services, as appropriate, including primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services; and

“(ii) direct patient care and service expansions to fill identified or documented gaps within an integrated delivery system.

“(B) SPECIFIC USES.

“The following are examples of purposes for which a grantee may use grant funds under this section, when such use meets the conditions stated in subparagraph (A):

“(i) Increases in outreach activities and closing gaps in health care service.

“(ii) Improvements to case management.

“(iii) Improvements to coordination of transportation to health care facilities.

“(iv) Development of provider networks and other innovative models to engage physicians in voluntary efforts to serve the medically underserved within a community.

“(v) Recruitment, training, and compensation of necessary personnel.

“(vi) Acquisition of technology for the purpose of coordinating care.

“(vii) Improvements to provider communication, including implementation of shared information systems or shared clinical systems.

“(viii) Development of common processes for determining eligibility for the programs provided through the system, including creating common identification cards and single sliding scale discounts.

“(ix) Development of specific prevention and disease management tools and processes.

“(x) Translation services.

“(xi) Carrying out other activities that may be appropriate to a community and that would increase access by the uninsured to health care, such as access initiatives for which private entities provide non-Federal contributions to supplant the Federal funds provided through the grants for the initiatives.

“(2) DIRECT PATIENT CARE LIMITATION.—Not more than 3 percent of funds appropriated to carry out this section shall be used for providing direct patient care and services.

“(3) RESERVATION OF FUNDS FOR NATIONAL PROGRAM PURPOSES.—The Secretary may use amounts provided under this section only for providing direct patient care and services.

“(A) REPORT TO SECRETARY.—An applicant for a grant under this section with technical and other nonfinancial assistance necessary to meet the requirements of this section.

“(B) EVALUATION OF PROGRAM.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the extent to which projects funded under this section have been successful in improving the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals in the communities or geographic areas served by such projects, including whether the projects resulted in the provision of better quality health care for such individuals, and whether such care was provided at lower costs than would have been possible in the absence of the activities conducted by such grantee; and

“(C) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

“(D) DATE CERTAIN FOR TERMINATION OF PROGRAM.—Funds may not be appropriated to carry out this section after September 30, 2006.

“SEC. 430. EXPANDING AVAILABILITY OF DENTAL SERVICES.

“Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

“Subpart X—Primary Dental Programs

“SEC. 430F. DESIGNATED DENTAL HEALTH PROFESSIONAL SHORTEAGE AREA.

“In this subpart, the term ‘designated dental health professional shortage area’ means an area, population group, or facility that is designated by the Secretary as a dental health professional shortage area under section 332 or designated by the applicable State as having a dental health professional shortage.

“SEC. 430G. GRANTS FOR INNOVATIVE PROGRAMS.

“(a) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award grants to States for the purpose of helping States develop and implement innovative programs to address the dental workforce needs of designated dental health professional shortage areas in an area, population group, or facility that is appropriate to the States’ individual needs.

“(b) STATE ACTIVITIES.—A State receiving a grant under subsection (a) may use funds received under the grant for—

“(1) loan forgiveness and repayment programs for dentists who—

“(A) agree to practice in designated dental health professional shortage areas means in a manner that is appropriate to the States’ individual needs.

“(B) are dental school graduates who agree to serve as public health dentists for the Federal, State, or local government; and

“(C) agree to—

“(i) provide services to patients regardless of such patients’ ability to pay; and

“(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

“(2) dental recruitment and retention efforts.

“(B) grants and low-interest or no-interest loans to help dentists who participate in the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to establish or expand designated dental health professional shortage areas by equipping dental offices or sharing in the overhead costs of such practices;

“(C) the establishment or expansion of dental residency programs in coordination with accredited dental training institutions in States without dental schools;

“(D) the expansion of dental residency programs in coordination with State and local dental societies to expand or establish oral health services and facilities in designated dental health professional shortage areas, including services and facilities for children with special needs, as such:

“(A) the establishment of oral health services and facilities for children with special needs, as such:

“(B) the establishment of a mobile or portable dental clinic; and

“(C) the establishment or expansion of private dental facilities to increase capacity through additional equipment or additional hours of operation;
"(6) placement and support of dental students, dental residents, and advanced dentistry trainees;

"(7) continuing dental education, including distance education, on the health needs of migrant and seasonal agricultural workers;

"(8) practice support through teledentistry conducted in accordance with State laws;

"(9) community-based prevention services such as water fluoridation and dental sealant programs;

"(10) coordination with local educational agencies within the State to foster programs that prepare children going into oral health or science professions;

"(11) the establishment of faculty recruitment programs at accredited dental training institutions that includes community outreach and service and that have a demonstrated record of serving underserved States;

"(12) the development of a State dental officer position or the augmentation of a State dental office to coordinate oral health and access issues in the State; and

"(13) any other activities determined to be appropriate by the Secretary.

"(c) APPLICATION.—(1) In general.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) ASSURANCES.—The application shall include assurances that the State will meet the requirements described in subsection (d) and that the State possesses sufficient infrastructure to manage the funds to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

"(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to a State under this section unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the activities for which the grant was awarded, the State will provide non-Federal contributions in an amount equal to not less than 40 percent of Federal funds provided under the grant. The State may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services and may provide the contributions from State, local, or private sources.

"(e) REPORT.—Not later than 5 years after the date of enactment of the Health Care Safety Net Amendments of 2002, the Secretary shall submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to dental services in designated dental health professional shortage areas.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for the fiscal year period beginning with fiscal year 2002."

SEC. 404. STUDY REGARDING BARRIERS TO PARTICIPATION OF FARMWORKERS IN HEALTH PROGRAMS.

(a) In General.—The Secretary shall conduct a study of the problems experienced by farmworkers (including their families) under Medicaid and SCHIP. Specifically, the Secretary shall examine the following:

(1) ELIGIBILITY.—Barriers to their enrollment, including a lack of outreach and assistance to eligibility workers, complicated applications and eligibility determination procedures, and linguistic and cultural barriers.

(2) LACK OF PORTABILITY.—The lack of portability of Medicaid and SCHIP coverage for farmworkers determined eligible in one State but who move to other States on a seasonal or other periodic basis.

SEC. 501. GUARANTEE STUDY.

The Secretary of Health and Human Services shall conduct a study regarding the ability of the Department of Health and Human Services to provide for solvency for managed care networks involved States receiving funding under section 330 of the Public Health Service Act. The Secretary shall prepare and submit a report to the appropriate committees of Congress regarding such ability not later than 2 years after the date of enactment of the Health Care Safety Net Amendments of 2002.

SEC. 502. GRADUATE MEDICAL EDUCATION.

Section 752(k) of the Public Health Service Act (42 U.S.C. 294o(k)) is amended by striking "2002" and inserting "2003".

TITLE VI—CONFORMING AMENDMENTS

SEC. 601. CONFORMING AMENDMENTS.

(a) Homeless Programs.—Subsections (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), 318A(e), 332(a)(2)(C), 340(d)(5), 759B(6)(B), 1313, and 2652(2) of the Public Health Service Act (42 U.S.C. 233, 247b-1(a)(2), 247c-6(c), 247c-1(e), 2544(a)(2)(C), 2561(c)(5), 2565(d)(6)), 300J-1, and 300K-2(b) (other than section 6(c)), and inserting "2003" and "2003".

(b) Homeless Individual.—Section 534(2) of the Public Health Service Act (42 U.S.C. 252b-3(2)) is amended by striking "94c(y)" and inserting "390d-1(b)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from California (Ms. SOLIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on this legislation.

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

There was no objection.

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

Mr. Speaker, I rise today in support of the Senate bill, S. 1533, the Health Care Safety Net Amendments of 2002. This legislation strengthens the country's key safety net programs through the reauthorization of the community health centers, CHC, and National Health Service Corps, NHSC, programs. 

The SPEAKER pro tempore. The time allotted for the gentleman from Florida (Mr. STEARNS) has expired.

Mr. Speaker, it represents Congress's strong commitment to provide safety net providers' ability to offer health care services to millions of underserved and uninsured people.

One of the most pressing health care issues facing our country today is the problem of the uninsured. By some statistics over 40 million Americans currently do not possess health care insurance, a number that is expected to rise without health insurance reform. Many individuals lack the ability to receive even basic primary health care services. And, of course, during this time of...
Mr. Speaker, I would like to thank the gentleman from Florida (Mr. Bilirakis), the subcommittee chairman, the gentleman from Florida (Mr. Brown), and the ranking member, the gentleman from Michigan (Mr. Dingell), for their efforts in producing this legislation. I am pleased we were able to come together on a bipartisan basis with our Senate counterparts to provide legislation in this Congress that can strengthen the community health care centers program in America. Mr. Speaker, these programs are vital to the care for those who would otherwise not have access to primary health care services.

Mr. Speaker, I urge all of us to join in full support of this legislation. Mr. Speaker, I urge my colleagues to support the bill.

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

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

Mr. Speaker, I also rise in strong support of Senate 1533, the Health Care Safety Net Amendments of 2002. This is an important piece of legislation which will provide the 5-year reauthorization of community health centers as well as the National Health Service Corps and grants for rural health care programs. Community health centers provide health care services to over 12 million people annually, 5 million of whom have no health insurance coverage at all, and currently there are over 41 million uninsured and untold numbers of underinsured.

Due to the slowing economy, this number keeps increasing. And as a result, the demand for health care services has increased dramatically, forcing risky delays for important primary and preventive health care services. Community health care services are effective and efficient providers of care to millions of our country’s most vulnerable people who are located in more than 3,400 communities in every single State.

This legislation authorizes $1.34 billion for fiscal year 2002 and such sums as may be necessary through 2006. Senate 1533 also authorizes grants for a new category of networks so that health centers may work to reduce costs, improve access to health care services, and enhance the quality of coordination of health care services and improve the health status of communities.

In addition to reauthorizing the community health centers program, the bill also provides for the inclusion of behavioral and mental health professionals in the NHSC scholarship and loan repayment programs. The NHSC provides loan forgiveness and scholarships to nurses, doctors, and for the first time, dentists, in return for services in underserved communities, both urban and rural, throughout this country. This legislation moves the National Health Service Corps, grants for rural health care programs.
Beyond the funding alone, this legislation takes major steps towards improving the efficiency of the programs that we already have out there. With the community health centers, the Health Care Safety Net Improvement Act of 2002 consolidates and streamlines the program while also empowering the Secretary to make grants available where appropriate and also authorizes a loan guarantee program with safeguards.

With the National Health Service Corps program, again, beyond just the funding, this legislation delivers a host of provisions that improve patient access to high-quality health care in health professional shortage areas. Among these, this provides for the inclusion of behavioral and mental health professionals and the National Health Service Corps scholarship and loan repayment programs.

In rural areas, the Health Care Services Outreach, Rural Health Care Network Development, and Small Health Care Provider Quality Improvement grant programs, this legislation also provides adequate funding. And I will state what is really important in this bill in my opinion, Mr. Speaker. It establishes an Office for the Advancement of Telehealth, which is telemedicine and teledentistry at the Health Resources and Services Administration.

This office will promote telehealth medicine and dentistry technologies in rural area, frontier communities, and medically underserved areas and for medically underserved populations. To expand access to high-quality health care service, improve the training of the health care providers and improve the sharing of health care information. It expressly says in this bill that it is only, and this is important, it is only the sense of Congress that States should develop reciprocal agreements so that licensed telehealth providers can conduct consultations under differing State laws. I am delighted that we are at the level decided to have that to the health professionals at home in the States to determine how they will work that out.

Finally, the Health Care Safety Net Improvement Act of 2002 provides the necessary funding for the community access program which is designed to provide assistance to communities and groups of health care providers, to develop or strengthen health care delivery systems that coordinate health care services for individuals who are uninsured or underinsured, which is the typical problem in rural areas. It also authorizes the award of grants to States for the development and implementation of innovative programs to address the dental workforce needs of dental health professional shortage areas.

As a dentist, obviously, this is an issue near and dear to my heart; and this legislation goes a long way in addressing this problem.

Mr. Speaker, I would urge my colleagues to vote for this measure today and send a strong and positive message to our Nation’s rural health care patients. I urge all of us to be consistently aware that in the rural parts of the Nation, there are health care providers there in private practice and we want to make sure that we do not do anything in this to put those people out of business who are out there struggling today to deal with the underserved.

Mr. STEARNS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, when I entered Congress, I was made aware of the need for better emergency medical services in rural areas. And when I sponsored my EMS legislation, I was responding to concerns that we would lose important emergency medical services in rural Minnesota and that providers would not have the resources they needed to make sure that when we dialed 911 we could be assured that help would be on the way.

For this reason, I am happy to support Senate 1533 today, the Health Care Safety Net Amendments of 2002.

Among other things included in this bill, it either provide improved emergency medical services in rural areas. This grant was first introduced to this House as part of my bill, H.R. 1333, Sustaining Access To Vital Emergency Medical Services Act of 2001. And I am happy to say that my legislation has over 80 co-sponsors from the House from both sides of the aisle. I am excited that a portion of my legislation is becoming law because it fills a need. And along with the original reason for the provision for rural America, it has taken on a new importance after September 11 with the need to make sure that we can respond to emergency crises.

I urge my colleagues to support this bill. I thank those that have done such great work in putting it forward.

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

I am especially pleased to highlight that the bill authorizes the Secretary to make grants to State professional licensing boards towards developing and implementing State policies that will reduce statutory and regulatory barriers to the practice of medicine. In the past week, I have kicked off a workshop at the Federal Trade Commission with Chairman Muris on just this topic, statutory and regulatory barriers to e-commerce. Furthermore, my Subcommittee on Commerce, Consumer Trade and Protection has held hearings just on this subject.

It is often the case that well-intentioned laws have unintended consequences to commerce and, in this case, to the practice of medicine. I am pleased to say that the Lincoln-Lancaster County Health Department has a CHC telehealth project so they are actually implementing a telemedicine program out to the rural areas, and I want to commend them this afternoon for their efforts.

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

Mr. BEREUTER. Mr. Speaker, as a cosponsor of H.R. 3450, the Health Care Safety Net Improvement Act, this Member wishes to add his strong support for S. 1533, the Health Care Safety Net Amendments of 2001, as amended. Furthermore, this Member would like to commend the distinguished gentleman from Florida (Mr. BILARDO), the Chairman of the House Energy and Commerce Subcommittee on Health; and the distinguished gentleman from Ohio (Mr. BROWN), the ranking member of the House Energy and Commerce Subcommittee on Health, for bringing this important legislation to the House Floor today.

This Member would also like to commend the distinguished gentleman from Louisiana (Mr. TAUZIN), Chairman of the House Energy and Commerce Committee, and the distinguished gentleman from Michigan (Mr. DAVEN), the ranking member of the House Energy and Commerce Committee; for their efforts to improve access to quality preventive and primary health care for the medically underserved—including the millions of Americans without health insurance coverage.

This Member currently does have a Federally Qualified Health Center (FQHC) in his Congressional District, but believes one is greatly needed. This Member is very pleased that the Lincoln-Lancaster County Health Department has taken the initiative to develop a Community Health Center in his District. This Member would like to commend this committee for its dedication and commitment to improving health care in Nebraska. It is this Member's understanding that the group intends to submit an application for the Community Health Center Federal Grant program in January 2003. This Member hopes this application will be given full and fair consideration.

This Member is particularly pleased that language is included in S. 1533, as amended, that would provide automatic designation to Federally Qualified Health Centers (FQHC) and Federally Certified Rural Health Clinics as Health Professional Shortage Area (HPSA) facilities for a period of six years. This Member recognizes that the National Health Service Corps plays a critical role in providing care for underserved populations by placing clinicians in urban and rural areas.

However, it has come to this Member's attention that health centers and rural clinics must obtain Health Professional Shortage Area designation to become eligible for the Qualified of National Health Service Corps personnel. While this member is pleased to see that S. 1533, as amended, would improve the current HPSA designation process, he would have preferred that the bill include permanent automatic designation, which would have guaranteed that FQHCs and rural health clinics would not have to return to the current, cumbersome HPSA designation process. This is a process that certainly seems unnecessary and duplicative, and which in some cases may result in delays in the placement of needed practitioners at high-need health centers and rural health clinics.

This Member sent a letter, along with several colleagues, to the Chairman of the Energy and Commerce Subcommittee on Health requesting this...
change on a permanent basis and greatly appreciate the inclusion of the provision—even in the short term.

As amended, S. 1533, would:

(1) reauthorize the critically important Community Health Centers program for another five years, including reaffirmation that Health Centers should be: located in high-need areas; provide comprehensive preventive and primary health care services; governed by community boards made up of a majority of current health center patients to assure responsiveness to local needs; and, open to everyone in the communities they serve, regardless of ability to pay; and

(2) reauthorize the important Telehealth Programs, as well as the Rural Health Care Outreach Program and the Rural Health Network Development Program. In addition, S. 1533, as amended, would authorize a new Small Health Care Provider Quality Improvement Program. These programs will go a long way to facilitate the provision of care to vulnerable populations living in rural areas all across the country.

In closing, Mr. Speaker, this Member urges his colleagues to support S. 1533, as amended.

Mr. SHAYS. Mr. Speaker, I strongly support S. 1533, a bill which will reauthorize the Community Health Center program. This legislation ensures that community health centers will continue providing high-quality care to the medically underserved and neediest populations.

I have always been impressed with community health centers and have supported increases in funding available to them. These centers have made wonderful contributions to the urban areas in the Fourth Congressional District, and the care they provide is as good or better than the care many patients with more comprehensive coverage receive.

Last year, these clinics served over 12 million people, 66 percent of whom live below the poverty level. Community health centers are located in 3,000 rural and urban communities throughout the country and provide quality cost-effective primary and preventive care for low-income, uninsured and underinsured patients.

By preventing costly hospitalizations and reducing the use of emergency care for routine services, it is estimated community clinics save the health care system over $6 billion annually.

Mr. Speaker, I strongly support passage of this legislation so community health centers can continue providing high-quality, cost-effective care. I urge my colleagues to vote for this bill.

Mr. BALDACCI. Mr. Speaker, today we will take another step toward promoting access to quality health care in Rural America. As a member of the House Rural Health Care Coalition, I am pleased with the overwhelming bipartisan support in both the House and Senate for this legislation, which we will pass today. Earlier this month we passed similar legislation by voice vote.

This bill supports a number of critical programs and grants leading to direct benefits to thousands of Maine citizens. There are 31 community health centers in the State of Maine, most of which are located in my district, the largest district in area east of the Mississippi River. Rural health care delivery has been one of the top concerns of my constituents.

This bill reauthorizes the Community Health Centers Program, the National Health Service Corps, Rural Health Outreach and telehealth services. Significant improvements will be made to these programs. In particular, NHSC scholarship and loan expansions will enable rural areas to attract more mental health and dental providers. A focus on coordination and integration of telehealth networks through targeted grants will enable facilities across regions to improve direct, patient and training of providers. Community health centers, technical assistance grants, rural health network development grants, and small health care provider quality improvement grants will significantly expand access to quality health care services and enhance the delivery of health care in rural areas.

Mr. Speaker, I thank the Leadership for bringing this important bill to the Floor and encourage its speedy passage.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of S. 1533, the Health Care Safety Net Improvement Act. As you know, the House recently approved the Health Care Safety Net Improvement Act by voice vote. Today we are considering a solid bipartisan compromise between the House and Senate on this important legislation. I urge all of my colleagues to support this bipartisan compromise we are considering today.

This legislation reauthorizes our nation’s key health care safety net delivery systems and creates additional efficiencies. Specifically, this bill reauthorizes the Community Health Center program, the National Health Service Corps, and rural outreach grants. Each of these programs ensures that both the uninsured and the underinsured have access to quality health care services.

Since 1965, America’s health centers have delivered comprehensive services to people who otherwise would face major barriers to obtaining quality, affordable health care. Health centers serve those who are hardest to reach and are required by law to make their services accessible to everyone, regardless of their ability to pay.

One of the most important programs for ensuring an adequate supply of health professionals is the National Health Service Corps. The National Health Service Corps recruits, trains, and places primary care providers in both urban and rural health care shortage areas. Program participants are health professionals who receive educational assistance in return for a period of obligated service. Our legislation reauthorizes this vital program, which serves as a pipeline for health care facilities that have trouble attracting health professionals.

S. 1533 also recognizes the importance of oral health care and authorizes the inclusion of primary dental care education. Improving rural health is another area of focus in this legislation. Often, rural communities have trouble developing, retaining and maintaining health care facilities. Our bill includes programs that will help rural providers develop new service capacity and integrated health delivery networks. It will help rural facilities implement quality improvement initiatives.

Mr. Speaker, recent events and news of increasing numbers of uninsured, it is vitally important that we keep our safety net strong. This bill will allow critical programs to continue. I am certain it will improve services for our most vulnerable populations. I urge Members to support this bipartisan agreement.

Mr. DINGELL. Mr. Speaker, I support S. 1533, the “Health Care Safety Net Amendment of 2002,” an important piece of legislation. It reauthorizes the National Health Service Corps, the Community Health Centers program, and will establish a limited Community Access Program. S. 1533 is vital to providing health care services to the uninsured and under-insured. Health centers are located in more than 3,400 communities in all 50 states and often are the only available source of care for uninsured and medically under served individuals.

We passed H.R. 3450, a very similar bill, two weeks ago, and are back with S. 1533 which incorporates changes to H.R. 3450 needed to assure speedy enactment. The most significant change is an improved Community Access Program, which helps local communities coordinate the use of scarce healthcare dollars. Other changes increase access to community healthcare programs. And the bill now authorizes demonstration projects for chiropractors and pharmacists within the National Health Service Corps, as well as provides a ten percent set-aside for loans and scholarships for disadvantaged individuals.

Health centers are effective and efficient providers of care to millions of our country’s most vulnerable people. Ensuring access to primary and preventive care, regardless of insurance status or income, is an important component of our efforts here today. I urge adoption of this important legislation.

Ms. SOLIS. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. GUTENKUCH). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the Senate bill, S. 1533, as amended.

The question was taken.

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

RECESS

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

Accordingly (at 12 o’clock and 33 minutes p.m.), the House stood in recess until approximately 2 p.m. today.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 p.m.
MESSAGE FROM THE SENATE
A message from the Senate by Mr. Monongahela, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the title of the bill (H.R. 3295) “An Act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes,” and that the Senate recedes from its amendment of the title to the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on approval of the Journal, and then on motions to suspend the rules on which further proceedings were postponed on Tuesday, October 15, and earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:
Approval of the Journal, de novo; H.R. 2155, by the yeas and nays; S. 1533, by the yeas and nays.

The Speaker 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 de novo of agreeing to 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.

Mr. MCKEON. 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 330, nays 52, answered “present” 1, not voting 48, as follows:

(Read Roll No. 464)

Mr. KENNEDY of Minnesota and Mr. FOSELLA changed their vote from “yea” to “nay.”

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:
Mr. STEARNS. Mr. Speaker, on rollcall No. 464 I was inadvertently detained. Had I been present, I would have voted “yea.”

Stated against:
Mr. FILNER. Mr. Speaker, on rollcall No. 464 I was conducting official business in my San Diego, California district. Had I been present, I would have voted “no.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2155, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr.

SOBER BORDERS ACT
The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2155, as amended.
Mr. TIERNEY changed his vote from "yea" to "nay." So (two-thirds having voted in favor thereof), the rules are suspended and the Senate bill, S. 1533, as amended, on which the yeas and nays were ordered, is passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 465, I was conducting official business in my office in San Diego, CA, district. Had I been present, I would have voted "no."

HEALTH CARE SAFETY NET AMENDMENTS OF 2002

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the Senate bill, S. 1533, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the Senate bill, S. 1533, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 296, nays 94, not voting 41, as follows:

[Roll No. 465]
ANNOUNCEMENT OF THE PASSING OF THE HONORABLE BILL GREEN, FORMER MEMBER OF CONGRESS

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

Mrs. MALONEY of New York. Mr. Speaker, it is my sad duty to inform my colleagues that former Representative Bill Green, from the 14th Congressional District, once known as the Silk Stocking District in New York, died on October 14, 2002 of liver cancer. Bill Green represented the east side of Manhattan in Congress for seven terms, from 1978 through 1992. He was dedicated to the liberal Republican tradition of Mayor John Lindsey and Governor Nelson A. Rockefeller.

For those who may be interested in the funeral arrangements, there will be a viewing this evening at the Frank E. Campbell Funeral Chapel in Manhattan. His memorial service will take place on Thursday, October 18, at 11:30 at the Emanuel-El in Manhattan. Condolence letters can be sent to his wife, Patricia Green, in care of the Frank Campbell Funeral Home.

Bill Green’s passing marks the end of an era in east side politics. Known for his gracious manner and genuine courtesy, Bill Green was the essence of the American tradition of political civility. He was a tireless worker in his efforts to secure funding for New York City and New York State. His gentle manner and intelligent approach to our common problems left us with a legacy of decency.

The New York delegation will be having a tribute for him tomorrow or at some close date. We will miss him greatly.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1433

Mr. BAKER, Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 1433.

The Speaker pro tempore. The request is granted.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4, SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. ESHOO, Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 4. The form of the motion is as follows:

Ms. ESHOO 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. 4 be instructed to insist, to the extent possible within the scope of the conference, that the conference reject provisions that would make discretionary the Federal Energy Regulatory Commission’s duty to ensure that wholesale electricity rates are just and reasonable and not unduly discriminatory or preferential.

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 2 o’clock and 51 minutes p.m., the House stood in recess subject to the call of the Chair.

AFTER RECESS

The House having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 4 o’clock and 40 minutes p.m.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.J. RES. 123, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 585 and ask for its immediate consideration.

The Speaker reads the resolution, as follows:

H. Res. 585

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2003 for purposes.

The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. House Resolutions 550, 551, and 557 are stricken from the calendar.

The Speaker pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), my namesake, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

(1) Messengers of Washington asked and was given permission to revise and extend his remarks.)
Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 585 is a closed rule providing for the consideration of H.J. Res. 123, Making Continuing Appropriations for the fiscal year 2003. The rule provides 1 hour of debate 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 and provides one motion to recommit. The rule also provides that House Resolutions 550, 551, and 577 are laid on the table.

Mr. Speaker, H.J. Res. 123 makes further continuing appropriations for fiscal year 2003 and provides funding at current levels through November 22, 2002. This measure is necessary in order that all necessary and vital functions of government may continue uninterrupted until Congress completes its work on spending measures for the next fiscal year.

Accordingly, Mr. Speaker, I urge my colleagues to pass both the rule and the resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Washington, my namesake, for yielding me the time.

Mr. Speaker, the House engages in a very important debate today. It is a debate about priorities like the economy, Social Security, and education. More fundamentally, it is a debate about whether the American people will have a Congress that does the job it was elected to do.

Nearly 2 years ago, Republicans took control of the Federal Government in Washington. They quickly forced through their own very partisan, very ideological economic plan, one centered on budget-busting tax breaks for some of the wealthiest in our society.

Mr. Speaker, what has happened since the Republican economic plan passed? Long-term unemployment is at an 8-year high, nearly 2 million Americans have lost their jobs. Consumer confidence is at its lowest level since November of 2001, and prescription drug prices are still sky high, leaving senior citizens unable to afford vital prescription medicine.

Corporate scandals the massive criminality at Enron, WorldCom and the like, have rocked the economy and devastated the retirement plans of millions of Americans; but my colleagues, the House Republicans, overwhelmingly voted against real pension protection legislation a few months ago, blocking Democrats’ efforts to protect Americans’ retirement plans.

The stock market has lost $4.5 trillion in value since Republicans took control in Washington last January.

Mr. Speaker, if I were the Federal Reserve, I would be saying to the Republican leadership of this House, “Where’s the rest of me?” Because even though we have been in session since January, the only two appropriation bills that are going to become law if this resolution passes, the only two appropriation bills that will become law before the election, will be the defense appropriation bill and the military construction appropriation bill.

Mr. Speaker, if we are in Congress who think that the only thing government ought to do is defend the shores and deliver the mail will get at least half their wish. At least they will be defending our shores, but we will not even have passed the bill that deals with the post office. And we also will not have passed the bills that deal with the Nation’s education budget, the Nation’s health care budget, the Nation’s environmental protection budget, the Nation’s science budget, nor will we have passed the agriculture appropriations bill. We will just put the government on automatic pilot.

This Congress will run out of town, not doing one blessed thing to deal with the problem of unemployment compensation, not doing one blessed thing to deal with the shortfall that many States have in the Medicare program; not doing anything to help the providers with respect to any givebacks on the Medicare program, and not doing anything to stimulate the economy by providing additional jobs for highway construction.

This Congress has no claim to respectability. It has lost all claim to go to the public and ask for another 2-year contract, because this Congress, at the direction of the Republican leadership of this House, is walking away from its responsibilities to the Nation virtually every domestic problem we have. The American public thinks that we ought to be good enough to walk and chew gum at the same time, and they think that we have spent every day but Labor Day dealing with Iraq that we ought to be able to deal with our own domestic problems. But, instead, the Republican majority wants to walk out of town and say, “Oh, sorry, folks, we ran out of time.”

Mr. Speaker, I do not think people will be very impressed by that.

Now, I know this is not the wish of the majority on the Committee on Appropriations. They are as willing as we are to help the minority job, but they are not being allowed to do it by their own caucus, by their own leadership. So people will go home and what will they talk to their voters about instead? Oh, they will have one roll-call in this resort without the fact that we have memorialized ourselves about National Motherhood Week, and they will have another roll-call in another pocket talking about some other useless resolution that has nothing to do with God, motherhood, and apple pie. But when it comes to actually attacking the domestic problems, oh, no, no, too busy.

How have Republicans responded to the weakest economy in 50 years? Well, the President is busy traveling the country on a record-breaking fund-raising binge. And let me add a footnote right there, because a lot of people talk about the previous President having done the same thing. But during that period, the President did something – how or another to deal with the economic undertakings of this country.

Instead of working with Democrats, the President is traveling rather than seeking to stimulate the economy. He needs to do something other than replicate Republican campaigns. And I would add a footnote there. That is his right and his prerogative, but it should be his absolute responsibility to ensure that the economy is strong.

The majority, not content with doing nothing, will not even allow our colleagues, the gentlewoman from Indiana (Ms. CARSON), for example, to offer her amendment, which would bring needed Federal dollars for children’s health care needs. I consider this to be shameful.

Clearly, Mr. Speaker, I urge a “no” vote on this rule and a similar vote on the underlying continuing resolution.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEE).

Mr. OBEE. Mr. Speaker, as my friends from Wisconsin know, I usually quote my old friend Archie the Cockroach in trying to comment on actions being taken by an institution which is often as wacky as the Congress of the United States, and so last night I went all through my book from Archie and I could find nothing that was appropriate, because this situation is so ludicrous.

So I finally, looking for inspiration, thought of Ronald Reagan. In the movie ‘King’s Row,’ he woke up and was told that he had lost his legs in a train accident. He looked up from his hospital bed and said, “Where’s the rest of me?”

Mr. Speaker, if I were the Federal budget, I would be saying to the Republican leadership of this House, “Where’s the rest of me?” Because even though we have been in session since January, the only two appropriation bills that are going to become law if this resolution passes, the only two appropriation bills that will become law before the election, will be the defense appropriation bill and the military construction appropriation bill.

By the way, Mr. Speaker, one of the Republicans in Congress who think that the only thing government ought to do is defend the shores and deliver the mail will get at least half their wish. At least they will be defending our shores, but we will not even have passed the bill that deals with the post office. And we also will not have passed the bills that deal with the Nation’s education budget, the Nation’s health care budget, the Nation’s environmental protection budget, the Nation’s science budget, nor will we have passed the agriculture appropriations bill. We will just put the government on automatic pilot.

This Congress will run out of town, not doing one blessed thing to deal with the problem of unemployment compensation, not doing one blessed thing to deal with the shortfall that many States have in the Medicare program; not doing anything to help the providers with respect to any givebacks on the Medicare program, and not doing anything to stimulate the economy by providing additional jobs for highway construction.

This Congress has no claim to respectability. It has lost all claim to go to the public and ask for another 2-year contract, because this Congress, at the direction of the Republican leadership of this House, is walking away from its responsibilities to the Nation virtually every domestic problem we have. The American public thinks that we ought to be good enough to walk and chew gum at the same time, and they think that we have spent every day but Labor Day dealing with Iraq that we ought to be able to deal with our own domestic problems. But, instead, the Republican majority wants to walk out of town and say, “Oh, sorry, folks, we ran out of time.”

I do not think people will be very impressed by that.

Now, I know this is not the wish of the majority on the Committee on Appropriations. They are as willing as we are to help the minority job, but they are not being allowed to do it by their own caucus, by their own leadership. So people will go home and what will they talk to their voters about instead? Oh, they will have one roll-call in this resort without the fact that we have memorialized ourselves about National Motherhood Week, and they will have another roll-call in another pocket talking about some other useless resolution that has nothing to do with God, motherhood, and apple pie. But when it comes to actually attacking the domestic problems, oh, no, no, too busy.
Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume just to respond to my colleague from Connecticut, who very movingly points to things that we have done and that the other body has not done. But I note that she made no mention of the fact that our exacting responsibility is to pass appropriations measures, and my last count was that we have not done all of the appropriations at this time.

Now, I do not think that is the responsibility of the chairman, the gentleman from Wisconsin (Mr. YOUNG), or the ranking member, the gentleman from Wisconsin (Mr. OBEY), in the sense that they did not do their job. I think it is the fact that the Republicans are in disarray and cannot seem to get those appropriations measures here to the floor.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR), my good friend and the ranking member of the Committee on Transportation and Infrastructure.

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

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

Mr. Speaker, for those who heard the debate last week, I would like to come somewhere between Turkish and Russian, although I can probably do this in French, in Creole, in Italian, and a few other languages; but let us try English, and explain that under the first two continuing resolutions, Congress provided for all programs to continue on a pro rata share of the fiscal year 2002 funding level, October 1 through October 11. We clearly intended the Federal aid highways program to continue at the level of $31.8 billion, and the Congressional Budget Office scored the resolutions accordingly.

**NOTICE**

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.
The Senate met at 10:40 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The guest Chaplain, Father Daniel P. Coughlin, Chaplain of the U.S. House of Representatives, offered the following prayer:

Lord in whom all place their trust, great Healer of souls and nations, we come before You bent by responsibilities and often weakened by years, yet strong in faith and commitment. A year ago, this Congress battled not only the threat to humanity, terrorists; within the walls of duty Your people fought against the deadly foe called anthrax. But by Your grace and divine Providence not one life was lost here on Capitol Hill. Today we bless You and thank You for Your care and protection. We ask Your continued blessings on the Office of the Attending Physician and its entire staff who proved to be Your instrument in this victory.

At this time, strengthen once again the Members of the Senate and all who serve this Chamber, that they may lead Your people and accomplish great tasks for the good of this Nation and in the name of justice.

Deliver from illness all relatives and friends who are of concern to Your people today, that freed from their infirmities they may be restored to full potential in Your service and come to the fullness of life in Your presence now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD, President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, at 11:40 today the Senate will resume consideration of the election reform conference report with 20 minutes of debate prior to a rolcall vote on adoption of the report. Senators DODD and MCCONNELL will speak at that time.

The Senate will recess from 12:30 to 2:15 today for the weekly party conferences.

At 2:15 p.m. the Senate will consider the Department of Defense appropriations conference report with 15 minutes of debate prior to a rollcall vote on adoption of that report. That debate will be controlled by Senators STEVENS and INOUYE, who will manage that bill.

Following the disposition of the DOD report, the Senate will begin consideration of S. Res. 304 regarding budget points of order.

Mr. President, we have votes then scheduled at noon and at 2:30. We hope we can resolve S. Res. 304 on the budget issue today. We hope we can do that. We hope there are no more votes after 2:30, but that has not yet been determined by the majority leader; depending on what happens on S. Res. 304.

NOTICE

Effective January 1, 2003, the subscription price of the Congressional Record will be $434 per year or $217 for six months. Individual issues may be purchased for $6.00 per copy. Subscriptions in microfiche format will be $141 per year with single copies priced at $1.50. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, Public Printer
PRAYING FOR MRS. OGILVIE

Mr. REID. Mr. President, I want to mention very briefly that we are all very concerned about the Chaplain’s wife. As some know, she has been extremely ill for a long time, and it is my understanding she took a turn for the worse in recent days. The Chaplain is with her. They moved her to another facility in another part of the country; she is very sick.

The Chaplain prays for us, prays for our families and friends and anyone we make known to him about whom he should be praying about. He is a very fine man, very concerned about the welfare of the Senate, and I hope the Senate would be concerned about his welfare and that of his wife, and that we mention Mrs. Ogilvie in our prayers.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

DEFENSE AUTHORIZATION CONFERENCE

Mr. REID. Mr. President, there are a number of issues I want to speak about briefly this morning. First of all, there is a conference report that has not yet been completed—there are many, but I will talk about the defense authorization conference today. There is one issue holding that up.

I have had the good fortune of having the acting chairman of the House Armed Services Committee come and speak to me on this issue. There is an amendment I offered with a number of other Senators that would allow our veterans who are disabled and who have retirement benefits from the U.S. military to draw both of their benefits. Right now, they cannot; they have to make a choice. I have explained this to people at home, and they are dumbfounded that people who have been declared to have a disability in the military, and following the declaration and retirement, they cannot draw both pensions. That is holding up a $400 billion conference today. There is one amendment I offered with a number of others that the President should do. The Republican National Committee should pay for those trips, and taxpayers should not. I will have more to say about that later in the day.

I see my friend from Minnesota. His plane was a little late, and this is his assigned time. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 3009

Mr. WELLSTONE. I thank the Senator from Nevada.

Mr. President, I come to the floor for now the sixth time with a bill of legislation I have introduced. At other times, Senator KENNEDY has spoken about this, Senator CLINTON has spoken about this, and Senator DURBIN has spoken about this. Many have. I come to the floor to ask that the Senate proceed—I will not make the unanimous consent request yet; I don’t see colleagues from the other side of the aisle here yet—that we pass calendar No. 619, S. 3009. This is a bill to extend unemployment benefits for an additional 13 weeks for workers in every State, plus 7 weeks in additional benefits for workers in States with the highest levels of unemployment. This extends the expiration date of the temporary benefits program we passed last March, which otherwise would terminate December 28.

Every time we have tried to do this, my colleagues on the other side—usually it has been the Senator from Oklahoma—have come out and objected. What I have heard my Republican colleagues on the other side of the aisle say is that they need more time to look at this. It is seven pages long. We have been at this now for well over, I think, 2 weeks and, really, one page a day certainly can be read.

I have also heard from my colleagues on the other side of the aisle that they want to work with us. We have been trying to sit down with staff on the other side because the last thing we should do is leave until we get this done.

One of the points my colleague from Oklahoma has been making is that we are talking about 26 weeks; in other words, if we take what we did in the 1990s and extend 13 weeks, 13 weeks of benefits—and they now get an additional 13 weeks of benefits, that is 26 weeks.

I say to my colleague from Oklahoma and other Republicans that we have about 900,000 men and women who have run out of unemployment benefits in the country—20,000 in Minnesota; 50,000 in Minnesota in February; close to 2 million in February of next year—and extending 13 weeks of benefits for people who have utilized the 13 weeks we gave them earlier—that is what we did in the early 1990s on a 97-to-3 vote, with my colleague from Oklahoma, among others, supporting it.

I do not understand what the problem is. Having been back home and talked to the State a lot, I am not willing to make an argument that I would consider to be a false dichotomy; that is to say, people are just focused on the economy and nothing else. I say people are worried about a lot of issues. They also care about health care; that is the right thing to do, they are worried about terrorism, and they are worried about the economy. People want us to focus on the economy, and they want us to put people first. They want us to focus on people, and there are a lot of actions we could take. We could raise the minimum wage. We could invest in education and job training because a lot of workers are trying to go from one job to another, and they need to have that opportunity.

At the very minimum, could we not at least have enough of a sense of compassion and extend unemployment benefits to people who are out of work, through no fault of their own, and have run out of these benefits? This is the sixth time I have asked consent to move forward and pass this legislation.

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

Mr. WELLSTONE. I will be pleased to yield for a question.

Mr. REID. Has the Senator found at home what I found at home this past Monday? I had a group of veterans with whom I met at 8 o’clock in the morning in Henderson, NV. For the first time I can remember, an elderly World War II veteran came up to me and said, ‘Would you speak to my grandson?’ His grandson was a graduate of the University of Pittsburgh, had a grade point average of 3.7, and could not find a job. At that meeting, I had two young men come up to me, both of whom are college graduates and could not find jobs.

Has the Senator found that not only those people seeking entry-level jobs
are having trouble, but people who have been laid off at factories and other industries and recent college graduates cannot find work? Has the Senator found that?

Mr. WELLSTONE. Mr. President, I say to my colleague from Nevada, in Minnesota and around the country there are about twice as many people looking for jobs as are jobs available. This economy is flat and, having turned downward, cuts across a broad section, and this does include college graduates.

As the Presiding Officer knows, given his work with the Joint Economic Committee, chairing that committee, it is too true that many of the people who are out of work right now actually come from skilled professions, skilled work, middle-income jobs.

I think this administration is sleep-walking through history. We ought to be paying more attention to the economy. We need to get this economy going again. We need to start putting people first again. We need to start investing in people. All of that is true, but at the least what we ought to do is what we did over in the early 1990s, which was to pass this legislation I have introduced, which is very simple and straightforward. It will extend unemployment benefits for 13 weeks. We ought to do that. We have done it before. It is the right thing to do. We can help a lot of people, and, in addition—I have said it before—it also provides some economic stimulus because, believe me, whether it is the 9,000 Oklahomans who have run out of the benefits we extended in March or whether it is the 20,000 people in Minnesota, people will buy. Right now, they cannot meet their needs month by month.

This is a matter of compassion, of doing what is right. Frankly—I will say it one more time, and then I will propound my unanimous consent request—it is absolutely unforgivable that this is being blocked over and over when this is exactly what we did in the early 1990s.

Before my colleague from Oklahoma came to the Chamber, I said I keep hearing about 26 weeks. This is what we did before. In March, we gave 13 weeks of additional benefits, and they have run out, and now we are talking about an additional 13 weeks. We have always helped people. We have always provided this help to people. We have always moved forward with this kind of legislation.

This is now the sixth time. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 618, S. 3009, a bill to provide economic security for America’s workers; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table. This is the sixth time we have propounded this request.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object.

Mr. REID. Regular order, Mr. President. The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I came back today from Minnesota. There is a lot of work to be done. At the minimum, we ought to extend unemployment benefits. We have 20,000 people in Minnesota who have run out of unemployment benefits. It is going to be 50,000 in February. We have 900,000 people in the country, 9,000 in Oklahoma. We are going to have 2 million men and women in the country who will run out of benefits by February of next year. We have two times as many people looking for jobs as jobs available.

As my colleague from Nevada said, we have college graduates who cannot find work. We have people who were in middle-income jobs, professional jobs, highly trained, looking for work. They cannot find jobs. At the very minimum, should we not extend unemployment benefits? This is exactly what we did in the extended an additional 13 weeks of benefits in March of this year, and now people have exhausted their benefits. We are trying to extend an additional 13 weeks of unemployment compensation, 20 weeks in States with high levels of unemployment.

This is exactly the same—I want everybody in the country to know this: this is exactly the same legislation we passed with an overwhelming vote in the early 1990s. Why is this being blocked? Why do my colleagues on the other side of the aisle, every time I come out here or come out here with other Senators, say: We need more time to read it? My gosh, they have plenty of time to read it. We need more time to negotiate. Have we not been involved in negotiation? This is nothing but stall, stall, stall, block, block, block, put up roadblocks, put up roadblocks, put up roadblocks. What is so tragic about this situation is it is people’s lives.

Mr. REID. Mr. President, will my friend answer a question without losing his right to the floor?

Mr. WELLSTONE. I will be pleased to.

Mr. REID. I do not know if the Senator from Minnesota had an opportunity to hear me earlier today. The Senator was in the Chamber but was communicating with his staff. The Defense authorization bill is in conference. There are about $400 billion in programs in that legislation that affect the military men and women in this country. There is only one provision holding up the conference committee from reporting that bill out, and that is the so-called counterclockwise.

Can the Senator from Minnesota find any justification that a person, who has a disability from the U.S. military and is retired from the military, should not be able to draw both benefits? Is there a reason the Senator can come up with that they should not be able to draw both benefits?

Mr. WELLSTONE. I say to my colleague from Nevada I will talk about the same one. What is the State unemployment benefits. I was proud to be an original cosponsor.

When I was home over this last week, veterans were talking to me about the concurrent receipt, and they were saying they served their country and get a disability when they served our country. And then dollar for dollar it is subtracted from their retirement pay? And they cannot believe there are Members of Congress, be it House or Senate, and the administration, who are trying to block this, keep it out of the Defense appropriations bill; nor can anybody in Minnesota believe there are Senators—and I gather it is the White House as well—who want to block the extension of unemployment benefits. It is the same mentality. It is like they do not want to count people. We are supposed to be helping people. Our work is supposed to be connected to people’s lives.

I say to the Senator from Nevada, the Senators and Representatives who are trying to hold up concurrent receipt—and the White House, I gather, is threatening a veto—they better watch themselves because the veterans community is not going to accept this. The veterans community is going to say, in all due respect, this is no way to say thank you. It is no way to say thank you to those who have served our country. It is no way to say thank you to them to tell them that they cannot get a disability payment without having that money taken out of their retirement pay.

This is a huge issue in the veterans community, and if my colleague does not mind, I am going to speak a little while longer about this because I do not know what has happened. We are nearing the end of the session. There are all these elections, but these two issues we are now talking about—I want to join the two of them—should not have very much to do with politics. They really should not. We have always extended unemployment benefits to people who are flat on their backs through no fault of their own. That is exactly the same thing that is in my legislation that is being blocked over and again on the other side.

What are people who cannot find jobs, who are out of work, who are struggling to put food on their tables through no fault of their own? And they cannot be paying more attention to the economy. We need to start putting people first again. We need to start investing in people. All of that is true, but at the least what we ought to do is what we did over in the early 1990s, which was to pass this legislation I have introduced, which is very simple and straightforward. It will extend unemployment benefits for 13 weeks. We ought to do that. We have done it before. It is the right thing to do. We can help a lot of people, and, in addition—I have said it before—it also provides some economic stimulus because, believe me, whether it is the 9,000 Oklahomans who have run out of the benefits we extended in March or whether it is the 20,000 people in Minnesota, people will buy. Right now, they cannot meet their needs month by month.

This is a matter of compassion, of doing what is right. Frankly—I will say it one more time, and then I will propound my unanimous consent request—it is absolutely unforgivable that this is being blocked over and over when this is exactly what we did in the early 1990s.

Before my colleague from Oklahoma came to the Chamber, I said I keep hearing about 26 weeks. This is what we did before. In March, we gave 13 weeks of additional benefits, and they have run out, and now we are talking about an additional 13 weeks. We have always helped people. We have always provided this help to people. We have always moved forward with this kind of legislation.

This is now the sixth time. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 618, S. 3009, a bill to provide economic security for America’s workers; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table. This is the sixth time we have propounded this request. The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object.
they hear the White House is threatening a veto because concurrent receipt is in?

Then the argument is, well, we cannot afford it, or this will cost more money. Tell that to people who served our country and them we cannot afford to live up to our commitment to them. Tell them we do not really believe they have made a valid claim; that it is wrong to take away from re- tirement pay just because we are giving people a disability payment, a dis- ability coming from an accident while serving our country. What in the world is going on? What has happened to our humanity? Why are Senators blocking these initia- tives?

I have the floor, but I am pleased to yield for a question.

Mr. REID. Does the Senator also acknowledge that these unemployment benefits help more than the unemployed in that this generates money into the economy because they need it. They can buy gasoline they could not afford otherwise, they might be able to buy some additional groceries. Would the Senator acknowledge that aspect of the reason extended unemployment benefits were originally passed was to help the economy?

Mr. WELLSTONE. I thank my colleague for his question because he is trying to help me. I view it first as an issue of compassion. Call me a softy, but I am very much a softy to God, when people have run out of unemployment benefits and they are out of work through no fault of their own, it would seem to me we could provide a helping hand.

My colleague from Nevada is absolutely right, there is not an economist in the Nation who would not make the argument that this is also economic stimulus, as opposed to these Robin-Hood-in-reverse tax cuts with 40 percent of the benefits going to the top 1 percent, and proposals on the part of my Republican colleagues to eliminate the alternative minimum tax so big corporations do not have to pay any- thing. This is real economic stimulus because the families in Minnesota that would get the additional benefits, much less in Oklahoma, Nevada, and Rhode Island, will consume. They have to consume because right now they cannot make ends meet month by month. They will buy food. They will go out and buy a washing machine if it is broken down because they need it. They will consume. Therefore, it is a win/win.

What puzzles me is that in the early 1990s, many times over, and what we have been doing since then, is the straight extension is not what this is about. This is an additional 13 weeks. That is the whole point. It is just looking for other jobs or work the economy up to better jobs?

How about raising the minimum wage? How about making sure that as opposed to a Harvey Pitt, there is somebody at SEC we can count on so when there is an over- sight board they are really going to be a watchdog so we little investors can fi- nally count on investing in companies and know that they have not cooked their books?

How about doing away with these egregious rip-offs where companies go to Bermuda, renounce their citizenship and do not pay their taxes? How about not telling big corporations they do not have to pay anything? How about more tax credits for higher education? How about refundable tax credits for tuition? How about applying tax cred- its to other costs students have like books and other living expenses?

How about about helping us? How about thinking about the economy? Every single time we come to the floor, we are not able to get this done.

Mr. NICKLES. Will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I would be pleased to do so.

Mr. NICKLES. I almost forgot the question, but I think it is coming back to me now. I am almost amused, but not quite, on the bill that the Senator is trying to block. Can I ask what this con- sent. Correct me if I am wrong, but did it go through the Finance Committee? Has it been reported out of any commit- tee?

Mr. WELLSTONE. We have been down this road—let me answer the question. I say to my colleague from Oklahoma, in the last 2 weeks we have had this conversation six or seven times. Every time, I say no, and then one time he has not had time to read it, and I say it is seven pages and I know the Senator is a quick read- er. That is one page a day. Then my colleague says, let us work together. We are waiting, and so far the only thing I have seen from the Senator is obstruction. That is the answer.

Mr. NICKLES. I admonish my col- league—that is a strong word—I inform my colleague that a person could ex- haust their benefits, find a job and still would be counted as being unemployed.

Mr. NICKLES. I am sorry?

Mr. NICKLES. The current law is a 13-week Federal program, which is what we have done most of the time. The Senator has gone back to 1990. At one time there was a 26-week exten- sion.

The PRESIDING OFFICER. The time of the Senator from Minnesota has ex- pired.

Mr. NICKLES. I ask unanimous consent to continue for 4 additional minutes.

Mr. DODD. Reserving the right to ob- ject, I hesitate to interfere with my colleagues from Oklahoma and Min- nesota who are engaged in a very im- portant discussion.

Mr. NICKLES. We will be done in 4 minutes.

Mr. DODD. I ask unanimous consent to revise your unanimous consent re- quest to provide an additional 4 min- utes for Senator BOND and myself to talk about the election. I know that is not as compelling to some, but we think it is very important, and we want to say some things about it before the vote. After the 4 minutes is up, I will object to an extension of time. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Just to inform my col- leagues from Minnesota, the current law is a 26-week State program and a 13-week Federal program, with some high unemployment States getting an additional 13 weeks. You are trying to modify the original 13 weeks and make it 26 weeks. That is the question. Just to inform my colleague, if you did not try to change the trigger, or use the adjusted insured unemployment rate which costs a lot of money, and just looked at a clean, straight ex- tension which would cost about $7 bil- lion instead of $17.1 billion, the prob- ability of success would go up dramati- cally. I mention that. To draft a bill, put it directly on the calendar, and say we expect you to pass it without any modification, is not going to happen. I want to make that point. I thank my colleague from Connecticut.

Mr. WELLSTONE. Mr. President, let me say to my colleague from Oklah- oma in a sincere and emphatic way, he knows a straight extension is not enough. We need an additional 13 weeks. That is the whole point. It is not a straight extension. It is adding 13 weeks for people who have run out of unemployment benefits, 900,000 men and women in the country. The trigger is the exact same trigger we used in the early 1990s. This is $10.6 billion over 10 years, all of which is in the trust fund to provide the help to people who have run out of benefits.

My colleague has blocked the very legislation we passed in the 1990s to help people. For the people in Min- nesota, and the people in the country, the straight extension is not what this is about. This is an additional 13 weeks. That is what we did in the early 1990s, many times over, and what we should do today. We are wrong. After almost 2 weeks, that my col- league has been blocking this over and over and over again.
I yield the floor.

Mr. NICKLES. I know the Senator wants to be factually correct. I believe the trigger is different from the one in the early 1990s. The fact is, if you want to help people, consider a straightforward extension of the program we have in current law.

I yield the floor.

THE PROSECUTORIAL REMEDIES AND TOOLS AGAINST EXPLOITATION OF CHILDREN TODAY (PROTECT) ACT

Mr. LEAHY. Mr. President, I rise today to urge the Senate to pass S. 2520, the Prosecutorial Remedies and Tools Against the Exploitation of Children Today, PROTECT, Act of 2002. This bill and the substitute I offer will protect our Nation's children from exploitation by those who produce and distribute child pornography, within the parameters of the First Amendment. I was an original cosponsor of S. 2520 and joined Senator HATCH, the ranking Republican member of the Judiciary Committee, on the Senate floor when the bill was introduced. Similar legislation, I have been working with Senator HATCH both to improve the bill that we introduced together and to build consensus for it. Unlike the Administration's bill, which has been widely criticized by constitutional scholars and practitioners, we have been largely successful in that effort. The substitute I offer today is virtually identical to the version circulated by Senator HATCH before the October 8, 2002 meeting of the Judiciary Committee. I am glad to report that this substitute has been approved by every single Democratic Senator. Moreover, every Democratic Senator has agreed to discharge S. 2520 from the Judiciary Committee for consideration and passage by the Senate, with a refining amendment.

I am now asking my colleagues on the Republican side of the aisle to lift any holds and to allow this important legislation to pass the Senate. That way, the House may take up the bill and the PROTECT Act may become law before we adjourn. I know that there are some who would rather play politics with this issue, but I hope that they reconsider. It is more important that we pass a bill that both protect our Nation's children and produce convictions rather than tying up prosecutorial resources litigating the constitutionality of the tools we give the Justice Department to use. This legislation will accomplish those goals.

Two weeks ago I convened a hearing on this issue to hear from the Justice Department, the National Center for Missing and Exploited Children, CMEC, and constitutional scholars. The constitutional and criminal law scholars testified that the provisions of S. 2520 were likely to withstand the inevitable court challenges ahead. Unfortunately, they could not say the same of the Administration's proposal and H.R. 4623. Professor Frederick Schauer from Harvard, who served on the Meese Commission on pornography and authored its findings, as well as Professor Anne Coughlin from the University of Virginia both agreed that the Administration's bill and H.R. 4623 crossed over the First Amendment line after the Supreme Court's decision in Ashcroft v. Free Speech Coalition, 122 S. Ct. 1389.

Even the ACLU has passed along views from its First Amendment expert that S. 2520 is "well crafted and should survive constitutional scrutiny."

That point is crucially important, because it does no one any good to pass a "quick fix" law that later turns out to be unconstitutional. As the six year course of litigation represented in the basic provisions of the PROTECT Act and its substitute makes clear, it is far better to start with a law that lasts.

The substitute for which I now seek unanimous consent is identical to the proposed Committee substitute that Senator HATCH circulated with two exceptions. First, the substitute removes the provision that would prevent school officials from being held criminally liable if they "tipped" the tip line to try to avoid the legal requirements of the Electronic Communications Privacy Act. I did not insist on this important provision because, with time running out in this Congress, I was not sure we could agree on a compromise if we want to pass a bill, and I want to pass this bill.

In any event, I placed S. 2520 on the Judiciary Committee agenda for its meeting on October 8, 2002. Unfortunately, due to procedural issues, including the two hour rule that was invoked because of the debate on Iraq, and procedural maneuvering that centered around judicial nominations, members from the other side of the aisle threatened to abandon consideration of this and all other legislative proposals before the Judiciary Committee. The Judiciary Committee was, consequently, unable to consider the bipartisan substitute circulated by Senator HATCH, and to which I agreed.

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that actual adults, and no children, were used to create the visual images involved. This change would provide no help to defendants seeking to assert a "virtual porn" defense, which would still be blocked both for the new category and any obscene child pornography. But in the case of a defendant who can, for instance, actually produce in court the 25-year old that is shown in the allegedly obscene material and prove that it is not, in fact, child pornography, or even virtual child pornography, the defense would be available. Indeed, Justice O'Connor in her concurring opinion in the Free Speech case specifically concluded that the prior law's prohibition on such "youthful adult" pornography was overbroad. As the testimony at our Committee hearing made clear, we should be careful not to repeat this mistake.

Other than that, this substitute is the exactly same as the substitute circulated by Senator Hatch before the Judiciary Committee's meeting on October 8, 2002. The definitions of child pornography are the same; the new tools for prosecutors to catch and punish those who exploit children are the same; the new tools given to the Center for Missing and Exploited Children are the same. This is, for all intent and purposes, the same as the Hatch-Leahy substitute.

This is a bipartisan compromise that will protect our children and honor the Constitution. I urge members from the other side of the aisle to join us. Do not hold this bill hostage as part of some political payback or a "tit for tat" strategy. Let this bill pass the Senate and give law enforcement the tools they need to protect our children in the internet age.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HELP AMERICA VOTE ACT OF 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 3295, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany (H.R. 3296), to establish a program to provide funds to States to replace punchcard voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

Mr. DODD. I ask unanimous consent the conference report be considered as read.

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

Under the previous order, there will now be 20 minutes of debate on the conference report.

Mr. DODD. I presume that time is equally divided between Senator McConnell and myself. The PRESIDING OFFICER. That is correct.

Mr. DODD. We spoke at some length yesterday, and my colleague from Missouri was very involved. I am prepared to reserve my time until Senator Bond and Senator McConnell have time to talk about this report.

Mr. MCCONNELL. I yield 8 minutes to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today with a sense of relief and satisfaction that we have come to the end of this marathon to do something I believe everybody in this body and in the other body believes is vitally important. We need to change the system to make it easier to vote and tougher to cheat. I begin by offering my sincere thanks and congratulations to Senator Dodd, to Senator McConnell on our side, for their great work, to our good friends across the aisle, Senator Enzi of Wyoming and Congressman Hooyer. We have gotten to know them much better over the last months as we have worked together. This has been truly an heroic effort.

The 2000 election opened the eyes of the many Americans to the flaws and failures of our election machinery, our voting systems, and even how we determine what a vote is.

We learned of hanging chads and inactive lists. We discovered our military's votes were mishandled and lost. We learned of legal voters turned away, while dead voters cast ballots. We discovered that many people voted twice, while too many weren't even counted.

This final compromise bill—and it is a compromise in the truest sense of the word—tries to address each of the fundamental problems we have discovered.

For starters, this bill provides $3.9 billion in funding over the next 5 years to help States and localities improve and update their voting systems. In addition to providing this financial help, we also provide specific minimum requirements for the voting systems so that we can be assured that the majority-minority error rates and that voters are given the opportunity to correct any errors that they have made prior to their vote being cast.

This bill also provides funding to help ensure the disabled have access to the polling place and that the voting system is fully accessible to those with disabilities. A very special thanks to the Senator from Connecticut for this unwavering commitment to those goals.

We also create a new Election Administration Commission to be a clearinghouse for the latest technologies and improvements, as well as the agency who will be responsible for funneling the federal funds to States and localities. This reflects a great deal of effort by the distinguished Senator from Kentucky.

Then the bill attempts to address one of my key concerns, and that of course is the issue of vote fraud.

Now, I like dogs and I have respect for the dearly departed, but I do not think we should allow them to vote. Protecting the integrity of the ballot box is important to all Americans, but especially to Missouri and our State's sad history of widespread vote fraud. This legislation recognizes that illegal votes dilute the value of legally cast votes—a kind of disenfranchisement no less serious than not being able to cast a vote.

If your vote is canceled by the vote of a dog or a dead person, it is as if you did not have a right to vote. Much has been said about this. We have even heard from some colleagues in groups that vote fraud does not really exist. We have been told by professors and other learned folks in ivory towers that vote fraud really only exists in movies. Well, gang, come down out of your ivory towers. We can explain it to you your way.

In just the past month we learned of voter scams in Pennsylvania, and now we are learning of an ongoing FBI investigation in South Dakota where the media reports:

Every vote counts unless ballots are being cast by people who don't exist, are dead, or who don't even live in South Dakota. A major case involving those voter fraud issues has been under investigation by the FBI for the past month.

If vote fraud is happening in South Dakota, it could be happening everywhere. In fact, in a report just released, which reviewed voter file information across State lines, nearly 700,000 people were registered in more than one State and over 3,000 double-voted in the 2000 election. That is 3,000 vote fraud penalties, felonies, waiting to be prosecuted. I hope local, State, and Federal officials involved will aggressively pursue these crimes.

But, as I have said numerous times since I began this quest with Senators Dodd and McConnell many months ago, I believe that an election reform bill must have two goals—make it easier to vote but tougher to cheat.

Let's discuss for a moment a few of our registered voters: Barnabas Miller of California, Parker Carroll of North Carolina, Packie Lamont of Washington, D.C., Cocoa Fernandez of Florida, Holly Briscoe of Maryland, Maria Princess Salas of Texas and Ritzy Miller of Missouri.

They are a new breed of American voter. Barnabas and Cocoa are poodles. Parker is a Labrador. Maria Princess is a Chihuahua, Holly is a Jack Russell Terrier, and Ritzy is a Springer-Spaniel.

So has our voting system really gone to the dogs? And what can we do about it? This final bill takes this issue
square on, and I am very pleased that this final agreement retains and strengthens the anti-vote fraud provisions we spend so much time fighting to include:

New voters who choose to register by mail must provide proof of identity at some point in the process, whether at initial registration, when they vote in person or by mail. Among the kinds of acceptable forms of identification: utility bill, government check, bank statement, or drivers license—no dog license. The purpose of the individual providing proof of identity. States may also electronically verify an individual’s identity against existing State databases. This should go a long way toward solving the fraud occurring in South Dakota.

States will be required to maintain a statewide voter registration list.

Mail-in registration cards will now require applicants specifically to affirm their American citizenship.

The passage of the National Voter Registration Act and other Federal voting statutes allows in the path of the Voting Rights Act and other Federal voting statutes. This bill opens an new avenue for vote fraud in many States. NVRA requires States and localities to accept registration cards through the mail while limiting the ability of states and localities to authenticate or verify the registrations. Accordingly, the mail-in registration cards have become a means of unscrupulous individuals to register the names of nonexistent individuals or simply non-existent people to vote.

In my home State of Missouri, there is abundant evidence of these cards being used for the purpose of getting phony names, the names of the deceased, or voters on the voter rolls. Someone even registered the deceased mother of the prosecuting attorney of the City of St. Louis. Names have been registered to drop-houses, businesses, union halls, Mailboxes, and vacant lots. From there the people behind the fraud can request an absentee ballot in the name of the voter or attempt to go to the polls and cast a vote under the assumed name.

Congress agreed that while the mail-in cards have made registration more accessible, the policy has also created increased opportunities for fraud. To address this, we created an identification requirement for first-time voters who register by mail. The security that the NVRA Voting Rights Act provides is insufficient. The fraud provisions in this bill are necessary to guarantee the integrity of our public elections and to protect the vote of individual citizens from being devalued by fraud. Every false registration and every fraudulent ballot cast harms the system by cancelling votes cast by legitimate voters. It undermines the confidence of the public that the electoral process is fair and undermines public confidence in the integrity of the electoral process.

Under this new Federal requirement, those who choose to register by mail will have to show identification before the first time they vote in that jurisdiction. If the voter is registering to vote in a State that has a statewide voter registration system complying with the requirements of this bill, the voter will have to show identification before the first time they vote in that State. The new identification at some point between the time they register and the time they vote. To comply with the identification requirement, the voter can include a copy of the identification with their registration card, a copy of the identification can be included with an absentee ballot or it can be shown when the voter goes to the polling place. The option of the voter to vote absentee or to vote in-person is retained. This is the objective of Congress is fulfilled by voters who register by mail verifying the identity of the voter at some point before they cast their first vote.

Finally, voters will be required to include either their driver’s license number or the last four digits of their social security number on their voter registration form. Again, this reform will also help in uncovering the fraud that is occurring in South Dakota.

I believe that these meaningful reforms will go a long way to helping states clean up voter rolls, and thus clean-up elections.

Will Rogers once said, “I love a dog. He does nothing for political reasons.” Our election laws should keep it that way.

Mr. President, the Help America Vote Act contains many important provisions that will improve the equipment we use to cast ballots at the polls. It also will take major steps to prevent fraud, which disenfranchises voters by cancelling the votes of legal voters with illegal votes. This bill follows in the path of the Voting Rights Act, the National Voter Registration Act and other Federal voting statutes to enhance the voting rights of all Americans and protect the exercise of their franchise. These important provisions deserve further review so their meaning and the intent of Congress in including the provisions in the bill is clearly understood.

By passage of this legislation, Congress has made a statement that vote fraud exists in this country. The many reported cases and incidents of registration and vote fraud revealed in testimony before Congress, in our debates and in the press make it imperative that we implement such standards that are clearly within the Constitutional power and prerogatives of Congress.

A principle concern of Congress addressed in this bill is the abuse of mail registration cards, created by Congress as part of the National Voter Registration Act, for the purpose of committing vote fraud. The creation by Congress of the mail registration cards opened an new avenue for vote fraud in many States. NVRA requires States and localities to accept registration cards through the mail while limiting the ability of states and localities to authenticate or verify the registrations. Accordingly, the mail-in registration cards have become a means of unscrupulous individuals to register the names of nonexistent individuals or simply non-existent people to vote.
The conferees intend that the photo identification be something that is extremely difficult to falsify or procure under false pretenses.

Congress intends the Help America Vote Act to work along side the National Voter Registration Act. However, the identification provision, section 303(b) Requirements for Voters Who Register By Mail, may be read by some courts or other parties to require action or conduct prohibited by NVRA. It is the intent of Congress that voters who register by mail show identification. If a court reads this obligation to conflict with any other statute, it is the intent of Congress that section 303(b) of the Help America Vote Act control in such a situation. Congressional intention is reflected by the presence of section 906, which clearly states that this section will be controlling.

The conferees recognize that many States have taken steps to address fraud. Each of those steps may go beyond that set in this bill. It is the agreement of the conferees that this bill in no way limits the ability of the states from taking steps beyond those required in this bill. For instance, several States require those who register for Federal elections to provide a driver’s license or the last four digits of their social security number. This bill does not limit a State from taking this additional step to address fraud. Each of the steps taken in this bill to address fraud shall be considered to be a minimum standard.

This legislation sets an additional Federal mandate. All people registering to vote for a Federal election will be required to provide a driver’s license number or the last four digits of their social security number on the registration card when they register to vote. If an applicant has neither, the registrant should indicate so and the State will provide a number at the time the application is processed. No registrant can be required to produce information unless this information is included.

The authors of this bill found that voter rolls across the country are inaccurate or in very poor order, the condition in many jurisdictions, particularly the large jurisdictions, is a state of crisis. Voter lists are swollen with the names of people who are no longer eligible to vote in that jurisdiction, are deceased or are disqualified from voting for another reason. It has been found that voter rolls are registered in more than one State. As of October of 2002, 60,000 people were registered in Florida and at least one other State. In St. Louis County, some 30,000 people were registered to vote in the county and at least one other county in the State.

The conferees agree that a unique identification number attributed to each registered voter will be an extremely useful tool for State and local election officials in managing and maintaining clean and accurate voter lists. It is the agreement of the conferees that election officials must have such a tool. The conferees want the number to be truly unique and something election officials can use to determine on a periodic basis if a voter is still eligible to vote in that jurisdiction. The social security number and driver’s license number are issued by government entities and are truly unique, there are no more than most, unique numbers available, that is why the conferees require the voter to give the number.

Again, it is the intent of the conferees to impose a new Federal mandate for voter registration.

Under this bill, the use of the full social security number is not required, a partial social security number is required. That requirement does not conflict with the terms of the Federal privacy act. The privacy act states that people cannot be required to give their social security number except for limited purposes. The partial social security number is not one of the exceptions. But the privacy act protection is limited to the full social security number, there.

The conferees do not want this requirement to conflict with the privacy act, therefore, language was included in the bill to clarify the privacy act. The bill clarifies that the partial social security number is not covered by the privacy act, so asking for four digits will not conflict in any way.

Finally, it is important to note that states that utilize social security numbers for voter registration applicants can continue to do so after passage of this legislation. This new registration requirement is a minimum standard. If a State requires applicants to provide more information—such as the full social security number—this legislation will not override that State requirement.

Section three of the legislation is known as the minimum standards section. It includes minimum standards for Federal election to be adopted by the States. The first mandate concerns the voting system, which includes the type of voting machine or method used by a jurisdiction. This section will require the voting system to meet minimum standards. However, the legislation does not seek to ban the use of electronic voting systems and it does not instruct a jurisdiction as to what type of system to use. The intent of the bill is to improve the system used; it is not the intent of the legislation to prohibit a jurisdiction from using any type of system or to ban a voting system.

Under this minimum standard, the voting system in every jurisdiction will have three requirements. First, the voter has to be permitted to verify the votes they cast. This requirement gives the voter the opportunity to review the ballot, to check that it is filled out and before it is cast so that the voter himself can determine if he made a mistake in filling out the ballot. The second requirement
gives the voter the right to a replacement ballot. The intent of this provision follows on the verification provisions; if a voter finds that he has made a mistake he can ask a poll worker for a replacement ballot for the voter to fill out and return. The first ballot, of course, will be invalidated by the poll workers. This provision also applies to mail-in voting and absentee voting. It does not require a state or jurisdiction to do anything other than provide a voter the opportunity to get a replacement ballot. The statutory language simply requires the voter to do so before any deadline for submitting the absentee or mail ballot.

The next voting machine related requirement has to do with over votes, voters who cast more than one vote in a single race and spoil their ballot. Certaining voting technologies, such as the DRE, precinct-based opti-scan and lever machines, notify the voter that they have voted more than once in a single race. If the technology can notify the voter, then this section requires that it is employed and voters be notified. There are certain technologies that do not notify the voters of overvotes, such as paper ballots, central count systems, punch-card systems and absentee ballots. To satisfy the requirement, jurisdictions that use this system will be required to have in place a voter education system to inform the voter of the consequences of overvoting and the remedies that are available should they overvote. This is consistent with the clear intent of the authors of this bill not to eliminate any type of voting system and allow jurisdictions to choose the system that is best for that jurisdiction.

The legislation also requires every jurisdiction in every State to offer voters who claim to be registered in a jurisdiction but do not appear on the voter rolls for that jurisdiction the right to cast a provisional ballot. If the voter provides the required information and attests to their belief of being properly registered, the voter will be given a provisional ballot. No voter will be turned away from the polls because of a mistake or oversight at the administrative level.

There are several points I want to make as to how the provisional vote is to operate. I also want to clarify the intent of the authors as to the extent and limit of the right conferred on the voter by this section.

The provisional ballot will be extended to those who arrive at the polls to find that their name does not appear on the register of voters. The statute states that the poll worker shall inform the voter of the right to vote by provisional ballot. That right, however, is extended to those who believe that they are registered to vote and are registered to vote in that particular jurisdiction.

It is not the intent of the authors of this bill to extend the right to vote by provisional ballot to everyone who shows up at the polls and is not registered or for those who are not eligible to vote in the election. The intent is to provide protection to those who in fact registered but do not appear on the register because of an administrative mistake or oversight.

Before one can get a provisional ballot, the voter must sign an affidavit attesting to the fact that he believes he registered to vote in that jurisdiction and that he is eligible to vote in that election. So in addition to the registration, the voter must also attest that he is not disqualified from voting in the election, such a reason may include felony status or the voter has already cast an absentee vote in the race.

Once the voter turns over his ballot, it will not be tabulated until the information provided by the voter as to his registration status is verified. In verifying the information about the voter, the language of the statute states that the information provided shall be verified by an election official for verification of the information. This language reflects the intent of the authors of the bill that the registration and eligibility of the voter be verified by an election official before the ballot is counted. It is also the intent of the authors that the verification be done by someone other than the poll workers and that the ballot be segregated from other ballots until that information is verified. The language makes it clear that the information is not simply counted once cast, rather a review of the information is to be conducted on the status of the voter.

Furthermore, ballots will be counted according to state law. If it is determined that the voter is registered in a neighboring jurisdiction and state law requires the voter to vote in the jurisdiction in which he is registered, meaning the vote was not cast in accordance with State law, the ballot will not count. It was contemplated by the authors of the statute that under such circumstances, the voter will not count. It is not the intent of the authors to overturn state laws regarding registration or state laws regarding the jurisdiction in which a ballot must be cast to be counted.

Additionally, it is inevitable that voters will mistakenly arrive at the wrong polling place. If it is determined by the poll worker that the voter is registered but has been assigned to a different polling place, it is the intent of the authors of this bill that the poll worker direct the voter to the correct polling place. In most States, the law is specific on the polling place where the voter is to vote. Under this bill, those who vote in an election as a result of an order extending polling hours, they will be required to cast a provisional ballot. This section only covers those who vote as a result of the order. It does not cover those who are in line before the polls close but cast their ballot after the closing time.

Those who vote as a result of the order can cast a provisional ballot and the ballots are to be held separately from other provisional ballots cast in that race.

As we have seen before in elections, lower courts have issued orders to extend polling hours and those ballots are to be held separately from those ballots cast in that race. As with the methods required by this legislation, the ballots and the ballots will be segregated and identifiable. If the order is overturned, the parties involved in the election and the courts can determine how to reconcile those ballots. It is fair to say that if the order is overturned and a higher court decides that the polling hours should not have been extended, then the ballots cast as a result of that order should not count for or against any of the candidates.

The legislation also requires states to set up a computerized, statewide voter registration system to maintain names of all registered, eligible voters. It has been discovered that in some states across the country, registration lists contains names of people who have left the jurisdiction, who are not eligible to vote because their status as a felon, who are deceased or who are not eligible to vote in that jurisdiction for any number of reasons.

As I prepared to draft this legislation, I reviewed the voting lists in two jurisdictions in my State, St. Louis City and St. Louis County. In the city, I found that one in ten voters were also registered in another jurisdiction. This is because we live in an increasingly mobile society. It is also because Congress made it more difficult for localities to maintain clean lists when Motor Voter was passed.

Under the law, States will be required to maintain a State system and therefore the central database of information containing the names of all registered voters in the state. In most States, registration will be maintained for the first time on a statewide basis rather than jurisdiction by jurisdiction. This will not affect the obligation on the States to
conduct list maintenance according to the provisions of the National Voter Registration Act. First, for those States who are exempt from motor voter, this will not affect that exemption and it will not affect the way they maintain their voter lists. All other States must comply with NVRA maintenance provisions. This legislation does not limit the circumstances under which States can remove names from voter lists. The notice provisions must still be complied with, although they have been phrased as required by the terms of this legislation.

The requirement for a state-wide registration system will enhance the integrity of our election process, making it easier for citizens to vote and have their ballots counted, while clearing ineligible and false registrations from the voter rolls.

The Help America Vote Act also includes two new crimes directed at those who commit vote fraud. This should further enhance the extent of the concern of the conferees and Congress at large about voter fraud and the lengths that should be gone to stop voter fraud. One section in particular section, 905(a), requires additional clarification.

This section is as well intended to work with NVRA. Under NVRA, people who use the mail registration card for the purpose of committing vote fraud are subject to a criminal penalty. The reality is that NVRA appears to limit that to the person who actually commits the act, whether it be sign the false card, mail the false card or turn it in to the election officials. Section 905(a) of the Help America Vote Act, is intended to extend that reach of the statute to cover those who organize the fraudulent use of mail registration cards or who conspire with others to use the mail registration cards to commit vote fraud. Therefore, it is clear it is the intent of Congress to extend the reach of the law to get the conspirators and the ring leaders in committing vote fraud.


Mr. McConnell. Mr. President, I thank Senator Dodd for that statement which clearly reflects the intent of the authors of the bill on these important sections. If the Senator would yield, I would like to ask him some questions regarding various sections of this bill.

The conference report has a section on alternative language accessibility of voting systems, but the bill does not expand the language accessibility beyond what is already required under the Voting Rights Act. Is that the understanding of the conferees on alternate language accessibility?

Mr. Bond. That is correct. The Voting Rights Act requires certain voting materials to be available to the language group delineated in the Voting Rights Act statute. The language in the bill simply States that the statute should be enforced. It is the intent of the authors to display our belief that enforcement of the Voting Rights Act statute is important. It is the intent of the authors to expand that right.

Mr. McConnell. If the Senator would yield, I have a few more questions.

This bill makes significant changes in the voter registration process for Federal elections. These changes are designed to clean up our Nation’s voter registration lists and reduce fraudulent registrations and voting. Congress has a compelling interest in protecting the integrity of the Federal election process. This legislation will further that interest by helping to ensure accurate voter rolls, which is the first step in ensuring fair elections. The senior Senator from Missouri was a conference on this bill and he has seen many instances of fraudulent registrations and voter fraud in his State. I would like to ask the Senator from Missouri if his understanding of the function and purpose of these new provisions is consistent with my understanding and purpose of these new provisions.

The conference report on H.R. 3295 requires that individuals who register to vote on or after January 1, 2004, for Federal elections must provide their driver’s license number on the registration form. If the individual has not been issued a valid driver’s license number, then that individual must provide the last four digits of his or her social security number on the registration form. In the unlikely event that an individual has neither been issued a driver’s license number, nor a social security number, the State shall issue that individual a random registration number.

The State will then verify the registration information provided by the individual with information in the State’s department of motor vehicle database. The State’s department of motor vehicle database will be cross-referenced against Social Security Administration records. It is important to note that States that utilize full social security numbers for voter registration applicants can continue to do so after passage of this legislation. This new registration requirement is a minimum standard. If a State requires applicants to provide more information—such as their entire nine-digit social security number—this legislation will not override that State requirement.

Furthermore, the new computerized statewide registration systems that we require States to implement will also help safeguard voter registration lists against fraud. A State’s use of a statewide voter registration list will not, however, override State registration requirements. Thus, even though a voter’s registration information has been entered into the statewide list that does not mean a voter will never have to prove to a different jurisdiction within the State. The intent of the conferees is to provide a centralized list of registered voters to help guard against fraud. The intent is not to create one-time registrants or to let individuals vote from locations other than the precinct in which the voter is registered.

I ask the Senator from Missouri if my explanation of these provisions reflects the intent of the conferees on this legislation?

Mr. Bond. I agree with the Senator from Kentucky. His understanding of these new voter registration provisions is correct. These provisions were designed to clean up voter lists and help ensure the integrity of elections. Recent studies have found that there are more than 720,000 people registered in more than one State. Duplicate registrations provide the opportunity for unscrupulous people to commit fraud and undermine honest elections by, in effect, invalidating legally cast ballots.

Voter fraud can occur in many ways: submitting registration forms in the name of a dead person, people who are the name of their pet. In my home State of Missouri and in several other States and localities across the country, we have seen serious documented cases of fraudulent voter registrations. I have spoken many times of the fraud in St. Louis in the 2000 election and this is an ongoing and indeed, a nationwide, problem. Just last week, we learned that the FBI is investigating widespread voter fraud in South Dakota and Pennsylvania.

Based on the extensive documentation we have seen, there can be no doubt that voter fraud is a serious and real problem in Federal elections. The use of driver’s license numbers and full or partial social security numbers will help elections officials to verify the identity and eligibility of individuals and reduce fraudulent voter registrations from being added to our voter rolls.

I should also note that these provisions apply to all registrants for Federal elections regardless of the registrant’s race, color or ethnic origin. It is not a burdensome or discriminatory requirement in any way. In fact, several States already require individuals to provide this type of information on voter registration applications. Some States require even more information from applicants, such as their full nine-digit social security number. We have seen that States that require additional identifying information from registrants have substantially fewer
Mr. BOND. The Senator from Kentucky is correct. The language “in a private and independent manner” was added to the Voting System Standards requirements to underscore the conferees’ belief that voters should not be harassed or intimidated at the polling place. Section 301(a)(1)(C) of the conference report states that the privacy of the voter and confidentiality of the ballot is paramount. If a voter chooses to review his ballot and make changes to his ballot, he should be able to do so free from the interference of others.

Mr. MCONNELL. I have a couple of more questions for the Senator from Missouri. The Conference Report on H.R. 3295 contains a new requirement that voters in Federal elections have the opportunity to cast a provisional ballot in cases where that person’s name does not appear on the list of eligible voters at a polling site and the voter declares that he or she is properly registered to vote at that polling place. The senior Senator from Missouri correctly pointed out, if State or locality does not register and that jurisdiction does not have the voter registered and eligible to vote in that jurisdiction.

In other words, the provisional ballot will be counted only if it is determined that the voter was properly registered, but the voter’s name was erroneously absent from the list of registered voters. This provision is not intended to require any State or locality to allow voters to vote from any place other than the polling site where the voter is registered.

Mr. MCONNELL. On a point of order, the Senator from Kentucky correctly pointed out, if State law permits the challenge of provisional voters by someone other than election officials, this legislation does not prevent that particular State practice.

Mr. MCONNELL. I thank the distinguished Senator from Missouri for his insightful answers to my questions and for his tireless work on this conference report. I urge my colleagues to vote for the conference report.

Mr. MCCONNELL. I ask unanimous consent an editorial in today's Wall Street Journal.
called “Dead Men Voting” about the scandal unfolding in South Dakota be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 16, 2003]

**Voter Fraud in South Dakota Off the Reservation**

(By John H. Fund)

Today the Senate will approve and send to President Bush a landmark bill that will upgrade and begin the process to eradicate the voter fraud that is creeping into too many close elections. It can't come soon enough.

Last week, a massive vote-fraud scandal broke into the headlines. A new voter registration project is run in by Brian Drapeaux and Rich Gordon, two former staffers for Sen. Daschle. Democratic officials say they’ve fired Ms. Duta and Ms. Enright to bring the fraud to light. Ms. Enright, the Dewey County auditor, says that claim isn’t true and is “pure spin.”

Voter fraud isn’t unknown on reservations. Democrats have often given out free tickets to Election Day picnics for voters on the Pine Ridge Reservation, where 63% of people are helped with their ballots. In 1996, that prompted U.S. Attorney Karen Schreier, a Democrat, and Attorney General Barnett, a Republican, to write an unusual joint letter to county auditors noting that “simply offering to provide” food or gifts “in exchange for showing up to vote is clearly against the law.”

Amazingly, Kate Looby, the Democratic candidate for secretary of state this year, has criticized laws barring the holding of picnics for those who vote. She also wants to drop restrictions on absentee voting.

Making voting easier is better only if legitimate voters don’t have their civil right canceled out by those who shouldn’t vote. In 1980, only about 5% of voters nationwide cast absentee ballots or early votes. Today, 20% do.

“Absentee voting is the preferred choice of those who commit voter fraud,” says Larry Sabato, a professor at the University of Virginia. He suggests media outlets set up “campaign corruption hotlines” and begin taking voter fraud seriously. The Miami Herald won a Pulitzer Prize in 1996 after its stories on how 56 absentee-ballot “vote brokers” forged ballots in a Miami election. The sitting mayor was removed from office.

In Texas, Rep. Debra Danbury, who chairs the state House elections panel, has tried without success to reform absentee-ballot laws that are so loose they make “elderly voters a target group for fraud.”

Eric Mountain of the Dallas County district attorney’s office says some campaigns have paid vote brokers $10 to $15 a ballot. Many seniors are visited at home and persuaded to have someone mark an absentee ballot for them. Others have absentee ballots stolen from their mailboxes.

The law Congress is passing addresses some of the problems the federal government created with the 1994 Motor Voter Law. Let’s hope the latest scandal in South Dakota—discovery of an incredible slope in cheating—prompts states to examine their own absentee-ballot laws so they will stop being treated as an engraved invitation to fraud.

**EXHIBIT 1**

Thank you to the following organizations for their significant contributions and steadfast support for election reform efforts.

- Mr. DODD that Maine’s system does comply with the Election Reform Act. Senator MCCONNELL, the distinguished Ranking Member of the Rules Committee, do you agree?

- Ms. COLLINS, I want to thank the Senior Senator from Connecticut and the Senior Senator from Kentucky for their assistance and congratulate them on the impending passage of this bill.

**ELECTION REFORM REIMBURSEMENT**

Mr. ALLEN, Mr. President, I have a question about the impact of provisions of this bill for the Ranking Member of the Rules Committee. The Senior Senator from Kentucky, Mr. MCCONNELL, the distinguished Senator from Missouri, Mr. BOND, who has been involved in the conference committee that reconciled the House and Senate versions of H.R. 3265.

I understand that this bill does allow localities that have upgraded voting equipment in the past two years to be reimbursed retroactively, and I support this decision. We ought to reward, rather than penalize, localities that have aggressively moved ahead since November 2000 to improve the processes and procedures for voting and elections.

In Sections 261–263, having to do with local governments that have aggressively moved ahead since November 2000 to improve the processes and procedures for voting and elections, it is not clear whether the payments made may be made retroactively, and this concerns me. I expect that this was the intent. This is important, however, especially now that there is a high level of confidence in our system. There is a high level of confidence in several other States such as North Carolina and Rhode Island, the State Board of Elections and the localities...
have made a concerted effort to improve polling place accessibility over the past two years. And I believe that for this November’s elections Virginia will be very close to 100 percent of all polling places being 100 percent accessible. I would hate to have to tell my State officials that they have stepped up to the plate and already made these polling places accessible over the past two years that they are ineligible to receive payment for the improvements they have made. So, I hope that we are going to be able to make sure that these mandates might fall upon the States and local governments are duty bound to encourage all eligible Americans to exercise their right to vote.

In the past, attempts have been made to increase voter registration and turnout. Unfortunately, these attempts have met with limited success. The Motor Voter Act of 1993, for example, attempted to increase voter participation by permitting the registration of voters in conjunction with the issuance of driver’s licenses. According to recent U.S. Census Bureau reports, 28 percent of the 19.5 million people who have registered to vote since 1995 have done so at their local Department of Motor Vehicles. Notwithstanding this simplified voter registration procedure, voter participation continues to decline. Although registering to vote at the DMV generally is more convenient than other methods of registration, a substantial portion of registered voters nevertheless continue to fail to register. In fact, according to reports that fail to go to the polls on election day.

Voting via the Internet has been suggested as one possible solution to the problem. The Internet has revolutionized the way people communicate and has given us the power to permit millions of people to access it at the click of a mouse. The Internet has already increased voter awareness on issues of public policy as well as on candidates and their views. In the future, the Internet may very well increase voter registration and participation, and thereby strengthen our country’s electoral process.

Mr. President, as many of us have seen in the recent past, more and more States are looking at ways to utilize the Internet in the political process. Proposals include online voter registration, online access to voter information, and online voting. State and local officials around the country are anxious to use the Internet to foster civic action. I think that this is a positive step. In fact, today many States already allow for portions of the voter registration process to be completed online. For example, the Arizona State Democratic Party allowed online voting in the 2000 presidential primary and nearly 36,000 Arizona Democrats took advantage of this opportunity. We can anticipate that this trend toward online voting will continue.

Real questions remain, however, as to the feasibility of securely using the Internet for these functions. How can we be sure that the person who registers to vote online is whom he or she claims to be? How can we ensure that an Internet voting process is free from fraud? How much will this technology cost? There are also important sociological and political questions to consider. For example, will options like online registration and voting increase political participation? Can the Internet be equitably used in the political process?

We must be carefully evaluate the issues that will arise as the civic privilege of voting meets with technological advances. The original study I proposed would have created a special commission to conduct the study, which would have comprised of various experts ranging from First Amendment and election law experts to technical experts on the Internet and cyber-security. While this type of Commission in not part of this final conference report, it is my hope that the Commission will nonetheless call upon individuals with special expertise in these areas.

Proponents of “electronic voting” (so-called e-voting”) contend that there are numerous advantages to the
emerging “cyber” political participation, including the immediate disclosure of campaign contributions, an increase in the number of grassroots volunteers, and the creation of a more accessible forum for political advertising. Stack the contrary, e-voting would only serve to decrease “real” electoral participation, place personal privacy at risk, and pave the way for election fraud. The late Senator Sam Ervin opposed simplifying voter registration and voting, stating that he did not “believe [in] making it easy for apathetic, lazy people” to vote.

As we seek to ensure equal access to the voting place and integrity of the voting process, it would be irresponsible for us to ignore the potential effects, both good and bad, that new technology may have on the political process. As I stand before you today, Mr. President, I do not know whether online voter registration and e-voting will lead to improved or reduced participation. I do not know whether online voting registration and e-voting even is wise. I firmly believe, however, that these issues deserve serious examination as we seek to ensure that our democracy engages as many citizens as possible. I am pleased that the Hatch-Leahy provision will enable the study of forward-looking measures that will ensure our ability to properly integrate new technology in the civic duty and engage as many citizens as possible. I am pleased that the Hatch-Leahy Internet voting study is an important step forward in ensuring the legitimacy of the voting process, and serves as a major enhancement to the conference report.

I urge my colleagues to join me in voting for this measure.

The political Mr. President, I would like to commend the Senate for passing the Help America Vote Act of 2002 today. This landmark legislation will help the Nation avoid another debacle like the one that occurred during the Presidential election in November of 2000. In that election, thousands of ballots in Florida and in my home State of Illinois went uncounted for a variety of reasons. In fact, over 120,000 voters in Cook County and thousands more throughout the rest of the State did their duty and cast a vote during the last Federal election, only to have their ballots discounted because of problems with machinery and inaccuracies on the rolls of registered voters. This is unacceptable in the United States of America, where we take pride in our freedom to cast a vote for our leaders.

With the Help America Vote Act of 2002, Congress has finally agreed on a bipartisan solution to these problems. The conference report contains several items to improve the administration of elections for Federal office. First, it requires that voting systems meet certain minimum requirements, including notifying voters of overvotes, allowing voters the opportunity to correct their ballots, and having a manual audit capacity. The voting system must give disabled voters the ability to vote “in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.” In addition, voting systems must operate under a maximum error rate as currently established by the Federal Election Commission. The requirements for voting systems should significantly improve the ability of all voters to cast ballots that accurately reflect their intentions.

Next, the legislation provides a fail-safe mechanism for voting on election day. It requires that all states allow voters to cast a provisional ballot at their chosen polling place if the voter’s name isn’t on the list of eligible voters, or an election official, for whatever reason, declares a voter ineligible. Included in the right to vote provisionally is the right to have one’s eligibility to vote temporarily verified by the State and then to have one’s ballot counted in that election, according to State law. Finally, provisional voters have the right to know whether their vote was in fact counted, and if not, why it wasn’t. These measures seem dictated by common sense and fairness. Yet, many States, including Illinois, do not minimize these rights today.

To secure the rights afforded by this legislation, the Department of Justice can ask the Federal courts to act. In addition, States are required to establish an administrative procedure open to any person who believes a violation of any of the requirements has occurred, is occurring or will occur. States are free to add additional safeguards to protect these rights and are encouraged to provide the most effective and least burdensome means to enforce them.

Another key component of this legislation is the requirement that States implement an up-to-date, computerized, interactive, statewide list of all registered voters that is accessible to election officials in every jurisdiction. This list is intended to help keep voter rolls current and accurate and to reduce, if not eliminate, confusion about a voter’s registration and identification when a voter arrives at the polling place. This section also provides safeguards to protect the confidentiality of voter identification information and to protect against improper purging of names from the list. Make no mistake: In order to remove a voter’s name from the list of registered voters, for any reason, election officials must comply with all of the preexisting requirements of the National Voter Registration Act of 1993. This act does not change that.

To further the study and improvement of voting and the conduct of elections nationwide, the legislation creates an Election Assistance Commission, which will conduct a national clearinghouse on election administration issues. Advised by State and local officials, this commission will, among other things, provide for the testing and certification of voting systems. Ultimately, the commission should identify and report to Congress on continuing problems with election administration and potential solutions.

To facilitate voting by Americans living abroad, particularly those serving their country in the Armed Forces, the Act enhances the provision of election information, extends the duration of an application for an absentee ballot, and requires states to accept early submissions of ballots by all voters.

Finally, the conference report authorizes $3.9 billion in Federal funding over the next few years to replace antiquated voting systems, to educate voters on procedures and on their rights, to train election officials and workers and volunteers, to improve polling place accessibility for individuals with disabilities, to promote research on voting technology, and to otherwise comply with the requirements of the Act. Of this amount, $650 million is to be made available on an expedited basis, in part for the immediate replacement of punchcard voting systems, the bane of the 2000 Presidential election. This should be particularly helpful for Illinois, where the overwhelming majority of voters still vote by means of this troublesome technology. In fact, Illinois will be eligible for up to $45 million of this early release. The bulk of that money, over the next 3 years - is authorized specifically to help States meet the requirements set forth in this act. Illinois stands to receive up to $155 million under this section. When these sums are appropriated, states will at last have the resources to provide citizens with the best means available to exercise their right to vote.

Still, this legislation is not without its shortcomings. These include new limits on the early voting process and newly registering voters are permitted to identify themselves, which could create obstacles for some groups; the lack of an explicit, strong federal remedy through which voters can individually vindicate the rights granted them in this legislation; and the absence of a guarantee that the funds authorized by this legislation will actually be appropriated by Congress and the President. Thus, Congress has an obligation to ensure that the funds called for in this Act and to monitor the implementation of its provisions over the next several years.
Nonetheless, on balance, this legislation embodies a good faith, bipartisan attempt to ensure that every eligible vote in an election for Federal office is accurately cast and counted and I support its worthy goals.

Mr. KENNEDY. The “Help America Vote Act” is timely and important bipartisan legislation to strengthen our Nation’s election system and I urge the Senate to approve it.

The right to vote is the cornerstone of our democracy. As Chief Justice Earl Warren said in 1964: “The right to vote freely for the candidate of one’s choice is the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.”

Over the past century and a half, a number of constitutional amendments and major laws have been acted to expand and help protect this fundamental right, including the 15th Amendment in 1870 prohibiting voting discrimination because of race; the 19th Amendment in 1920 prohibiting voting discrimination because of gender; the Voting Rights Act of 1965 outlawing racially discriminatory voting practices; the 26th Amendment in 1971 lowering the voting age to 18; the Voting Rights Act Amendments of 1982 which expanded the protections against racial discrimination in the Voting Rights Act; and, the National Voter Registration Act of 1993—the “Motor Voter” law—which simplified voter registration procedures.

Now, the passage of the “Help America Vote Act” will add another important chapter to our continuing efforts to protect and strengthen the right to vote.

The 2000 election taught the entire nation a valuable lesson. We learned that every vote does matter—but that every vote is not always counted. Too often and in too many communities across the country, individuals who went to the polls on election day were denied the right to vote or did not have their votes counted. The reasons varied—such as confusing ballots, outdated or malfunctioning equipment, inadequately trained poll workers, and the lack of access for the disabled. But the outcome was the same—the voices of well over one million Americans were not heard. The legislation before us today will help to ensure that this unacceptable result does not happen again.

The bill includes three core components. It establishes uniform requirements for voting systems, provisional voting, and computerized voter registration lists, which all States must meet in Federal elections. It creates a new four-member, bipartisan, independent Federal agency—the Election Administration Commission—to provide guidance to the States, conduct studies and issue reports on Federal election administration and other aspects of the Federal grant program. Third, it authorizes $3.9 billion in grants over the next three years to assist States and localities in meeting the new requirements, modernizing their voting systems, and making polling places accessible to the disabled.

These are all important and needed reforms and I strongly support them. Their success will depend on the participation of all levels of government, including adequate appropriations by Congress, and vigorous implementation of the reforms at the State and local level.

At the same time, however, I have serious concerns that some provisions of this legislation create new Federal requirements that could make it more difficult for certain groups, particularly racial and ethnic minorities, the poor, the elderly, and people with disabilities to register and to exercise their right to vote.

The bill requires first-time-voters who register by mail to provide specific forms of identification to verify voter identity. The bill widely restricts certain groups on those groups who have historically been denied full participation in elections, and we must do all we can to prevent any such impact. To implement the bill in good faith, the Administration and the Department of Justice must be vigilant in ensuring that these provisions do not restrict voting by certain groups and that they are enforced in a “uniform and nondiscriminatory manner,” as the legislation requires. We must ensure that the requirements of these provisions on those groups who have historically been denied full participation in elections, and we must do all we can to prevent any such impact. To implement the bill in good faith, the Congress and the Bush Administration should see that individuals who respect these basic voting rights concerns are named to the new Commission.

With proper support and enforcement, the “Help America Vote Act” can significantly increase political participation for every American. We all share the great goal of protecting the most fundamental of all rights in our democracy—the right to vote.

Mr. KENNEDY. President, it has been nearly 2 years since the presidential election left many Americans disenfranchised. In that time, this country has faced other tremendous crises, and perhaps the fervor with which the reform movement two years ago has waned somewhat. But I believe that after all we have faced as a country, it is even more important that we preserve and improve the integrity of our democracy by ensuring that every eligible voter who wants to vote is able to vote.

We can be thankful that we are past the days of poll taxes, literacy tests, and other discriminatory practices that kept voters away from the polls. But if there is even an inadvertent flaw in the design or administration of our voting systems that prevents Americans from having their votes counted, it is our utmost responsibility to ensure that we remedy the situation.

There is simply no excuse for the most technologically savvy Nation in the world to be using voting equipment that is 30 years old or more. It is disturbing, to say the least, that much of the oldest and least reliable equipment is found in the poorest counties across the country. Often, people of color make up the majority of the population in those counties. None of us should ever again be in the position of having to explain to urban, minority voters why a portion of their votes didn’t get counted, while their white suburban neighbors, using better equipment, had no problem at all. We created those voting irregularities in their precincts that would have caused their votes to be discarded.

If we can’t promise all of our citizens that their votes will be counted, then all of the past work this Nation has done to guarantee the right to vote to women, people of color and the poor will have been squandered.

I have some serious concerns about a number of provisions in this legislation. But, because I believe we must use every tool available to us to uphold our citizens’ right to vote, I have decided to support this conference report. On balance, I believe this bill will enhance participation in elections, and we must do all we can to prevent any such impact. To implement the bill in good faith, the Congress and the Bush Administration should see that individuals who respect these basic voting rights concerns are named to the new Commission.

Unfortunately, the compromise has significant shortcoming that other Members of this Committee and I have raised, including the following: in a world to be using voting equipment that is 30 years old or more. It is disturbing, to say the least, that much of the oldest and least reliable equipment is found in the poorest counties across the country. Often, people of color make up the majority of the population in those counties. None of us should ever again be in the position of having to explain to urban, minority voters why a portion of their votes didn’t get counted, while their white suburban neighbors, using better equipment, had no problem at all. We created those voting irregularities in their precincts that would have caused their votes to be discarded.

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Unfortunately, the compromise has significant shortcoming that other Members of this Committee and I have raised, including the following:
by mail. While I applaud the goal of eliminating instances of fraud, it is important that these provisions be implemented equitably to prevent the disenfranchisement of minority or disabled voters.

In addition, I also would like to make a few recommendations regarding the implementation of this legislation. As the states develop their plans for meeting the new federal voting requirements and receiving grant funding, I would urge them to solicit advice on solutions to address the needs of disabled voters and others who have historically faced impediments at polling places. I also urge the Secretary of Health and Human Services to consult closely with the Election Assistance Commission on the grant program to help states making polling places accessible to disabled voters. The applications for grant funding and reports on the uses of these funds may be helpful to the Commission as it studies accessibility-related issues and develops voluntary voting system guidelines. It is also important to emphasize that concerns have been raised about the legislation’s enforcement provisions. I appreciate that the Department of Justice will use its enforcement actions against states that are not in compliance with the mandatory requirements. We will have to be diligent in ensuring that these enforcement provisions are implemented.

On this historic day, I look forward to passage of this significant piece of legislation. As the recent events in Florida show, our voters still face major challenges in getting their votes counted at the polling place. This legislation will present solutions to these problems and reassure the American public that the best system of government ever created continues to function in its 226th year.

Mr. BYRD. Mr. President, the right to vote is part of the core financial reform bill that became law earlier this year. Both of these pieces of legislation are aimed at the heart of any successful democracy: restoring the voters’ trust in their government. The new campaign finance reform law is intended to reduce the influence of special interests by eliminating the large flow of unregulated soft money. This election reform legislation is designed to assure voters that votes will be counted accurately, and that legally registered voters will not be disenfranchised. I am especially proud that this legislation will ensure for the first time in history that voters who are blind or visually-impaired will be able to cast a vote privately and confidentially.

However, I would urge my colleagues not to treat this legislation as the conclusion of our work on the issue of election reform. The Congress must ensure that this legislation is implemented fairly and effectively. I know that concerns have been raised about the identification requirements for first-time voters who have registered

The bill includes a number of safeguards designed to improve voter access, including provisional ballot requirements, being able to correct improperly marked ballots, and funding for equipment to allow a disabled voter to cast a private vote without assistance. In an effort to avoid a repeat of the Florida debacle of 2000, this bill mandates that states create uniform standards for counting ballots. I congratulate the members of the conference committee for their efforts to bring this bill to conclusion. I support this reform because it is an important first step in restoring confidence in our election process.

Mr. ALLARD. Mr. President, I want to show my support for the election reform proposal that will shortly be approved. There are a litany of provisions too numerous to outline that are extremely positive steps toward ironing out very serious problems in our current voting system. My thanks go out to Senators MCCONNELL and DODD, their counterparts and all of the other conferees who fought long and hard during the last few months to help ensure the electorates’ right to vote.

Secondly, and with much more remorse, I believe that many of the shortcomings that our men and women in the military face as potential overseas voters have not been fully addressed in the underlying conference report. I have stood in this body many times since the 2000 election and have pushed for election reforms that would show those who defend our way of life that their vote will not be cast-off for technicalities through no fault of their own. Of course, I would be remiss if I failed to mention that some focus was paid to military voters in this bill. I am pleased that early submission will no longer be grounds for refusal of registration or absentee ballots for those who focus on the Department of Defense to have more support for Voting Assistance Officers and emphasis on including postmarks on all ballots mailed, is also favorably noted. However, the House has thrown in two other inklings on that overseas voter measures, while the Senate as an institution has continued to show leadership in this effort. I hope that we will continue to do so in the future.

That being said, it is time now to look ahead and my support for the election reform bill will not sway my feelings that there are still many egregious errors in the process of overseas military
voting. I promise to continue the fight and protect the rights of those men and women who would give their lives for the country that they dearly love. The underlying election reform bill is a step in the right direction, and I hope that congress can continue to follow that path.

Mr. WELLSTONE. Mr. President, I am pleased that today Congress addressed the debacle that occurred to diminish democracy during our last President's Florida and other States. Access to the polls is a fundamental right; it is essential to our democracy. The 2000 elections raised to the national stage problems that have been all too common and all too familiar to many voters around the country. Systems of administering elections are in many places flawed, arbitrary, and discriminatory. I believe it is appropriate, even necessary, for Congress to impose high voter participation standards on States while providing the resources to meet those standards.

The Help America Vote Act contains a number of important reforms of America's elections. The conference report authorizes funds to States to reform their election systems. It sets uniform minimum standards for Federal elections. It will ensure the accuracy of state voter registration databases. It requires provisional balloting so registered voters are not turned away from polling places. And it will help disabled voters be able to cast their ballots independently and privately. The legislation is an important step forward, and I support it.

However, I have reservations about provisions which have the potential, if not monitored and implemented carefully, to make voter registration more onerous for some voters. In particular, provisions that require voters to register using a driver's license number or Social Security number could cause problems for States to assign voters a number if they do not have either of these forms of identification. I worry that some States may abuse this provision to make it harder for certain citizens, particularly new citizens and low income voters, to become registered.

One technical clarification I want to make about that provision: In Minnesota we have same day voter registration. It is my understanding that this provision would require the States to assign voters a number if they do not have either of these forms of identification. I worry that some States may abuse this provision to make it harder for certain citizens, particularly new citizens and low income voters, to become registered.

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upon the new Election Assistance Commission to study and report to Congress on the extent of residual votes. These are over votes, under votes, or “spoiled” votes that are created when a voter, unintentionally, makes a mistake in casting her ballot. Ballot errors can cause a voter to misunderstand the ballot or the voting machinery I have fought hard to support the voting rights of the disenfranchised voter. But I cannot in good conscience, representing the State of New York, support legislation I believe will also compromise the voting rights of New Yorkers. I will continue, however, to do all I can to ensure that our Federal election system and our democracy will be as strong as possible.

Mr. NELSON of Florida. Mr. President, Federal election reform is long overdue.

Two years ago, the election system’s collapse became a public shame in my State. A lot of high-minded debate about the need to reform the system immediately followed the election but, since then this legislation has moved at a snail’s pace.

Only now, three weeks before the next election, are we poised to send a reform bill to the President to upgrade the voting system, require provisional balloting and improve election administration. It’s a shame that it has taken so long to remedy such a serious failure. A failure which cast into doubt the winner of the most important election office in the world.

As a result of the delays, these desperately needed improvements will come too late for the upcoming election. That’s unfortunate, because in spite of the positive reforms made at the state level in Florida, some precincts experienced problems during the August primary election that might have been avoided, or at least mitigated, under the federal reforms.

Similar problems could occur again and these failures are not likely to be isolated to Florida when the general election is held in November. Our goal now must be to implement the changes in time for the 2004 elections.

Unfortunately, the administration has already chosen to slow down the reform process by rejecting a $600 million appropriation passed by Congress earlier this year in anticipation of final passage of the authorizing legislation.

The administration unforgivably failed to accept the funds and the money must now be appropriated again. That process could take precious months that would otherwise be used by the States to prepare for the 2004 elections.

There’s no excuse for the administration’s failure to accept Congress’ down payment, especially after promising to support these reforms.

I hope President Bush will reaffirm his support for election reform rights of voting Congress to include the full $3.8 billion authorized by this bill in the next continuing resolution or, at the latest, as part of a supplemental appropriation early next year. We shouldn’t hesitate another day to send this money to the States so that they have every minute possible to prepare for 2004.

A strong election system requires top-notch equipment, informed and capable poll workers, a properly working voting system, and outstanding voter education programs. But it also requires sensible registration and voting procedures that prevent fraud without disenfranchising voters.

Despite my support for this legislation, I am concerned that the bill’s anti-fraud provisions may unfairly burden minority, elderly and disabled voters. Eliminating voting fraud is absolutely essential, but the mechanisms used to prevent fraud should not be so complicated, or intrusive, that they discourage or prevent voting by qualified people who may not, as a consequence of their lifestyle, have the specific documentation required by this bill.

I support modifying these provisions to allow potential registrants or voters to use additional documentation to prove their identity or to attest, under penalty of perjury, that they are in fact who they say there are. I understand that this committee would not approve such a change and I do not believe the entire bill should be sacrificed.

In light of this problem, I intend to follow closely this legislation’s implementation and focus on how the anti-fraud provisions work in practice. If the photo identification requirements and registration procedures set out by this legislation cause more harm than good I will support their repeal.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky controls 1 minute 30 seconds.

Mr. MCCONNELL. I thank the Senator from Missouri for his solid work.

Disenfranchised by this bill are dogs such as Gidget—Salish’s Potomac Fervour—pictured here in front of the Capitol. A solid Republican, Gidget will nevertheless never know the joy of participating in the election process. I am advised she could have been a fine voter—with a vigorous appetite for the ballot box and for touch screens. These skills will now have to be channeled into canine agility trials, instead of the election process. I congratulate the Senator from Missouri for that. That is one of the many fine results of the outstanding piece of legislation which was one of the few pieces of legislation the second session of the 107 Congress has passed.

We will have passed only 2 of our 13 appropriations bills. We have no budget and no terrorism reinsurance bill. It is literally a disgraceful record. But we do have something to be thankful for today, which is that we are about to pass an extraordinarily important piece of legislation on an overwhelmingly bipartisan basis. This is, indeed, the way the Senate should work.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, in my remarks yesterday I commended my colleagues who have been involved in this. I want to do so again, Senator McConnell and Senator Bond.

I also commended my new found friend from the House, Bob Ney, who did a remarkable job as the Chairman of the House Administration Committee. Steny Hoyer has been involved in these issues for a long time, and I have known him for a long time. I will not take the time today, as I did yesterday, to thank him as profusely—but it is deeply felt. We would not have arrived here without a lot of people working very hard on this. I thank all of them, the leadership here and others who brought us to this particular point.

I mentioned yesterday the juxtaposition of the events that unfolded on November 7, 2000, and the events as they are unfolding today on October 16, 2002. We are not considering that dominated the media news for days and days after the November 7 elections, with bulging eyeballs glaring and butterfly ballots and hanging chads and people bellowing at each other and out of the state level in Florida, some pre-

Administration unforgivably failed to accept the funds and the money must now be appropriated again. That process could take precious months that would otherwise be used by the States to prepare for the 2004 elections.

There is no excuse for the administration’s failure to accept Congress’ down payment, especially after promising to support these reforms.

I hope President Bush will reaffirm his support for election reform rights of voting Congress to include the full $3.8 billion authorized by this bill in the next continuing resolution or, at the latest, as part of a supplemental appropriation
were not allowed to vote, between 4 million and 6 million of them in the last election. While it is humorous to talk about the dogs who may have voted, it is not very funny to talk about the people who showed up and didn’t and were denied the opportunity to do so.

This legislation, we hope, is going to solve at least part of that problem beginning in the year 2004, where every person who shows up to cast a ballot in every precinct in America is going to be able to cast a ballot and never again be asked to step out of line and go home. That ballot will be cast provisionally where there is a debate about whether or not they have a right to do so, but the right to cast a ballot is never again going to be denied to a person who shows up—the right to cast a ballot in America.

That is not an insignificant achievement. We also said for those who are blind and disabled, some 20 million who never showed up the last time to vote because they have not been able to cast a ballot independently and privately, those days are over with. Henceforth, beginning in 2006 or before, if the States can get it done earlier, people are going to be able to vote privately and independently. The idea in this country that you could use Braille and have sidewalks accessible to the handicapped, but ballots in America were not—the only State in the country that has made a difference in that is the State represented by the present Presiding Officer, the State of Rhode Island. As a result of your former secretary of state, who himself suffers from a disability as a result of your victory, Rhode Island has statewide voter registration databases, and the Federal Government can work together when it comes to election issues.

Of the $3.9 billion, 95 percent of the improvements will be borne by the Federal Government because we are requiring it to be done. I don’t believe in unfunded mandates. I wanted 100 percent. We had to compromise at 95. We are now going to participate and support the States. If we are making changes in order to make our system work that much better.

I am thankful to all of our colleagues for their support and help during the debate yesterday. I reported a number of letters into the RECORD which expressed support for this conference report. Today I ask unanimous consent to include in the RECORD letters which express concerns about specific provisions of this legislation, including letters from the American Council of La Raza, the League of Women Voters, the American Civil Liberties Union, the Leadership Conference on Civil Rights, and People for the American Way.

There being no objection, the material was ordered to be printed in RECORD, as follows:

NATIONAL COUNCIL OF LA RAZA.
Washington, DC, October 9, 2002.

NCLR URGES CONGRESS TO VOTE NO ON THE "HELP AMERICA VOTE ACT" (H.R. 3295)

Dear Members of Congress:
The National Council of La Raza (NCLR), the largest national Latino civil rights organization, opposes the "Help America Vote Act" (H.R. 3295), because it will disproportionately affect Latino voters, suppresses voter registration and turnout, and in some instances will roll back civil rights laws.

Furthermore, we note with concern the continuing uncertainty of the appropriations process, which means that no one, including the authors of the compromise bill, can guarantee adequate funding sufficient to implement the bill.

NCLR is an umbrella organization with over 280 local affiliated community-based organizations and a broader network of 33,000 individual associate members. In addition to providing capacity-building assistance to our affiliates and essential information to our individual associates, NCLR serves as a voice for all Hispanic subgroups in all regions of the country.

NCLR urges you to join us in opposing the "Help America Vote Act" (H.R. 3295) because of the "compromise" bill:

Requires first-time voters who register by mail to provide specific forms of identification at the polls that will have a discriminatory impact on a large number of voters, especially people with disabilities, racial and ethnic minorities, students, the elderly, and the poor, who are substantially less likely to have photo identification than other voters. Additionally, having states implement this requirement for the 2004 presidential election, without the statewide list in place, is a dangerous experiment that runs the risk of creating additional chaos at the polls.

Contains weak enforcement provisions. Voters who are denied their right to vote because of this law cannot turn to federal courts for a remedy. Rather, disenfranchised voters must either wait for the Department of Justice to take action or ask the same Secretaries who disenfranchised them to determine that there is a violation and provide a remedy for the problem.

Contains new language that will require any registration to be invalidated if the person registering forgets to check off boxes declaring that he or she is a U.S. citizen. Because voters already must affirm their citizenship when they sign the registration form, it is unnecessary to require that this box be checked for registration. Many elderly and low-income voters, as well as voters with low levels of literacy, who find filling out forms difficult, may inadvertently make the mistake of failing to check the box and will as a result, disproportionately be kept off the registration rolls; and

Contains an intrusive, error-prone requirement that voters provide a driver’s license number or, in the event they do not have one, the last four digits of their Social Security number. Election officials must independently verify the number more securely at home, in person, or by telephone, and the voter who has either number but fails to provide it will not be registered. This provision directly conflicts with the protections of the National Voter Registration Act, which prohibits the use of a driver’s license or Social Security Number to authenticate a voter’s registration.

For almost two years NCLR worked diligently with both Republicans and Democrats in the House and in the Senate on election reform legislation, to address the need for good election reform legislation. Today we oppose this bill because the Latino community cannot accept a bill that does more harm than good, and we will vote against it. Please be advised that NCLR will recommend that votes related to this bill and final passage be included in the National Hispanic Leadership Agenda Scorecard.

Sincerely,
RAUL YZAGUIRRE,
President.

THE LEAGUE OF WOMEN VOTERS,
Washington, DC, October 9, 2002.

ELECTION REFORM LEGISLATION IN U.S. CONGRESS—LEAGUE CAUTIONS: LEGISLATION IS A GAMBLE, IMPLEMENTATION KEY

WASHINGTON, DC—"The compromise election reform legislation being considered this week by the U.S. Congress incorporates reforms in the voting process but erects new bureaucratic hurdles for voters," stated Kay J. Maxwell, president of the league of women voters of the U.S. "The Help America Vote Act is a tradeoff, providing stronger protections in our voting systems while taking away safeguards in voter registration."

"There are many good things in this bill, but it also undermines existing voter protections," Maxwell noted. "On the positive side, legislation to create standards and providing the states with funds to buy new voting machines that work, to better train and recruit poll workers, to create statewide voter registration databases, and put provisional balloting systems in place, is greatly needed."
Although the League cannot overlook the fact that this bill places voter protections at risk by cutting back existing federal standards for voter registration, it weakens and undercuts state and local voter protection measures established in current law," said Maxwell. "We are also concerned that the discriminatory identification provision in this legislation seriously undermines the election identification requirements place additional burdens on poll workers and may create a mess at the polls in 2004," cautioned Maxwell.

"This bill is a gamble," said Maxwell, "and implementation will be the keystone in determining whether it succeeds or fails. We hope that Congress will reject this legislation, and that they now have in administering federal elections. They must step up to their constitutional responsibility to run elections effectively," he stated Maxwell. "The League at the national, state and local levels will work closely with state and local election officials and citizens across this country to ensure that all the provisions of this bill are carried out to enfranchise rather than disenfranchise voters," concluded Maxwell.


Dear Congress: The American Civil Liberties Union (ACLU) urges you to oppose the conference report on HR 3295, Help America Vote Act, because the agreement contains provisions that would lead to discrimination and ultimately result in disenfranchising many voters. This legislative cure to the severe voting rights problems caused by the 2000 Presidential election could be even worse than the disease.

In many respects, the conference report rolls back many of the voting rights victories the past two decades through the Voting Rights Act of 1965 and the National Voting Registration Act of 1993. Instead of making sure that the voting process is as inclusive as possible, this agreement would exclude people, negatively impacting the elderly, the disabled, racial and ethnic minorities, students, and the poor. Not only would this bill make it more difficult to vote, it would make it more difficult to register to vote.

While the conference report purports to address the concerns apparent in the 2000 Presidential election, its solutions are illusory. For example, the legislation establishes minimum standards for the performance of voting machinery, but provides an exemption for punch card machines, the most controversial and problematic technology used during the 2000 presidential election, for over-vote notification. Although this legislation requires election officials to permit voters whose names do not appear on the voter registration lists to cast a provisional ballot, it fails to provide for the state to decide when and if provisional ballots will be counted, even in federal elections. As we have seen in the past, these ballots can determine the outcome of an election.

This election reform legislation is the only major piece of civil rights legislation that the Senate and House have taken up in the 107th Congress. We urge you to carefully consider the negative implications associated with the provisions that will undermine critical advances the United States has made in voting rights. While this legislation would authorize much needed funding to states and local governments to improve their election systems, it simultaneously imposes requirements that will effectively suppress voter participation. New machines are meaningful less if policies are enacted that prevent people from voting on them. Outlined below are two problematic provisions contained within the conference report that will undermine the voting rights. While this legislation is intended to correct, to ensure that every citizen eligible to vote can cast a vote, the conference report imposes license and social security number requirement to register to vote and the photo identification requirement to vote.

Driver's License and Social Security Numbers.

The conference report imposes additional requirements in order for citizens to register to vote. Under this legislation, the voter must either present the voter's license number or, in the event they do not have one, the last four digits of their social security number. Any voter who has either number but does not have the other number—and even for privacy reasons—would not be registered.

When the voter provides either their driver's license number or the last four digits of their social security number, the state must verify the accuracy of the data provided. This includes checking data against state motor vehicle, Driver Security Administration databases, to verify the voter's name, date of birth and social security number. But, there are many reasons why the voter may not have a driver's license or may not match the data in a motor vehicle or SSA database, even though it is the same person. For example, women may have married or divorced without changing their name in the SSA database. Many Latinos use both their mother and father's surname, or both their father's and spouse's surnames, which SSA may list incorrectly—resulting in a false "no-match." A simple juxtaposition of a number could result in a "no-match," whether due to the fault of the applicant, or an SSA employee who entered the number into the database incorrectly. This could result in either purging or the invalidation of a voter's registration application.

Also, this conference report would remove social security number disclosure (last four digits) from the protection of the Privacy Act of 1974, which makes it unlawful for local, state or federal agencies to deny someone a right provided by law for refusing to disclose their social security number. Congress did not mention in Sec. 7(a) of the Privacy Act to parts of the social security number. All nine digits of the social security number are a "social security account number" and are therefore protected. It was the use of the social security number for identification purposes that Congress was restricting. There can be no doubt that the requirement that voters disclose the last four digits of their social security number in order to register to vote is an attempt to use the numbers as an identifier. If Congress intended to protect only five (5) of the nine (9) digits it would have written legislation that explicitly did so. Permitting a state to require that the voter disclose the last four digits of the social security number that their privacy is somehow protected.

In addition, forced disclosure of social security numbers threatening citizens' privacy and could lead to identity fraud, where imposters armed with a person's name and social security number can raid back accounts, adjust credit ratings and even run a voter's credit, The Social Security Administration's Notice of Inspector General has registered a 500 percent increase in allegations of identity fraud in the past several years—from 11,000 in 1998 to 65,000 in fiscal year 2001.

The second major setback in the conference report is the photo identification requirement. As with the other methods of disenfranchisement in American history, such as literacy tests and poll taxes, the photo identification requirement presents new barriers to voting and have a chilling effect on voter participation. There are voters who simply do not have identification and requiring them to purchase photo identification would be tantamount to demanding they pay a poll tax. As a disproportionate number of racial and ethnic minority voters, the homeless, as well as voters with disabilities and certain religious objectors, do not have photo identification nor the financial means to acquire it, the burden of this requirement would fall disproportionately and unfairly upon them, perhaps even violating the Voting Rights Act, 42 U.S.C. §1973.

Further, the limited alternatives to photo identification provided in the bill—including a government check or government document, utility bill, or bank statement that shows the name and address of the voter—place the poor in no better position. Certain populations of battered women and homeless people, for example, may not have any of the required documents, because they often do not live in a house or apartment and if they do, the utility bills are not in their names. Women do not have a driver's license, and they may not receive a government check. American citizens should not be denied their constitutional right to vote because they do not have these documents, particularly when there are other alternatives to these requirements such as attestation or signature clauses which are currently used effectively by many states to prevent fraud.

The Department of Justice (DOJ) has consistently raised this issue in imposing photo identification as a prerequisite for voting because such requirements are likely to have a disproportionately adverse impact on black voters and will lessen their political participation opportunities. In 1994, DOJ found that African-American persons in Louisiana were four to five times less likely than white persons to have driver's license or picture identification cards. In addition, the Federal Elections Commission noted in its 1997 report to Congress that photo identification requires expenses, both initially and in maintenance, and presents an undue and potentially discriminatory burden on citizens in exercising their basic right to vote.

Effective federal legislation should not erect new obstacles or weaken existing voting rights laws. Eliminating these discriminatory provisions is the most certain and complete way to guarantee that all states meet the requirements outlined by the Supreme Court in Bush v. Gore, 521 S. Ct. 525 (2000). Voters should not have to resort to the courts to ensure compliance with the "one person-one vote" principle.

We recognize that reform of our nation's electoral systems is critical. But it cannot be done in a manner that unduly prevents legitimate voters from exercising their constitutional right to vote. As the facts indicated above, we urge you to vote "no" on final passage and will score a vote in favor of this legislation as a vote against voting rights. If you have questions, please contact ACLU Legislative Counsel LaShawren Warren.

Sincerely,
Laura W. Murphy,
Director
LaShawrn Y. Warren, Legislative Counsel.
Given the fact the millions of American citizens were denied their right to cast a vote in the 2000 election, the enactment of meaningful election reform has been the Leadership Conference’s highest legislative priority. We greatly appreciate the efforts of Sens. Christopher Dodd (D-CT), Richard Durbin (D-IL), Charles Schumer (D-NY) as well as Reps. Bob Ney (R-OH), Steny Hoyer (D-MD), John Conyers (D-MI), Charlie Gonzalez (D-TX) and others to reach a bipartisan agreement on comprehensive election reform. Among its beneficial provisions, the conference agreement:

- Set uniform, minimum standards for federal elections nationwide, including providing voters with a chance to check for and correct ballot errors.
- Ensure accuracy of state voter registration databases by implementing uniform, statewide computerized lists.
- Provide provisional ballots, which allow voters who are erroneously left off the voter registration lists to vote and be counted once else verified.
- Help eliminate outdated punch-card and lever voting systems, and upgrade voting systems and equipment in every state;
- Provide funding to ensure that voters with disabilities are able to cast ballots privately and independently.

The conference report language, however, does contain several troubling provisions:

- First, the report contains a requirement that all citizens seeking to register must provide the state with a drivers license number or some other identification, including the last four digits of their social security number. Any person who has either number but does not provide it—even for privacy reasons—will be subject to the vote registration list to vote and be counted only once verified.
- Second, amendments that have been made to the ID requirement fail to reduce its match. ‘’Help America Vote Act of 2002’’ states a way to identify these individuals to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide matching systems to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled, and ensure that their voting machines allow voters to verify and correct their votes before casting them.

Concurrently, we will begin to identify areas where we can strengthen the progress made by this bill, and work with our allies on legislation to correct deficiencies.

Mr. DODD. The concerns of these groups are reflected in three of the provisions of the conference report; (1) the first-time mail registration requirements of section 303(b); (2) the requirement that the drivers license, or last 4 digits of the voter’s Social Security number, be provided on the registration form under section 303(a); and (3) the citizenship check-off box requirements of section 303(b)(4). I intend to address each of these issues in turn.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS
WASHINGTON, DC
OCTOBER 16, 2002
DEAR MEMBER OF CONGRESS: On behalf of the 900 member organizations of People For the American Way (PFAW), we are writing to express our views on the conference report to HR 3295, the Help America Vote Act.

We are pleased by many of the bill’s provisions, which we believe will significantly improve our nation’s election system. The legislation authorizes states to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide matching systems to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled, and ensure that their voting machines allow voters to verify and correct their votes before casting them.

Finally, the legislation authorizes $1.8 billion in critically needed funds to fix antiquated voting systems and to meet the minimum standards set forth in the bill.

At the same time, we are concerned by other provisions that may erect new barriers to voting. These provisions include the identification requirements for first-time voters who register by mail and the provision (added by the conference committee) that allows election officials to return voter registration forms if a ‘’incomplete’’ if the ‘’citizenship box’’ is left blank by the voter.

Second, amendments that have been made to the ID requirement fail to reduce its disenfranchising impact on first-time voters. The conference report includes minor improvements, these provisions fail far short of reducing the disproportionate negative impact of the ID provision.

In order to limit the impact on first-time voters, the ID requirement should have been linked to the requirement that a state have a computerized voter list in place. Instead, while the compromise bill requires mail-in registrants to meet the ID requirements in the 2004 election-cycle, it gives states a wide berth in 2006 to create the state-wide computerized lists. As a result, voters in states without state-wide lists will have to comply with the ID provision anytime they vote. This will fall more heavily on renters, who change residences more often than homeowners, and who generally have lower incomes.

Third, the conference report would invalidate the registration of any voter who does not check off a new box on the registration form verifying if they have their last four digits of their Social Security number, or tax identification number, be provided on the registration form under section 303(a).

We hope you will keep the above issues in mind when deciding how you will vote on the conference report. If you have any questions, please feel free to contact Rob Rashdah, LCCR Policy Analyst, at 202/466-6036 or Nancy Zirkin, LCCR Deputy Director. We look forward to your consideration.

Sincerely,

RALPH G. NEAS,
President,
STEPHEN FOSTER,
Director of Public Policy.

Mr. DODD. The concerns of these groups have been reflected in three of the provisions of the conference report; (1) the first-time mail registration requirements of section 303(b); (2) the requirement that the drivers license, or last 4 digits of the voter’s Social Security number, be provided on the registration form under section 303(a); and (3) the citizenship check-off box requirements of section 303(b)(4). I intend to address each of these issues in turn.

Let me state from the start that each of these groups was involved in the development of the original Dodd-Conyers legislation, and all continued to provide valuable input and comments as we worked to develop a bipartisan compromise in the Senate last December and then perfect that compromise in conference with the House this summer and fall. Many of these same groups expressed reservations at the time about the Senate compromise and withheld support for the bill when it passed the Senate.

Each of these organizations played a pivotal role in the formation of this legislation and I continue to personally value their perspective and input.

Let me state for the record, that as the principal Senate author of this conference report, it has consistently been my goal and position that this legislation be uniform and nondiscriminatory in both intent and result without regard to age, race, sex, disability or native language, part or precinct. While I understand the collective, and individual, concerns of these organizations, the ultimate test of this legislation will be in its implementation by the States and I am confident that a fair reading of its provisions will produce the desired result. With that, I submit my perspective on several issues raised by these organizations.

Finally, through PFAW Foundation’s anti-fraud programs, which we believe will significantly improve our nation’s election system, the legislation authorizes states to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide matching systems to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled, and ensure that their voting machines allow voters to verify and correct their votes before casting them.

Finally, through PFAW Foundation’s anti-fraud programs, I share the concern that the hearings and studies by numerous organizations, including the Senate Rules Committee, over the past two years did not unearth any evidence of current fraud or voter fraud, significantly even the anecdotal evidence of dogs and deceased persons registering, and perhaps even voting, and registration lists with duplicate names in several different jurisdictions illustrate the frailties of current registration procedures. While I continue to believe that the most effective anti-fraud provisions in the Senate-passed bill, and in this conference

PEOPLE FOR THE AMERICAN WAY
WASHINGTON, DC
OCTOBER 10, 2002

DEAR MEMBER OF CONGRESS: On behalf of the 900 member organizations of People For the American Way (PFAW), we are writing to express our views on the conference report to HR 3295, the Help America Vote Act.

We are pleased by many of the bill’s provisions, which we believe will significantly improve our nation’s election system. The legislation authorizes states to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide matching systems to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled, and ensure that their voting machines allow voters to verify and correct their votes before casting them.

Finally, the legislation authorizes $1.8 billion in critically needed funds to fix antiquated voting systems and to meet the minimum standards set forth in the bill.

At the same time, we are concerned by other provisions that may erect new barriers to voting. These provisions include the identification requirements for first-time voters who register by mail and the provision (added by the conference committee) that allows election officials to return voter registration forms if a ‘’incomplete’’ if the ‘’citizenship box’’ is left blank by the voter.

Since the effectiveness of this legislation depends on uniform and non-discriminatory election procedures and the provision in our efforts to educate the public about new requirements and will monitor the application of these provisions in the states. We will continue to provide valuable input and comments as we work to develop a bipartisan compromise in the Senate last December and then perfect that compromise in conference with the House this summer and fall. Many of these same groups expressed reservations at the time about the Senate compromise and withheld support for the bill when it passed the Senate.

Each of these organizations played a pivotal role in the formation of this legislation and I continue to personally value their perspective and input.

Let me state for the record, that as the principal Senate author of this conference report, it has consistently been my goal and position that this legislation be uniform and nondiscriminatory in both intent and result without regard to age, race, sex, disability or native language, part or precinct. While I understand the collective, and individual, concerns of these organizations, the ultimate test of this legislation will be in its implementation by the States and I am confident that a fair reading of its provisions will produce the desired result. With that, I submit my perspective on several issues raised by these organizations.

Finally, through PFAW Foundation’s anti-fraud programs, I share the concern that the hearings and studies by numerous organizations, including the Senate Rules Committee, over the past two years did not unearth any evidence of current fraud or voter fraud, significantly even the anecdotal evidence of dogs and deceased persons registering, and perhaps even voting, and registration lists with duplicate names in several different jurisdictions illustrate the frailties of current registration procedures. While I continue to believe that the most effective anti-fraud provisions in the Senate-passed bill, and in this conference

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report, remains the requirement that States establish a centralized computerized registration list, I also recognize that but for the provision of section 303(b) affecting first-time voters who register by mail, this legislation and all the good it contains would not have made it this far.

While I appreciate the sensitivities of these organizations to the potential that the first-time mail registrant voter provision of section 303(b) will fall disproportionately on minorities and low income individuals, I am not convinced that the sound interpretation of this legislation will ultimately result in the disenfranchisement of such voters. In order to better establish empirical data on the prevalence of such fraud, the conference report directs the new Commission to make periodic studies and reports, with recommendations to Congress, on nationwide initiatives, changes and methods of identifying, deterring and investigating such fraud.

More importantly, the Commission is directed to conduct a special study, to be completed within 18 months of the effective date of the first-time voter provision, on the impact such requirement has on these voters and voter registration in general. The Commission is directed to also study the additional requirement that new registrants provide the last four digits of their Social Security number at registration if they do not have a valid drivers license number. If the results of these studies indicate either a lack of empirical evidence that such provisions disenfranchise voters, particularly minority and low-income voters, Congress will be in a position to modify or repeal these provisions.

In changes made to the conference report will work to mitigate, and perhaps even obviate, the need for States to implement the first-time mail registrant voter requirement.

To make clear that Congress intends that the first-time voter provision of section 303(b) must not result in a disparate impact on minority voters, the conference agreed to add language to this section to require that it be implemented in a uniform and nondiscriminatory manner. The conference report also contains a new notice provision, section 303(b)(4)(iv), which requires that the NVRA registration form contain informing the applicant that if they register by mail, appropriate information must be included in order to avoid the additional identification requirements upon voting for the first time. As in the Senate-passed bill, if any voter is challenged as not being eligible to vote, including for reasons that he or she is a first-time mail registrant voter without proper identification, such voter is entitled to vote by provisional ballot, and that ballot is counted according to State law.

As I stated yesterday, nothing in this bill establishes a Federal definition of when a voter is registered or how a vote is counted. If a challenged voter submits a provisional ballot, the State may still determine that the voter is eligible to vote and so count that ballot, notwithstanding that the first-time mail registrant voter provision is in place. The conference report directs the new Commission to make periodic studies and reports, with recommendations to Congress, on nationwide initiatives, changes and methods of identifying, deterring and investigating such fraud.

More importantly, the Commission is directed to conduct a special study, to be completed within 18 months of the effective date of the first-time voter provision, on the impact such requirement has on these voters and voter registration in general. The Commission is directed to also study the additional requirement that new registrants provide the last four digits of their Social Security number at registration if they do not have a valid drivers license number.

At the choice of the individual, under section 303(b)(3), a first-time mail registrant voter can opt to submit their drivers license number, or at least the last 4 digits of their Social Security number, on the registration form in order for the State to match the information against a State database, such as the motor vehicle authority database. If such information matches, the additional identification requirements of section 303(b)(1) do not apply to that individual.

Under the new requirements added in conference as section 303(a)(5), effective in 2004 (unless waived until 2006), all new applicants must provide the last 4 digits of their Social Security number if they have a drivers license number. However, it is simply not an accurate reading of this section to conclude that a lack of a match—or a "no-match"—will result in the invalidation of a voter's registration application or the purging of the voter's name from the registration list.

First, with respect to purging, this provision applies only prospectively to new applicants and as such cannot be used to purge names of existing voters from the rolls. More importantly, however, the conference report, and the Statement of Managers on this point specifically, make it abundantly clear that any purging of names must conform to existing NVRA requirements. There is no provision in the current NVRA which would authorize purging for lack of a match of either a drivers license number or the last 4 digits of a Social Security number.

As for the argument that this provision will result in the invalidation of a voter's application, that conclusion is simply not supported by a reading of all the relevant provisions. Effective in 2004 (or 2006 if a waiver of section 303(a) is requested by the State), this section prohibits States from accepting or processing a voter registration application unless it contains the voter's drivers license number. However, there is no similar prohibition on local election officials who presumably will continue to accept the language of the conference report, and the Statement of Managers on this point specifically, make it abundantly clear that any purging of names must conform to existing NVRA requirements. There is no provision in the current NVRA which would authorize purging for lack of a match of either a drivers license number or the last 4 digits of a Social Security number.

As for the argument that this provision will result in the invalidation of a voter's application, that conclusion is simply not supported by a reading of all the relevant provisions.
enter into agreements with the State motor vehicle authority and the Commissioner of Social Security in order to match information supplied by the voter with these databases.

However, nothing in this section prohibits the Federal government from processing an application with incomplete or inaccurate information. Section 303(a)(5)(A)(i) specifically reserves to the States the determination as to whether the information supplied by the voter is sufficient to meet the disclosure requirements of this provision. So, for example, if a voter transposes his or her Social Security number, or provides less than a full drivers license number, the State can nonetheless determine that such information is sufficient to meet the verification requirements, in accordance with State law. Consequently, a State may establish what information is sufficient for verification, preserving the sole authority of the State to determine eligibility for voter registration. Furthermore, nothing in this conference report requires a State to enact any specific legislation for determining eligibility to vote.

Most importantly, nothing in this section prohibits a State from registering an applicant once the verification process takes place, notwithstanding that the applicant provided inaccurate or incomplete information at the time of registration (as anticipated by section 303(a)(5)(A)(ii)) or that the matching process did not verify the information. The provision requires only that a verification process be established but it does not define when an applicant is a duly registered voter. Again, this conference report does not establish Federal registration eligibility requirements those are found only in the U.S. Constitution. Section 303(a)(5)(A)(iii) makes it clear that State law is the ultimate determinant of whether the information supplied under this section is sufficient for determining if an applicant is duly registered under State law.

Finally, with respect to the issue of the citizenship check-off box on the voter application form under section 303(b)(4), the Senate-passed bill contained the requirement that the NVRA registration form include two new questions and a check-off box for voters to mark to indicate their answers to questions related to voter registration eligibility. The conference agreement added a new provision in section 303(b)(4)(B) which requires that if a voter does not check-off the citizenship box, the appropriate election official must notify the applicant of the omission and provide the applicant an opportunity to complete the form in time for processing to be completed to allow the voter to participate in the next Federal election.

It is simply inaccurate to state that any registration application is required to be invalidated under this section if an applicant forgets to check-off the citizenship box. Nothing in this provision makes the completion of the check-off box a condition of Federal eligibility. The conference report does not establish Federal eligibility requirements for voting. NVRA only requires that an applicant sign the registration application for eligibility. The check-off box is a tool for registrars to use to verify citizenship, but nothing in the conference report requires a check-off or invalidates the form if the box is left blank.

In fact, this provision will ensure that if a voter did not check-off the citizenship box, his or her registration form cannot be discarded as invalid on its face. Ultimately, the registrar determines whether or not the voter has met the citizenship requirement notwithstanding whether or not the box is checked. A signed attestation as to citizenship eligibility is still sufficient under NVRA. Jurisdictions that currently use check-off boxes may continue to process such information pursuant to State law, but in fact will not be able to invalidate a form based on the lack of a check-off without notification to the voter first.

With respect to these three issues, it is important to note that each of these provisions will likely require some adjustment to the NVRA registration form. The new Election Assistance Commission specifically noted that it does not have the authority under section 303(a)(5)(A)(i) and currently exercised by the Federal Election Commission, under section 9(a) of the NVRA (42 U.S.C. 1971gg-7(a)) to prescribe such regulations necessary to develop the mail registration form used in Federal elections. Consequently, it is anticipated that the new Commission will be required to revise the current NVRA registration form in order to effectuate the requirements under this Act, including the requirement for first-time voters under section 303(b)(4)(iv); the collection of a drivers license number or last 4 digits of a Social Security number under sections 303(a)(5) and 303(b)(5); and the age and citizenship check-off boxes under section 303(b)(4). In addition to any other changes in the Federal registration application form that the Commission views as necessary to implement this Act. This exercise will afford interested parties an opportunity to comment on these requirements as they are amended. The Commission will be required to provide a copy of the form to any interested party who requests it. As with all provisions of this legislation, the proof is in the implementation of these requirements by the States. But nothing in this conference report requires States or localities to change any voter eligibility requirements nor does this Act in any way infringe on the authority of State and local election officials to determine who is a duly registered voter. I agree that it will require diligence and education of State and local election officials to ensure that these provisions do not serve to disenfranchise voters and I stand ready to monitor actions by the States to ensure that they do not undermine the purposes of this Act: to make it easier to vote, but harder to defraud the system.

Mr. President, the conference report that we are about to adopt is a true compromise. It is a melding of the House-passed and Senate-passed bills. While there was much in common in the legislation that passed each House, there were significant differences also. I commend my House counterparts, Chairman BOB NEY and Congressman STENY HOYER, for their willingness to spend countless hours and several long nights to hammer out the differences in these two opposing bills in order to reach a consensus. I am very pleased to see how these provisions are reflected in the conference report we present to the Senate for adoption today.

On at least one occasion, Chairman NEY, Congressman HOYER and I, along with our staff, worked literally around the clock for twelve hours in order to reach consensus, with the final agreement being reached long after the midnight hour. Such effort is just one indication of the level of commitment that the House conferees demonstrated in reaching a consensus on this historic historic legislation. They fought for their vision and dedication to seeing this process through to a satisfactory conclusion. The American people owe them a debt of gratitude.
of gratitude for their efforts to ensure that henceforth, in Federal elections, every eligible voter will be able to vote and have their vote counted.

The original House and Senate bills addressed the problems that came to light in the November 2000 presidential election in similar ways. While the Senate bill set out minimum requirements of the States to meet over the next four years, and funded those requirements at a percentage of costs, the House bill used Federal funds as an incentive to encourage States to take preferred action, either by following Federal standards or by adopting standards of their own. Both bills, however, retained the traditional authority of State and local election officials to determine the specific means of meeting those requirements or standards. Both bills also preserved the authority of State and local election officials to be the sole determinants of whether an applicant is a duly registered voter. And both bills preserved the authority of State law to determine when a vote has been cast and whether a valid vote cast will, ultimately be counted.

My counterpart in the House, Chairman Ney, said it best last week during the House debate on the conference report, and I agree with his assessment. Let me quote Chairman Ney:

"One size fits all solutions do not work and only lead to inefficiencies. States and locales must retain the power and the flexibility to tailor their own unique requirements. This legislation will pose certain basic requirements that all jurisdictions will have to meet, but they will retain the flexibility to meet the requirements in the most effective manner.

That is the hallmark of this legislation, it requires that States and localities meet basic requirements in the type of voting system they use in Federal elections, in the offering of provisional ballots, in the creation of a centralized computerized registration list and the collection of data for that list, and in the verification of identification for new applicants. But in the implementation of these requirements, the sole determination is left to the State as to what type of voting system a jurisdiction chooses to use, and whether a provisional ballot is ultimately counted pursuant to State law, and whether an individual registrant is determined under State law to be duly registered and entered into the centralized registration list."

I am gratified that the conferees agreed to include in this conference report what this Senator believes are the most important provisions of the Senate bill: the requirements for voting system standards, provisional ballot loting, and maintenance of state computerized registration lists. The conference report retains the core requirements and language of the Senate-passed bill, most of which were contained in the original bill reported by the Senate Committee fourteen months ago in August of 2001 as S. 565. These requirements were the fundamental elements of the Senate-passed bill and are an equally integral component of the conference report. These provisions include required standards that all voting systems used in Federal elections must meet; the offering of provisional ballots so that no voter is turned away from the polls again; and the creation of an official centralized computerized registration list to include the names of all eligible voters and procedures for ensuring the accuracy of that list, as well as provisions for ensuring the identity of certain new registrants.

Title III of the conference report contains the three basic requirements for voting system standards and administrative procedures to be used in Federal elections.

Section 301 establishes six standards that all voting systems used in Federal elections after January 1, 2006 must meet:

1. While maintaining voter privacy and ballot confidentiality, permit voters to verify their selections on the ballot, notify over-voters, permit voters to change their votes and correct any errors before casting the ballot. The conference report retains the provisions of section 101 of the Senate-passed bill that created an alternative means of notifying voters of over-votes for jurisdictions using paper ballots, punch card, or central-count voting systems (including absentee and mail-in ballots). Such jurisdictions may instead use voter education and instruction programs for notification of over-votes only. However, all voting systems, including these paper ballot systems, must provide voters with so-called "second-chance" voting, i.e., the ability to verify the voter's selection and the ability to correct or change the ballot prior to it being cast. The conference report also clarifies that this requirement cannot be used to render a paper ballot invalid or unable to be modified in order to meet the requirements.

2. Notification to the voter of an over-vote is essential because it provides an eligible voter a "second chance" opportunity to correct the ballot before it is cast and tabulated. Any such notification must be accomplished in a private and independent manner. With regard to the notification, it is the voting system itself, not the educational document, and not a poll worker or election official, which notifies the voter of an over-vote. The sanctity of a private ballot is so fundamental to our system of elections, that the language of this compromise contains a specific requirement that any notification under this section preserve the privacy of the voter and the confidentiality of the ballot. The Caltech-MIT study noted that secrecy and anonymity of the ballot, provides important checks on coercion and fraud in the form of widespread vote buying.

3. Paper ballot systems include those systems where the individual votes are cast on paper ballots and are tabulated by hand. Central count systems include mail-in absentee ballots and mail-in balloting, such as that used extensively in Oregon and Washington state, and other states where a paper ballot is voted and then sent off to a central location to be tabulated by an optical scanning or punch card system. A mail-in ballot or mail-in absentee ballot is treated as a paper ballot for purposes of notification of an over-vote under Title III of the conference report, as is a ballot counted on a central count voting system. However, if an individual votes in person on a central count system, as is used in some states that allow early voting or in-person absentee voting, then that voter, such system is required to actually notify the voter of the over-vote.

4. As for the other types of voting systems, namely lever machines, precinct-based optical scanning systems, and direct recording electronic systems, or DREs, the voting system itself must meet the standard. Specifically, the functionality of the voting system shall permit the voter to verify the votes selected, provide the voter with an opportunity to change or correct the ballot before it is cast or tabulated, and actually notify the voter if she casts more than one vote for a single-candidate office.

The conference report recognizes the inherent differences between paper ballot systems and mechanical or electronic voting systems. The conference report actually notified of over-votes for punch card and paper ballot systems, not in this legislation, requires jurisdictions from going beyond what is required, so long as such methods are not inconsistent with the Federal requirements under Title III or any law described in section 906 of Title IX of the Act.

The conference report is silent on the issue of notification to the voter of an under-vote and neither requires nor prohibits such notification. However, the Election Assistance Commission is charged with studying the feasibility of notifying voters of under-votes.

2. Each voting system must produce a permanent paper record for the voting system that can be manually audited. Such record must be available as an official record for recounts, however, there is no intent to mandate that the paper record serve as the official record. Whether this record becomes the official record is left to the discretion of the States. As the Chairman of the Rules Committee, let me advise my colleagues of the importance of this feature in the unlikely event that another election contest is filed with the Senate. Often, in order to resolve such contests, the Rules Committee must have access to an audit
tral in order to determine which candi-
date received the most votes. This stand-
ard will ensure that the Senate and the
House will have access to reliable
records in the case of election con-
tests.
(3) Consistent with the Senate-passed
provision, each voting system must
provide to individuals with disabilities,
including the blind and visually im-
paired, the same accessibility to voting
as other voters. Jurisdictions may
meet this standard through the use of
at least one DRE, or other properly
equipped voting system, at each polling
place. However, any system purchased
on or after January 1, 2007, if purchased
with Federal funds made available under
Title II of the Act, must meet the
accessibility standard.

The accessibility standard for indi-
viduals with disabilities is perhaps one
of the most important provisions of
this legislation. Ten million blind vot-
ers did not vote in the 2000 elections in
part because they could not read the bal-
lots used in their jurisdiction. With
21st century technology, this is simply
unacceptable.

The Senate Rules Committee re-
duced the conference report leaves in
place the numerical triggers under the
Voting Rights Act, which require
states and political subdivisions that
meet the triggers of non-English speak-
ing citizens of voting age to provide
language assistance services at the
polling place. On July 26, 2002, the Depart-
ment of Justice released
new jurisdictions and languages
covered under the language assistance
provisions of the Voting Rights Act
based on Census 2000 figures.

The conference report provides safe-
guards to ensure an equal opportunity
for all eligible language minorities to
vote and have that vote counted.
This is accomplished with uniform
and nondiscriminatory requirements for
that ensure alternative language accessi-
bility to voting systems, provisional
balloting, and inclusion as a registered
voter in the statewide voter registra-
tion lists. In addition, this compromise
is acceptable to the Carter-Ford Commis-
sion. However, the conference report
does require that the new Commission
study the best methods for establishing
voting system performance bench-
marks, expressed as a percentage of
residual vote in the Federal contest at
the state level. The benchmarks must be
established with reliability, a future Congress may decide
to add a performance benchmark, or
performance error rate, to the voting
system standards.

Finally, (6) the conference report
contains an additional standard, taken
from the House-passed bill, requiring
that the new Commission study the best methods for establishing
voting system performance bench-
marks, expressed as a percentage of
residual vote in the Federal contest at
the state level. The benchmarks must be
established with reliability, a future Congress may decide
to add a performance benchmark, or
performance error rate, to the voting
system standards.

Under this additional standard, States
must define what constitutes a "legal"
vote on a specific voting sys-
tem with a companion definition of
when that "legal" vote will be counted
on that specific voting system. These
two state-based definitions will provide
another incremental step toward en-
suring that votes are cast and counted
in a uniform, non-discriminatory manner and should help ensure against a repeat of the 4-6 million votes that were cast but not counted in the 2000 general election according to the Caltech-MIT study. Such state-based definitions will erase the inconsistent standards, or procedures, within states and localities that have diluted votes cast in certain communities. Now, no matter where the voter lives and votes, that voter will have an equal opportunity to cast his or her vote in an equal opportunity to have his or her vote counted.

The effective date for the voting system standards remains for any Federal election held in a jurisdiction after January 1, 2006. It is important to note, that with regard to effective dates, the actual date on which the standards under the voting system requirement must be implemented will vary from jurisdiction to jurisdiction depending upon when the first Federal election occurs after January 1, 2006. The requirement that jurisdictions provide for provisional voting for any voter who is challenged as ineligible but who attests, in writing, that they are registered and eligible to vote. This provision ensures that never again can a voter be turned away from the polls in order to vote and desires to vote can be turned away, for any reason. The conference report follows the Senate bill in laying out the steps that such provisional balloting must follow.

Section 302 establishes the second requirement that all States and jurisdictions must meet beginning for Federal elections on January 1, 2006. The requirement that jurisdictions provide for provisional voting for any voter who is challenged as ineligible but who attests, in writing, that they are registered and eligible to vote. This provision ensures that never again can a voter be turned away from the polls in order to vote and desires to vote can be turned away, for any reason. The conference report follows the Senate bill in laying out the steps that such provisional balloting must follow.

First, any voter who declares that they are registered to vote in a Federal election in a jurisdiction but are not on the official list of registered voters or are otherwise alleged to be ineligible, must be offered and permitted to cast a provisional ballot. Any challenge to the voter's eligibility qualifies the voter for a provisional ballot, including, but not limited to:

- The voter's name does not appear on the official registration list; or
- The voter's name, or other registration information, appears inaccurately on the registration list; or
- The voter does not meet the requirements of section 303(a) because there is a question about, or they cannot produce, the number on their drivers license or the last 4-digits of their Social Security number, or the State/jurisdiction refuses to assign a unique identifier number that the voter could use for voter registration purposes.

A voter is a first time voter who registered by mail and does not meet the requirements of section 303(b) because they do not have any of the specified identification, such as a photo-ID, utility bill, bank statement, paycheck or other document required to be shown under this Act; or

There are questions about the voter's eligibility to vote, even if their name appears on the official registration list; or

The voter believes he or she has registered within the States' registration deadline but their names does not appear on the official registration list; or

The voter is deceased but his or her name does not appear on the official registration list; or

There are questions about the voters' eligibility to vote based upon reassignment pursuant to state re-districting laws; or for any other reason.

Any and all of the above voters may, under the conference report, cast a provisional ballot. Not only must the State provide for provisional balloting, but the State or local election official has a legal obligation under this Act to provide notice to each individual voter, who has had his or her ability to cast a regular ballot questioned, that they may cast a provisional ballot in the Federal election at that polling place.

To receive and cast a provisional ballot, all the individual must do is execute a written affirmation that he or she is a registered voter in that jurisdiction and is eligible to vote in that election. If an individual is motivated enough to go to the polls and sign an affidavit, under perjury of law, that he or she is eligible to vote in that election, then the state or local election official shall protect that individual's right to cast a provisional ballot. That right is so fundamental, as is evidenced by its widespread use across this Nation, that we must ensure that it is offered to all Americans, not in an identical process, but a uniform and non-discriminatory manner.

Once executed, the affidavit is handed over to the appropriate election official who must promptly verify the information and issue a provisional ballot. It is important to note that in some jurisdictions, the verification of voter eligibility will take place prior to the issuance of a ballot based upon the information in the written affidavit. In other jurisdictions, the ballot will be held aside for verification later. Both procedures are equally valid under this compromise, which provides flexibility to states to meet the needs of their communities in slightly differing ways. States that offer same-day registration procedures will meet the requirements of section 302 provided the individual attests, in writing, to their eligibility and the State otherwise determines, pursuant to State law, that the voter is eligible to vote.

Any provisional ballot must be promptly verified and counted if the individual is eligible under State law to vote in the jurisdiction. Nothing in this conference report establishes a rule for when a provisional ballot is counted or not counted. Once a provisional ballot is cast, it is within the sole authority of the State or local election official to determine whether or not that ballot should be counted, according to State law. Section 101, however, even if a voter does not meet the new Federal requirements for first-time voters to verify their identity, or for new registrants to provide their drivers license number, or the last four digits of the voter's Social Security number, if that voter otherwise meets the requirements as set out in State law for eligibility, the State shall count that ballot pursuant to State law.

Finally, at the time that the voter casts a provisional ballot, the appropriate State or local election officials shall give the individual written notice of how that voter can ascertain whether or not his or her ballot was counted through a free access system (such as a web site or toll-free telephone number). This is particularly important provision as it ensures that a provisional voter will be able to cure any registration defect in time to become a regular voter in the next election. This provision, combined with the requirement in section 303 for establishing a centralized computerized registration list, will ensure that no eligible voter will be denied the right to vote and that State and local election officials will have access to accurate and up-to-date voting records.

All States must meet this requirement on provisional balloting for Federal elections in order to comply with this Act. However, those States which are described in section 4(b) of the National Voter Registration Act of 1993 (NVRA) and are currently exempt from the provisions of section 303 state that those States that permit same-day registration or require no registration may meet the requirements for provisional balloting through their current registration systems. The Caltech-MIT report estimates that the aggressive use of provisional ballots could cut the lost votes due to registration problems in half. The Carter-Ford Commission recommended going even farther than this legislation in less time, recommending state-wide voter registration. The Commission noted, "No American qualified to vote anywhere in her or his State should be turned away from a polling place in that State." While the conference report does not require state-wide registration, nothing in the conference report prohibits, or is intended to discourage, States from enacting such a provision.

In addition to the provisions requiring provisional balloting, section 302 also contains the requirement in the Senate-passed bill that a sample ballot for any voter information be posted at polling places on election day. In order to ensure that voters are aware of the provisional balloting process,
the registration and voting requirements for first-time voters who register by mail, including the option of providing a drivers license number or at least the last four digits of a Social Security number, along with other new state regulations and procedures, such notice and information are required to be posted at polling places on election day. In this information age, the expectation is that targeted state education programs will complement any required education in an innovation best educate the voters and train poll workers, volunteers, and election officials.

Finally, the conference report contains a modified version of the requirement that, if polling hours are extended as a result of a court order, any ballot cast in a Federal election during that extension be by provisional ballot. The Senate-passed bill could have been read to apply to any voter who votes after the polls close, and not just voters who want to a vote in another order. Consequently, the conference report clarifies that only voters who vote pursuant to such order vote by provisional ballot and such provisional ballots shall be held separately from other ballots.

Section 303 of the conference report includes the provisions of the Senate-passed bill requiring that all States establish a centralized computerized registration list of all eligible voters. This requirement is contained in the General Election Law. There is no federal law that creates a list which is separate from the list that the States use.

The Carter-Ford Commission explicitly recommended that every State adopt a system of statewide voter registration. The Caltech-MIT report similarly recommended the development of better databases with a numerical identifier for each voter. The Constitution Project also called for the development of a state-wide computerized voter registration system that can be routinely updated and is accessible at polling places on election day.

The conference report contains much of the 2000 General Election Law language in the NVRA that requires States to make a reasonable effort to remove registrants who are ineligible to vote, consistent with the provisions of the NVRA, specifically the requirement that such voters fail to respond to a notice and then fail to vote in the subsequent election. Further, no voter may be removed from the list solely by reason of a failure to vote. As is stated in the Statement of Managers, this provision is completely consistent with NVRA.

Section 303(a)(5) of the conference report is a new provision that is a modification to provisions added to the Senate bill during floor debate that authorized States to request a voter’s 9 digit Social Security number. Effective in 2004 (or 2006 if the State requests a waiver from the list must be removed in accordance with the provision of the National Voter Registration Act (NVRA), the so-called “Motor-Voter” law. This requirement will ensure that voters cannot be purged from the list unless they have not responded to a notice mailed by the appropriate election official and then have not voted in the subsequent two Federal general elections. Moreover, this provision ensures that voters who appear at the polls during this period and wish to vote will be allowed to as provided for in section 8(3) of the Motor-Voter law (42 U.S.C. 1973gg-6).

As a practical matter, once the computerized list has been developed and implemented, list maintenance will be almost automatic. While many of us have read of allegations of massive duplicate registrations, the fact is that even though alleged duplicate names appear on more than one jurisdiction’s list, only one person can live in one place and only vote in one place. In a highly mobile society like ours, voters move constantly. And while voters may remember to change their mailing address with the post office, their vehicle registration, their bank and credit card companies, these records are generally accurate. Furthermore, nothing in this section prohibits a State from accepting or processing an application with incomplete or inaccurate information. The provision requires only that a matching process did not verify the information. The provision requires only that a verification process be established but it does not define when an applicant is a duly registered voter. Again, this conference report does not establish Federal registration eligibility requirements those are found only in the U.S. Constitution. Section 303(a)(5)(A)(iii) makes it clear that State law is the ultimate determinant of whether the information supplied by the voter is sufficient to meet the disclosure requirements of this provision. So, for example, if a voter transposes his or her Social Security number, or provides less than a full drivers license number, the State can nonetheless determine that such information is sufficient to meet the verification requirement. Nothing in this section prohibits that the voter already possesses, in accordance with State law. Consequently, a State may establish what information is sufficient for verification, preserving the sole authority of the State to determine eligibility requirements for voters. Furthermore, nothing in this conference report requires a State to enact any specific legislation for determining eligibility to vote. In fact, State motor vehicle records are accurate and current and State and local election officials should affirmatively use these records to correct or complete the information wherever possible.

Moreover, nothing in this section prohibits a State from registering an applicant once the verification process takes place, notwithstanding that the applicant provided inaccurate or incomplete information at the time of registration (as anticipated by section 303(a)(5)(A)(ii)) or that the matching process did not verify the information. The provision requires only that a verification process be established but it does not define when an applicant is a duly registered voter. Again, this conference report does not establish Federal registration eligibility requirements those are found only in the U.S. Constitution. Section 303(a)(5)(A)(iii) makes it clear that State law is the ultimate determinant of whether the information supplied by the voter is sufficient to meet the disclosure requirements of this provision.
The conference report also retains the provision championed by Senator Bond which will require that voters who register by mail must provide additional verification of their identity the first time that they appear to vote in person. This provision, which was added to the Senate-passed bill, makes clear that Congress intends that the first-time voter provision of section 303(b) must not result in a disparate impact on minority voters, the conference agreed to add language to this section to require that it be implemented in a uniform and nondiscriminatory manner. The conference report also contains a new notice provision, section 303(b)(4)(iv), which requires that the NVRA registration form contain a statement informing the applicant that if they register by mail, appropriate information must be included in order to avoid the additional identification requirements upon voting for the first time. As in the Senate-passed bill, if any voter is challenged as not being eligible to vote, including for reasons that he or she is a first-time mail registrant voter without proper identification, such voter is entitled to vote by provisional ballot, and that ballot is counted according to State law.

In the case of an individual who registers by mail, the first time the individual goes to vote in person in a jurisdiction, he or she must present to the appropriate election official one of the following pieces of identification: a current valid photo-ID; or a copy of any of the following documents: a current utility bill; a bank statement; a government check; a paycheck; or another government document with the voter’s name and address. This compromise does not specify any particular type of acceptable photo identification. It is clear, however, that a driver’s license, a photo-ID issued by the a DMV, a student ID, or a work ID that has a photo of the individual must be sufficient. Additionally, states may continue to define its own form of acceptable photo-ID so long as such definitions are inclusive and not have the unintended consequences of targeting the persons with disabilities, poor, elderly, students, racial and ethnic minorities and otherwise legitimate voters.

The conference report also preserves the existing exemptions under the NVRA section 303(b)(2)(b)(ii) of title 42 in the implementation of this compromise. A state may not by law require a person to vote in-person if that first-time voter is: (1) entitled to vote by absentee ballot under section 303(b)(2)(b)(ii) of title 42 of the Uniformed and Overseas Citizens Absentee Voting Act; (2) provided the right to vote otherwise in-person under section 1973ee-1(b)(2)(b)(ii) and 1973ee-3(b)(2)(b)(ii) of the Voting Accessibility for the Elderly and Handicapped act; or an otherwise in-person under any other federal law. These exemptions have the practical affect of preserving existing laws that provide the long-standing practice of states permitting eligible uniform service and overseas voters to continue to vote by absentee ballot without this first-time voters requirement attaching. Similarly, these exemptions have the practical affect of preserving the rights of persons with disabilities not to be required to show-up in-person to vote or to be required to provide copies of photo-IDs or documents by mail.

As I stated yesterday, nothing in this bill improperly diminishes a Federal authority to make the final determination of when a voter is registered or how a vote is counted. If a challenged voter submits a provisional ballot, the State may still determine that the voter is eligible to vote and so count that ballot, notwithstanding that the first-time mail registrant voter did not provide additional identification required under section 303(b). Whether a provisional ballot is counted or not depends solely on State law, and the conferences clarified this by adding language in section 303(b) that voter’s eligibility to vote is determined under State law.

More importantly, however, is the combination of the existing language in the Senate-passed bill (offered by Senator Wyden) and this provision, modified from the Senate-passed bill, which requires new registrants to provide a drivers license number upon registration, or the last 4 digits of their Social Security number if they do not have a driver’s license.

The Wyden amendment included in the Senate-passed bill, and retained without modification in the conference report, provides a means by which first-time mail registrant voters can avoid the additional identification requirements of section 303(b) altogether. At the choice of the individual, under section 303(b)(3), a first-time mail registrant voter can opt to submit their drivers license number, or at least the last 4 digits of their Social Security number, on the mail-in voter registration form in order for the State to match the information against a State database, such as the motor vehicle authority database. If such information matches, the additional identification requirements of section 303(b)(1) do not apply to that individual.

Under the new requirements added in conference as section 303(a)(5), effective in 2004 (unless waived until 2006), all new registrants must at the time of registration, a valid drivers license number, or if the individual does not have such, the last 4 digits of their Social Security number (or if they have neither, the State shall assign them a unique identifying number). States must then attempt to match such information, thereby satisfying the provisions of section 303(b)(3) which renders the first-time mail applicant provisions of section 303(b)(1) inapplicable. By operation of section 303(a)(5) above, an individual, if they do not have a driver’s license, is provided with the existing language of the Senate-passed bill (as added by Senator Wyden) in section 303(b)(3), the first-time voter identification requirement is obviated and essentially rendered moot, thereby avoiding the potential disenfranchisement of minority voters.

The conference report also retains the Senate-passed provision that adds questions and check-off boxes to the NVRA registration form regarding age and citizenship. Under section 303(b)(4), the Senate-passed bill contained the requirement that the NVRA registration form include questions and a check-off box for voters to mark to indicate their answers to questions regarding age and citizenship eligibility. The Senate-passed bill was silent as to the result of an unmarked box and left to States to determine whether such an omission was a fatal defect in the registration form.

In order to clarify that States may not just summarily discard such incomplete forms, the conference agreed to include language requiring that the registrar notify the voter of an incomplete form. Such notice must be provided in time for the registration application to be completed and processed properly to the next election. However, nothing in this provision requires that the application be invalidated under this section if an applicant forgets to check-off the citizenship box. Nor does anything in this provision make the completion of the check-off box a condition of Federal eligibility. The conference report does not establish Federal eligibility requirements for voting. NVRA only requires that an applicant sign the registration form attesting to his or her eligibility, including citizenship. The check-off box is a tool for registrars to use to verify citizenship, but nothing in the conference report requires the check-off to be complete to process the registration form or invalidate the form if the box is left blank.

In fact, this provision will ensure that if a voter did not check-off the citizenship box, his or her registration form cannot be disregarded on its face. Ultimately, the registrar determines whether or not the voter has met the citizenship requirement notwithstanding whether or not the box is checked. A signed attestation as to citizenship eligibility is still sufficient under NVRA. Jurisdictions that currently use citizenship check-off boxes may continue to process such information pursuant to State law, but in fact will not be able to invalidate a form based on the lack of a check-off without notification to the voter first.

This compromise provides state and local election officials with the necessary additional tools to make the ultimate decision regarding eligibility of the voter to cast a regular vote and the eligibility of vote to be counted. Nothing in this compromise usurps the state or local election official’s sole authority to make the final determinations regarding whether an applicant is duly registered, whether the voter can cast a regular vote, or whether that vote is duly counted.
In the case of any missing information on a mail-in registration form, the election official may process it as he or she determines is appropriate under State law. That applies equally to the requirement for the citizenship check-off box on the registration form. The exception to the rule making authority for the new Commission will be subject to the first-time voter provisions under section 303(b)(4)(iv); the collection of a driver’s license number or last 4 digits of a Social Security number; and the age and citizenship check-off boxes under section 303(a)(5) and 303(b)(3); and the age and citizenship check-off box on the registration form. The conference report continues to harmonize the effective date of the computerized registration list with the 2004 effective date for provisional ballots.

However, since it was widely acknowledged that some States may have legitimate difficulty in implementing the statewide voter list by January 1, 2004, a certification of good cause will be sufficient to request a waiver of the effective date until January 1, 2006. This waiver recognizes the administrative burden of the provision on both States and voter registration rights and provides adequate time for jurisdictions to come into compliance and educate voters.

This compromise also establishes a uniform effective date of January 1, 2003 for first-time voter registration requests or voter provider. This assures that all eligible voters, regardless of where they live or vote, will know that if they register to vote after that date, they will have to meet the new requirements for first-time mail registrants.

Finally, the conference report strikes a middle ground between the House-passed and Senate-passed bills with regard to how funds will be directed to the States. Each State shall create a procedure to use the alternative dispute resolution procedures (ADR). Under the enforcement provisions of this compromise, the State shall create a procedure to use ADR if they fail to meet the 90 day deadline for resolution of the complaint. The ADR procedure is an important guarantee within the state complaint process. However, the ADR procedure shall not be implemented to supplant any administrative judicial review which States already provide under State law.

The complaint procedures, set up under this conference report, are in addition to, and are not intended to override or preempt, the procedures by which a State guarantees a meaningful review of state administrative procedures. The determination made by the State under this conference report shall be subject to the existing State laws which may, or may not, allow for judicial review of administrative decisions. Further, the conference report is not intended to in any way limit or prohibit a State from creating, if they do not already have one,
a provision to allow state courts to review the administrative decisions made in accordance with this bill.

Most importantly, this conference report preserves and protects existing voting rights laws, which provide for enforcement by private individuals who have either been denied the right to vote or had that right infringed. The conference report is designed to protect the enforcement provisions of many laws, including the Voting Rights Act and the National Voter Registration Act. Therefore, nothing in this legislation limits the enforcement measures or avenues of redress available to persons under those critical civil rights laws enumerated in Section 906 of Title IX of this Act.

While I would have preferred that we extend the private right of action afforded private parties under the NVRA, the House simply would not entertain such an enforcement provisions. Nor would they accept Federal judicial review of any adverse decision by a State administrative body. However, the state-based administrative procedure must meet basic due process requirements, including a hearing on the record if the aggrieved individual so chooses.

It is important to note that this state-based administrative proceeding is in addition to any other rights the aggrieved has and is limited only to the adjudication of violations of the requirements under Title IX of this Act. This enforcement scheme in no ways replaces or alters the adjudication or enforcement provisions of any other civil rights or voting rights law.

As with all provisions of this legislation, the proof is in the implementation of these requirements by the States. But nothing in this conference report requires States or localities to change any voter eligibility requirements nor does this Act in any way intrude on the state or federal authority of State and local election officials to determine who is a duly registered voter. It will require diligence and education of State and local election officials to ensure that these provisions do not serve to disenfranchise voters undermine the purposes of this Act: to make it easier to vote, but harder to defraud the system.

As is the case with any historic legislation that goes to the core of our democracy, the efforts of organizations participated in this effort. Yesterday, I recognized the efforts of over 60 staff members who participated in this effort. As is often the case when trying to develop a comprehensive bill, there is a danger that someone’s name will be inadvertently omitted. Unfortunately, that did occur and I would be remiss in not recognizing the significant efforts of Stuart Gottlieb of my staff. In addition to staff, I want to list the numerous organizations that have assisted with the development of this legislation. While not every organization supported every provision in this measure, each organization provided us with thoughtful input and suggestions and were of considerable help in the formation of this legislation over. The list of organizations that have provided invaluable assistance to this effort over the last 23 months is almost too lengthy to include here. But it is important to recognize the breadth and depth of the input that went into crafting this historic legislation. At the risk of again inadvertently leaving someone out, I want to recognize and thank the following organizations which have provided significant efforts:

- American Association of Persons With Disabilities
- American Association of Retired Persons (AARP)
- American Civil Liberties Union
- American Federation of State, County and Municipal Employees
- American Foundation for the Blind
- American Institute of Graphic Arts
- Asian American Legal Defense and Education Fund
- Brennan Center for Justice
- Center for Constitutional Rights
- Common Cause
- Commission on Civil Rights
- Coltech/MIT Voting Technology Project
- Constitution Project
- Disability Rights Education Defense Fund, Inc.
- Election Center
- International Union, United Automobile, Aerospace & Agricultural Implement Workers of America
- Judge David L. Bazelon Center for Mental Health
- Landmark Education Fund, Inc.
- Mexican American Legal Defense & Education Fund
- National Asian Pacific American Legal Consortium
- National Association for the Advancement of Colored People
- National Association for the Advancement of Colored People (NAACP) Legal Defense & Education Fund, Inc.
- National Association of Counties
- National Association of Latino Elected and Appointed Officials (NALEO) Education Fund
- National Association of Protection & Advocacy Systems
- National Association of Secretaries of State
- National Association of State Election Directors
- National Coalition on Black Civic Participation
- National Commission on Federal Election Reform (Carter-Ford Commission)
- National Congress of American Indians
- National Conference of State Legislatures
- National Council of La Raza
- National Federation of the Blind
- National Puerto Rican Coalition, Inc.
- Paralyzed Veterans of America
- People for the American Way
- United Cerebral Palsy Associations
- United States Public Interest Research Group
- United States Public Interest Research Group

On balance, this is a good bill. It is an historic bill. It is landmark legislation. The House of Representatives referred to this legislation last week as the first civil rights bill of the 21st century. It is worthy of such a title and I am honored to have been able to be a part of the effort to bring this important legislation to pass. In the view of this Senator, at the end of this historic process, the Congress will have made a lasting contribution to the continued health and stability of this democracy for the people and of the people. I urge my colleagues to vote for the conference report.

I ask unanimous consent that a series of editorials from Greensboro, as well as from Sarasota, the New York Times, Wall Street Journal, Hartford Courant, New Haven Register, and others be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, Oct. 16, 2002]

SCORING FOR SEN. DODD

Congress' accomplishments have been few and far between over the past year. But count as one of them the imminent passage of bipartisan election reform legislation that chief sponsor Sen. Christopher J. Dodd of Connecticut calls "the first civil rights act of the 21st century."

Mr. Dodd is proud of this measure, and rightly so. It addresses many of the procedural and technological flaws that cast a cloud over the 2000 presidential election in Florida and other states. Badly designed ballots that confused voters, punch-card ballots that were difficult to count, eligible voters who were turned away from the polls and other problems disfranchised many voters in Florida and elsewhere.

Congress promised to act quickly to address the irregularities, but Senate and House versions ran aground in the conference committee for months.

But earlier this month, after intense negotiations between House and Senate conferees of both parties, Mr. Dodd announced agreement on a bill that is expected to pass and be signed by President Bush, Senate action is scheduled today. Here, in part, is what the legislation will do:

- The federal government is authorized to spend $3.8 billion over the next three years to help states replace and renovate voting equipment, train poll workers, educate voters on how to vote, upgrade voter lists so that polling places more accessible to the disabled, Connecticut will be able to tap some of that money, perhaps to complete its statewide voter registration list and to buy new equipment if state officials decide to replace the ancient mechanical voting machines.
- A voter who does not appear on a registration list cannot be turned away from the polls, but must be allowed to cast a provisional ballot. The ballot would be counted if election officials later confirmed that the voter was eligible.
- Voters must be given a chance to correct any errors on their ballots before they are finally cast.

States will be required to develop uniform standards for counting ballots so that procedures don't vary from county to county or precinct to precinct.

Anyone registering to vote after January 20 must provide a driver's license number or the last four digits of his or her Social Security number for verification.

Some Democrats were uncomfortable with the identification requirements, saying they would discourage first-time voters, the poor and immigrants. Requiring ID's to cut down...
on fraud is sensible, however. Some Republican leaders were opposed to Washington interfering in local elections. But clearly, minimum statewide standards are needed. This is an acceptable compromise.


As recently as a month ago, hope of fixing the nation’s creaky voting system appeared doomed on Capitol Hill. House and Senate negotiators, stovled over some seemingly modest sticking points, appeared to have stamina-traveling glitches that have kept thousands of Americans from exercising their right to participate in the political process. Election reform was poised to become one more in the parade of the partisan gridlock that has stymied this Congress for much of the year. But last month’s chaotic Florida primary was a bracing reminder that the nation’s damaged election system poses a continuing threat to our form of democracy. It was, fortunately, the spark that ignited renewed fervor for election reform and the event that galvanized congressional negotiators to produce a compromise bill the president has said he will sign.

If the bill is enacted this week, as House and Senate leaders anticipate, the 2004 presidential election could be a far cry from the 2000 Florida fiasco. The days of chaotic punch-card voting machines, voter registration roll confusion and botched elections may be numbered. The bill adopted by the House and Senate negotiators would, for the first time, impose minimum federal standards meant to guarantee the basic quality of elections; allow voters to check their ballots and correct mistakes; require more polling places; for the disabled; discourage fraud by requiring new voters to provide a driver’s license number or the last four digits of their Social Security number; and, if they apply by mail, a current photo ID card or utility bill; and require states to have a computerized, statewide voter registration database to prevent a person from voting in multiple jurisdictions. To help states upgrade their voting machinery and train poll workers, the bill calls for $3.9 billion in federal money over three years. Until President Bush is expected to sign into law. The funds will enable states to upgrade their equipment, train poll workers and otherwise improve how elections are administered. The legislation also imposes federal standards on states: states must offer “provisional balloting” for voters whose eligibility is questioned at the polls, and a means of allowing voters who have made mistakes to correct them. States must also ensure access to disabled voters, establish uniform vote-counting standards and create computerized registration lists.

The legislation requires first-time voters who register by mail to verify their identity when they vote. Some argue that this im-poses a hardship on minority voters. We disagree, although the Justice Department will have to be vigilant to ensure that this practice is not used as an abuse. The final draft of the legislation should also spell out that this provision will not take effect until the full $3.9 billion is appropriated. More right to nationalize election procedures, but in the context of America’s federalism, this legislation is a sound accomplishment.


One of the most underreported stories in recent American politics has been the growth in election fraud. We’d even say that the fraud has been far ahead of the press corps on this problem, perhaps because their futures depend on honest vote counting.

Two useful cases in point are now coming out of Washington, of all unlikely places. One is the election reform bill that finally looks ready to emerge from House-Senate conference. The other is a New York Times article.

The latter, the dead and pets cast ballots in 2000; one is the election reform bill that finally looks ready to emerge from House-Senate conference. The other is a New York Times article.

The Times article describes a flash that sponsored it to be, it would not supplant the functions of state and local officials. Their role would remain essential. The legislation would, however, substantially fund the new requirements imposed on the states, with the federal government paying 95 percent of the costs. That the final measure has drawn bipartisan congressional backing is testimony to the broad support across the nation for revamping America’s election system.

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[From the New York Times, Oct. 8, 2002] Upgrading the Way We Vote

Come November, the story will be all about the vote, at long last, of passing meaningful legislation to improve the reliability of American elections.

The House and Senate had earlier passed bills addressing these flaws in voting equipment and procedures that were so manifest in the 2000 presidential vote. The sense of urgency, however, seemed to ebb as negotiations dragged on through the summer. Democrats had second thoughts about signing on to anti-fraud provisions, while Republicans had qualms about expanding the federal role in running elections.

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By last month, Florida’s chaotic Congressional primaries provided a fresh reminder of the price of inaction. Last week the conference struck a deal that the full Congress is expected to approve within days and that President Bush is expected to sign into law. The agreement is an explosion of federal resources into the administration of elections—$3.9 billion over three years. Until Congress actually appropriates the money, however, this is no more than a promise—one on which Mr. Bush and the Congressional leadership are obliged to deliver.

The funds will enable states to upgrade their equipment, train poll workers and otherwise improve how elections are administered. The legislation also imposes federal standards on states: states must offer “provisional balloting” for voters whose eligibility is questioned at the polls, and a means of allowing voters who have made mistakes to rectify them. States must also ensure access to disabled voters, establish uniform vote-counting standards and create computerized registration lists.

The legislation requires first-time voters who register by mail to verify their identity when they vote. Some argue that this imposes a hardship on minority voters. We disagree, although the Justice Department will have to be vigilant to ensure that this practice is not used as an abuse. The final draft of the legislation should also spell out that this provision will not take effect until the full $3.9 billion is appropriated.

More right to nationalize election procedures, but in the context of America’s federalism, this legislation is a sound accomplishment.

Congress dawdled too long for its reform to have any impact Nov. 5. But the next presidential race is just two years away. Lawmakers should pass the bill—but only if the money to fund it is assured. The bill sets minimum federal standards for voting, including error rates, and authorizes $3.9 billion to help states cover the cost of compliance. Without that money, reform would be a sham; change would come slowly, if at all. There would be a shambolic election, with the election results open to challenge and possible recount.

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sue to enforce the new standards. But election reform would not be micromanaged from Washington.

Election-reform bills passed the House and Senate months ago, but the effort to reform state systems to make sure that those voting are entitled to do so, voters’ rights would have been egregiously undermined.

The compromise legislation is hardly onerous. Beginning Jan. 1, new voters who registered by mail would have to provide one of a driver’s license number or Social Security number or be assigned a number if they didn’t have one. If questions arose about a person’s identity, he or she would receive a provisional ballot that would be counted if the registration were later verified.

In a sign that the agreement is not as bad as advertised, the Congressional Black Caucus endorsed it. Former presidents Gerald Ford and Jimmy Carter, who are honorary co-chairs of the National Commission on Federal Election Reform, said the bill “represents a delicate balance of shared responsibilities between the states and the federal government. They’re right—and the House and Senate should approve what their negotiators have worked out.”

There is a local footnote to the federal debate: When the Post-Gazette suggested recently that some sort of voter ID was not a bad idea for Pennsylvania, a couple of Democrats on the board wrote back. As this was being published, development in Washington illustrates, once again the commonwealth is behind the curve.

[From the Pittsburgh Post-Gazette, Oct. 10, 2002]

VOTING FOR PROGRESS: CONGRESSIONAL NEGOTIATORS AGREE ON ELECTION REFORM

If the 2000 presidential election in Florida weren’t enough of a debacle, the problems experienced in this state’s primary election last month made the point anew:

If American democracy is to retain any respect, Congress had better help the states improve the way they hold elections. After months of wrangling, Congress has risen to the challenge, although controversy may still siphon the effort.

After House and Senate negotiators reached agreement last week, Sen. Christopher J. Dodd, a Connecticut Democrat, correctly observed that it “will help America maintain its democracy by reducing the potential for voter fraud, assuring fair elections, and providing safeguards against fraudulent votes.” Some $3.9 billion in federal money would be provided to the states over the next three years for upgrading voting equipment, training poll workers and setting up a computerized voter database.

But the mechanics of voting, the principal concern of Democrats. What about the Republican fear of voter fraud? This might be called the historic Tammany Hall problem, immortalized by the line “The vote is the only negative"—but it can help increase confidence in the system to make sure that those voting are entitled to so do.

But civil rights groups and the League of Women Voters of America object to any provision that would require checking the IDs of voters; they say such requirements would unfairly discourage minorities and elderly people from voting. It is an understandable concern, but it has been overblown.

The compromise legislation is hardly onerous. Beginning Jan. 1, new voters who registered by mail would have to provide a current photo ID or another document such as a utility bill with name and address. Eventually, voters would have to supply part of a driver’s license number or Social Security number (or be assigned a number if they didn’t have one). If questions arose about a person’s identity, he or she would receive a provisional ballot that would be counted if the registration were later verified.

In a sign that the agreement is not as bad as advertised, the Congressional Black Caucus endorsed it. Former presidents Gerald Ford and Jimmy Carter, who are honorary co-chairs of the National Commission on Federal Election Reform, said the bill “represents a delicate balance of shared responsibilities between the states and the federal government. They’re right—and the House and Senate should approve what their negotiators have worked out.”

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[From the Pittsburgh Post-Gazette, Oct. 10, 2002]

GETTING OVER IT

Angry and embarrassed over the election debacle of 2000, the newly chosen Congress vowed to make reforming the antiquated, 50-state patchwork system its first order of business. Now, it appears the election reform bill will be among the last items enacted as the 107th Congress stumbles to a messy close.

A final vote of the Senate tomorrow and the expected signature of President Bush will establish laws intended to ensure that eligible voters will never again be turned away from the polls or have their votes voided because of confusing ballots. This is laudable. But it begins to this year’s congressional elections, and may not have been approved at all but for the botched Florida primary last month that kick-started a still-starred lane.

Much of the delay centered on a dispute over a requirement that first-time voters who register by mail show one of several forms of identification at the polls. Republican senators, in particular, insisted on an ID requirement to fight voter fraud.

Civil rights groups complained such a requirement would impose a barrier to voting for low-income Americans who don’t have drivers licenses or other common forms of identification. At a minimum, they argued, the request for such papers would be used as a way to harass or discourage voters.

Rep. Steny H. Hoyer of Maryland, a leading Democratic negotiator on the bill, won House approval of the measure without an ID requirement. But he faced a Senate that had voted 99-1 to include one. He and the vast majority of his colleagues, including the Congressional Black Caucus, decided to accept the provision rather than let the bill die.

That was the right choice. The legislation directs $3.9 billion in aid to the states to replace outdated punch-card and lever voting machines and to train poll workers. Among its innovative features is a $5 million program to recruit college students to serve as poll workers and take over tasks now often being performed by elderly party volunteers.

Safeguards are included: Voters without identification or whose eligibility is otherwise challenged would be allowed to cast provisional ballots so that no one who turns up at the polls will be turned away.

The most scandalous aspect of our voting process is neither fraud nor errors but the failure of half or more of all eligible voters to even bother to cast ballots.

Congress cannot mandate civic enthusiasm. But it can help increase confidence in the election process by doing away with a system that forces millions of Americans to repeat the votes from those who do bother to show up go uncounted.

Activists in both parties as well as voter and civil rights organizations vow to work together to implement the new procedures as quickly as possible and correct any flaws.

[From the Baltimore Sun, Oct. 15, 2002]

The reforms come too late to apply to this year’s congressional elections, and may not have been approved at all but for the botched Florida primary last month that kick-started a still-starred lane.

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[From the Baltimore Sun, Oct. 15, 2002]

FEDERAL ELECTION REFORM, FINALLY; FLORIDA’S PROBLEMS HELPED CONGRESS RESOLVE DIFFERENCES

Federal election reform appears to be a reality at last. The nation can thank South Florida, whose recently bungled primary inspired Congress to resolve stubborn differences over a voting bill and push it through final passage.

The federal breakthrough comes too late for Florida, but it’s welcome nonetheless. Once it gains expected final approval, the measure will address the kind of fundamental election problems that saddled the 2000 presidential contest and—despite state reforms enacted in 2001—hit Florida again in the September primary. That federal reform took so long is really a shame—but then, so are botched elections. The Bush/Gore battle over a recount in Florida reached agreement last week, Sen. Chris-
pass election bills, the chambers lacked the resolve to work out their differences; the bills lay comatose for months and by summer they were presumed dead.

The leaders of the September primary: Florida’s newfangled machines and revised procedures brought on precisely what they were designed to avoid—angry voters, disputed ballots, and official confusion.

Congress took note, resuscitated the election bills and finally worked out a deal. It was announced last Friday in a ceremony long delayed—congratulation and short on details. Here are some of the key points:

The legislation would authorize nearly $4 billion to modernize voting machines, educate voters, train poll workers and improve the administration of elections. (Separate appropriations bills are needed to actualize this up with the cash.)

It would set more uniform election standards in machines, counting, and other related procedures, and set up a commission to lead this effort.

It would modernize the lists of registered voters; require voters to have the opportunity to correct their ballots if they err; and allow provisional voting for people whose eligibility is questioned.

It would require certain anti-fraud measures; encourage better access for overseas and military voters; and contain criminal penalties for people who provide false information in registering or voting. People who conspire to deprive voters of fair elections also would face sanctions.

Florida already has initiated many of these reforms, but the troubled September primary proved that implementation requires lots of time and training. Congress should bear this in mind and funds its legislation accordingly, lest Florida-style embarrassments pop up nationwide.

Some civil rights groups oppose certain provisions of this bill.

The result was announced—yeas 92, nays 2.

The assistant legislative clerk called the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the consideration of this bill be rescinded.

The PRESIDING OFFICER. The yeas and nays were ordered.

The yeas were ordered, and the clerk will call the roll.

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

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. Mr. President, I announce that the Senator from New Jersey (Mr. TORICCELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from Colorado (Mr. ALLARD), the Senator from Texas (Mr. GRAMM), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

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

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—92

Akaka    DeWine    Landrieu
Allen    Dodd    Leahy
Baucus    Domenici    Levin
Bayh    Dorgan    Lieberman
Bennett    Durbin    Lincoln
Biden    Edwards    Lott
Bingaman    Ensign    Lugar
Bond    Feingold    McCain
Boxer    Feinstein    McConnell
Breaux    Fitzgerald    Mikulski
Brownback    Bunning    Miller
Bunning    Graham    Moseley
Burns    Grassley    Murray
Byrd    Gregg    Nelson (FL)
Campbell    Hagel    Nelson (NE)
Cantwell    Harkin    Nickles
Carraro    Hatch    Reed
Carper    Hedges    Reed
Chafee    Hollings    Roberts
Cleland    Hutchison    Rockefeller
Conrad    Inhofe    Sasser
Culins    Inouye    Sarbanes
Cromm    Jeffords    Shelby
Currie    Johnson    Smith (NM)
Craig    Kennedy    Smith (OR)
Cropo    Kerry    Specter
Daeschle    Kohl
Dayton    Kyl

NAYS—2

Clinton    Schumer

NOT VOTING—6

Allard    Bingaman    Sessions
Enzi    Grassley

The conference report was agreed to. Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleagues for their overwhelming support for this legislation. As I said earlier, it has been a long journey to bring us to this juncture.

We never claimed perfect in this bill. It is a compromise, obviously. We think it advances the cause of enfranchising people. I mentioned earlier people who talk about dogs who may have voted. I find a certain amount of humor in that and a degree of seriousness, if that is the case. When we end up with 4 million to 6 million human beings who could not vote, I think we will spend a lot of time talking about this legislation, making sure people show up to vote who are alive and well.

I thank my colleagues for their backing of this legislation. I look forward to working, a Presidential attitude, on this legislation, and then doing the hard work of implementing the provisions of this bill.

Mr. REID. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. REID. I say to the Senator, I can remember his managing the bill. It was very tough. He did a wonderful job of moving this most contentious legislation through the Senate.

I was able to develop bipartisan support for it in committee and on the floor. There were many who felt we could never get this bill out of conference, but the Senator from Connecticut was persistent, unyielding, and we now have a bill.

I hope people understand what a sea change this is going to be for voting in America. In Nevada, we need this legislation. The Secretary of State—who, by the way, is a Republican—was one of the first supporters of this legislation and developed a friendship with the Senator from Connecticut as a result of this legislation. It is that way all over the country. I only hope in the months and years to come, we understand how important this is and put our money where our mouths are. We have now authorized this most important legislation and have to fund it.

This is groundbreaking, but I repeat, we have to put our money where our mouth is so we can implement this legislation. I hope we do that, and that it is going to make elections fair, and it will make people feel good about their votes counting.
None of this would have happened but for the doggedness of the Senator from Connecticut. He simply would not give up when many said it could not be done.

Mr. DODD. Mr. President, I noted earlier the support of House Members who did a tremendous job in getting a bill done. I talked about BOB NEY and STENY HOYER. Obviously, bills do not get done just because they get done in the Senate. They can only finally get to the President’s desk if the other body also acts, and without the leadership of BOB NEY of Ohio and STENY HOYER of Maryland, the Chair and ranking Members of the House Administration Committee, we never would have had a negotiation to produce this product.

So I want to extend my appreciation to them and to JOHN CONYERS, who was my coarchitect of this bill going back now a year and a half ago, who wanted to be available in Washington this morning, but he got delayed on a flight and could not be present for this final vote. When I first announced this bill, I stood in the room with a few people. One was John Sweeney of the AFL-CIO. The other one was JOHN CONYERS, the dean of the Congressional Black Caucus in the House. JOHN CONYERS was a tremendous supporter of this effort all the way through. I am very grateful to him, again grateful to STENY HOYER, BOB NEY, and a whole host of people who made this possible: The NAACP, the AFL-CIO, disability groups across the country, the National Association of Secretaries of State. There is a long list of organizations that rallied behind this effort, and without their support we would not have been able to arrive at this moment.

So I thank all of those who were involved in this. I thank my colleague from Nevada for his very kind and generous comments.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORZINE).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 5010, the Department of Defense Appropriations Act for fiscal year 2003.

The conference agreement represents a compromise reached after a month-long series of discussions by the managers.

Our recommendations bring the total in the bill to $355.1 billion, $238 million below the Senate passed bill and $395 million above the House level.

This conference agreement represents a good faith effort to balance the priorities of the House and Senate in meeting our National Security requirements. I am confident it achieves that objective.

Our time is brief today, so I will not detail all of the items in this measure. But I want to make three points.

First, this bill is likely to be one of the two appropriations bills to be completed before the election. As such, there were many items that members sought to have included in this conference report. I am happy to report to the Senate that no extraneous matters were included by the conferees. This is a very clean bill.

Second, last week the Senate passed a resolution authorizing the use of force against Iraq. It is imperative we pass this bill before we recess to ensure our forces have the support they require to carry out whatever missions our Nation asks them.

Third, I commend my cochairman, Senator STEVENS, and the committee on this bill. He was instrumental in defending many of the priorities of the Senate, including our efforts to support strong financial management in DoD: Fully funding the C-17 program and paying off our unfunded liability on shipbuilding programs.

As always, my friend was assisted in this by his very capable staff led by Steve Cortese, and including Sid Ashworth, Kraig Siracuse, Jennifer Chartrand, Alicia Parrell, and Nicole Royal. I also want to note the fine work of my staff: Charlie Houy, David Morrison, Susan Hogan, Mazie Mattson, Tom Hawkins, Bob Henke, Leslie Kalan, Menda Fife, and Betsy Schmid.

Mr. President, finally I commend the House for their courtesy and cooperation. Chairman LEWIS and Representative MURTHA could not have been more gracious. While there were many issues upon which we differed, we were able to resolve those in a friendly and constructive fashion.

I note as well the great work of their fine staff led by Kevin Roper and Greg Dahlberg, and including:

Dave Phillips, Dan Gregory, Alicia Jones, Greg Walters, Paul Juola, Steve Nixon, David Norquist, Greg Lankler, Celia Alvarado, Paul Terry, Sarah Young, Sherry Young, Chris Mallard, David Killian and Bill Gnapec.

Mr. President this is a good bill, it is exactly what our armed forces need, and I urge all my colleagues to support it.

The PRESIDING OFFICER. Under the previous order, the Senate from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to be here today with my cochairman Senator STEVENS to present our recommendations to the Senate on the conference report for H.R. 5010, the Department of Defense Appropriations Act for fiscal year 2003.

The conference agreement represents a compromise reached after a month-long series of discussions by the managers.

Our recommendations bring the total in the bill to $355.1 billion, $238 million below the Senate passed bill and $395 million above the House level.

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Mr. President this is a good bill, it is exactly what our armed forces need, and I urge all my colleagues to support it.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to be here today with my distinguished colleague from Hawaii to offer this bill. It is the largest Defense bill in history. It is a bill that merits the support of every Member of this Senate.

I do congratulate Senator INOUYE for his leadership and for his hard work and cooperation with the Members of the House, whom he has named, with whom we have worked on this bill.

We have had different views on this bill, but we have proceeded without rancor and I think worked out a compromise that is satisfactory to the administration, particularly the Department of Defense and the President. I believe it is a balanced and fair bill.

There were nearly $18 billion in differences between the House and Senate bills. All of these have been reconciled within the limits of discretion and with good will. I think these compromises should receive unsere overwhelming support from the Department because they actually make the bill much more functional, more workable. It is the kind of bill that we should have in the times we are in now, where we are close to a very difficult problem as far as Iraq is concerned.

This bill fully funds all military requirements for the armed services. It contains a 4.1-percent pay increase and lifetime health care benefits for the military retirees.

It further reduces the out-of-pocket costs for some of the military families who do not have the benefit of on-base housing.

We really have tried to strike a balance between near-term readiness and the investment we must make for the future, as far as our defense establishment is concerned.

This bill mandates full funding for six Stryker brigades to transform our ground combat forces and adds funds for space systems.

For the Navy, funding the CVN-X and the DD-X and the littoral combat ship and the Virginia class submarine,
all accelerate the introduction of a completely new 21st century technology for the Navy. The Navy, Marine Corps, and Air Force all await deployment of the Joint Strike Fighter, and so do we. The bill sustains the deployment of that new aircraft and also funds for new engine options. The Air Force receives funds to expand the effort for the production of the F-22, the C-17, and hopefully for the replacement of our aging fleet of air refueling tankers.

One of the difficult dreams I have is a flight of our fighters coming back to meet a tanker and finding it is not there. We have to work on this and work very hard to make sure we have the tanker capacity because our air power depends entirely upon our tanker capability. These commitments will deliver the capabilities we must have for the fiscal years ahead of us.

These systems not only contribute to the war against terrorism today, but they also sustain the defense environment rapidly deteriorating. They must be functional for us in combat in the global war on terrorism. It is consistent with the President’s budget request. This bill in particular funds a missle defense system at the President’s request.

I hope all Members will realize, ranging from ground- and sea-based missiles to airborne lasers, we are going to have layers of defense that will protect our troops on land and at sea, and our people here at home. That missile defense system must go forward.

Again, I commend my good friend, the chairman of the committee. It is a pleasure to work with him and the chairman of our full committee, Senator BYRD, in their efforts to move this bill forward. We have urged that the Defense bill be first, and the Defense bill is first. It indicates the priority that the whole national Federal Government defense. I believe this conference report, as I said, merits the support of every Senator.

I also send my personal appreciation to the chairman of the House subcommittee, Congressman JERRY LEWIS, and the ranking member of the House subcommittee, Congressman JACK MURTHA. They have been very gracious people to work with under difficult circumstances.

I also ask that the Senate commend the efforts of both the majority and minority in the Senate and the majority and the minority in the House. These people have worked behind the scenes, around the clock, sometimes through weekends, to eliminate the difficult problems that have come up in this bill. As I said, $18 billion of difference and there is not an argument between us in terms of this bill. But led by Charlie Hony here on the majority side and Steve Cortese, who is by my side now, our staffs have worked, I think, just without an end at all.

I do want to say at last, though, Kevin Roper and Greg Dahlberg, as Senator INOUYE mentioned, made a tremendous contribution to this work in the House.

I urge approval of this conference report.

JOINT COMPUTER AIDED ACQUISITION AND LOGISTICS SUPPORT PROGRAM

Mr. BYRD. Will my friend, the Senator from Hawaii, who serves as the chairman of the subcommittee on Defense, yield for a colloquy?

Mr. INOUYE. I am pleased to yield to the Chairman of the Committee on appropriations, the Senator from West Virginia.

Mr. BYRD. Is my understanding correct that the FY 2003 Defense Appropriations Bill now before the Senate contains an increase of $21.5 million above the President’s budget request for the Joint Computer Aided Acquisition and Logistics Support, JCALS, program, for a total FY 2003 program level of $58.9 million?

Mr. INOUYE. The Senator is correct.

Mr. BYRD. I thank the Chairman for his assurances. If I may inquire further, it is also my understanding that it is the committee’s intent that $21.5 million of the JCALS funds in the Army RTDF account are to be spent exclusively on activities directly related to the Joint Computer Aided Analysis Data Digitization (TLD D) initiative, which operates out of Hinton, WV.

Mr. INOUYE. The Senator is correct that it is our strong intention that the TLD D initiative be expanded and deployed. As was stated in the FY 2003 Defense Appropriations bill.

Mr. BYRD. I thank the Chairman. If he would yield for a final question, am I correct in my understanding that it is the Committee’s further intent that the JCALS Program leverage and expand the capabilities of the Southeast Regional Technical Center now primarily located in Hinton, WV to provide support and training for the TLD D initiative? This action will address a key recommendation by the Institute for Defense Analysis in a study it prepared last year for the Office of the Secretary of Defense to increase training and support for the military services that utilize the JCALS program.

Mr. INOUYE. The Senator from West Virginia is correct.

Mr. BYRD. I thank the Senator for his clarification and assistance with this most important program.

APPLICATION OF THE BERRY AMENDMENT TO THE MULTI-YEAR AIRCRAFT LEASE PILOT PROGRAM

Mr. REID. Mr. President, I rise in order to enter into a colloquy with the Senator from Hawaii to seek clarification on the correct interpretation of the report language in the conference agreement report that deals with the Berry amendment and the Multi-Year Aircraft Lease Pilot Program.

As I read this language, it appears the report language provides an explanation of Section 308 in the fiscal year 2002 Supplement Appropriations bill that permitted the multi-year aircraft lease program to proceed without meeting the Berry amendment restrictions on the use of foreign sourced specialty metals in the procurement of air refueling tanker replacements. I, and many of my colleagues, are pleased to see that the report language seems to indicate that this suspension of the Berry amendment is only applicable to this unique multi-year leasing program. I ask the distinguished Senator from Hawaii, am I correct reading this report language?

Mr. INOUYE. Mr. President, if I may respond to my good friend from Nevada, he is correct that this report language does state that Section 308 from the FY 2002 Supplemental Appropriations bill only applies to this specific Multi-Year Aircraft Leasing Program and no other procurement or leasing program.

Mr. REID. Mr. President, I also would like to ask the Senator a question regarding another aspect of the report language. This language directs the Secretary of the Air Force to conduct a study and report to Congress on the possibility of foreign sourced specialty metals to be used in this leased fleet of refueling tankers with the specialty metal content of military aircraft that have been procured by the Air Force in the last five years.

It appears that this new study by the Air Force is designed to look at the specialty metal content on a new “system-level” basis rather than on the current aircraft-by-aircraft basis. Therefore, I am concerned, this new “system-level basis” study could be the first step in eroding the long-standing practice of determining Berry amendment compliance under a whole new standard and could, in turn, harm our domestic specialty metal industry and its employees. I would like to ask the Senator from Hawaii whether this new Air Force study will be used by the Appropriations Committee to advocate additional Berry amendment exemptions for other procurement programs to modify the overall content requirements of the Berry amendment for future military procurement programs?

Mr. INOUYE. Mr. President, the Senator from Nevada raises an excellent point. I want to assure him and my colleagues that I strongly support the provisions of the Berry amendment and I am not interested in supporting any legislative action that would harm our new specialty metal industry or its employees. The exemption of the Berry amendment for the Multi-Year Aircraft Leasing Program was a unique situation and I do not believe the multi-year leasing program should be the basis for the application of the important aircraft-by-aircraft content requirements inherent in the Berry amendment. I hope this fully addresses the gentleman’s concerns.

Mr. REID. Mr. President, I thank the Chairman for his support of the Berry amendment and for his commitment to ensure a viable and healthy domestic specialty metals industry.
Mrs. CARNAHAN. Mr. President, I am proud today to express my support for the 2003 Defense Appropriations Act. The Conference Report I will vote for provides a much-needed boost to our Defense budget, a total of $355.1 billion, $21 billion more than the Administration appropriation request. This is the largest defense budget in our Nation’s history, and it could not come at a more important time.

Our military is engaged in a global campaign against terror, and could be prepared for another war soon. It is essential that our military remains outfitted with the most advanced equipment to meet threats to our Nation today as well as into the future. But our most important asset is our soldiers, sailors, airmen, and marines. I am proud to support this bill, and its funding for a 4.1 percent increase in basic pay for all service members.

This bill is good for the military, good for the country, and good for Missouri. The Senate added $283 million for a number of Missouri defense projects, many of which will directly stimulate economic development in my State. In particular, the projects funded in this bill, from Boeing F/A-18 aircraft upgrades in chemical and biological defenses, will support America’s war effort against international terrorism.

Missouri’s single largest defense contract, the F/A-18 program employs over 4,000 people in the St. Louis area. I pleased that the Defense Appropriations Subcommittee increased funding for this program by $120 million over the Administration’s Super Hornet budget proposal.

Despite testimony by the Army’s top leaders requesting an increase in funding for this program, the President’s original budget proposal reduced the number of Super Hornets that the Navy was originally scheduled to buy in 2003. Under the existing contract between Boeing and the Navy, the Defense Department was scheduled to purchase 48 aircraft in 2003. However, the President’s budget only proposed 44 aircraft to be purchased in 2003.

This continues a downward trend for the F/A-18’s budget, which is now in its third year of a multi-year contract. Coupled with reductions made in previous years, the President’s proposed 2003 budget would mark a total of 10 aircraft cut in the course of three years. If we work to restore funding for aircraft purchases.

I was pleased that earlier this year, the Senate passed a bill that included an additional $240 million for this program, even though the House did not. While the final conference report I did not fund this increase in full, it did provide $120 million more than the original proposal submitted to Congress by the Administration.

This is an important development, and I am pleased to lend my support to this Conference Report today. Today’s bill marks Congress’ continued backing for not only these critical tactical aircraft but for the military’s ongoing modernization to transform and meet the challenges our country will face in both the near and long term.

Mr. MCCAIN. Mr. President, I rise again to address the issue of wasteful spending, in this case, the Appropriations Committee Report to accompany H.R. 5010, a bill to fund the Department of Defense for fiscal year 2003. This legislation would provide $355.1 billion to the Department of Defense. The year’s final appropriations bill adds 1,760 programs not requested by the President, at a further cost of $7.4 billion with questionable relationships to national defense at a time of scarce resources, budget deficits, and underfunded, urgent defense priorities.

Just last week the Senate passed the Iraqi War Resolution by a vote of 77 to 23, authorizing the President of the United States to commit the United States Armed Forces to achieve a regime change in Iraq. America remains at war, a war that continues to unite Americans in pursuit of a common goal, to defeat international terrorism. All Americans have, and undoubtedly will make sacrifices for this war. Many have been deeply affected by it and at times harmed by difficult, related economic circumstances. Our servicemen and women in particular are truly on the front lines, separated from their families, risking their lives, and working extraordinarily long hours under the most difficult conditions to accomplish the ambitious but necessary task their country has set for them.

Despite the realities of war, and the serious responsibilities the situation imposes on Congress and the President, the House and Senate Appropriations Committees have not seen fit to change in any way the blunt use of defense dollars for projects that may or may not serve some worthy purpose. Furthermore, some of the add-ons clearly impair our national defense by depriving legitimate defense needs of adequate funding.

Even in the middle of a war against terrorism, a war of monumental consequences that is expected to last for some time, the Appropriations Committees remain intent on ensuring that the Department of Defense’s mission is to dispense corporate welfare. It is a shame that at such a critical time, the United States Senate persists in spending money requested and authorized only for our Armed Forces to satisfy the needs or the desires of interests that are unrelated to defense and even, in truth, unconcerned about the true needs of our military.

If the war against terrorism is taken as far in Iraq that it will be bills to pay. White House economist, Lawrence Lindsey, estimates that a full-scale mobilization in Iraq could cost as much as $100 to $200 billion. A lower estimate reported in the Washington Post puts the cost of committing United States forces in Iraq at $30 to $50 billion. This lower estimate assumes, quoting the September 24, 2002 Washington Post, a war “... with inept enemy forces, no use of chemical and biological weapons and airspace in most Gulf states and Turkey, and low casualties on our side.” It is quite obvious that the costs of the use of force in Iraq will be substantial. With the possibility of such an expenditure, how can Appropriators spend our precious defense dollars so foolishly?

An Investor’s Business Daily article published late last year entitled At the Trough: Welfare Checks to Big Business Make No Sense, stated, “among the least justified outlays in the federal budget is corporate welfare. Budget analyst Stephen Slivinski estimates that business subsidies will run $37 billion in 2001, up a third since 1997. Although President Bush proposed $12 billion in cuts to corporate welfare [in 2001], Congress has proved resistant. Indeed many post-September 11 bailouts have gone to big business. Boeing is one of the biggest beneficiaries. While corporate America gets the profits, its taxpayers get the losses. ... The Constitution authorizes Congress to promote the general welfare, not enrich Boeing and other corporate behemoths. There is no warrant to take from Pentagon or Paul can pay higher dividends. In the aftermath of September 11, the American people can ill afford budget profligacy in Washington. If Congress is not willing to cut corporate welfare at a time of national crisis, what is it willing to cut?”

Yet, Congress didn’t get the message this year. In the Fiscal Year 2003 Defense Appropriations conference report that we are considering today, the Appropriations Committees added nearly $500 million in aircraft procurement that the Department of Defense did not request. There were funds appropriated for twenty-four types of aircraft; unfortunately none of these were identified by the military as requirements. It staggers the mind to think of what programs the services desperately need could have been funded by $500 million.

Here is a very short list of just some of the more egregious examples of Defense appropriations.$1 million for Canola Oil Fuel Cells. I would think that the only canola oil the Department of Defense should be investing in should be used for salad.
dressing for our troops, not inventing batteries.
$4.5 million for a Coastal Cancer Research Center. A worthwhile expenditure, but the Defense Appropriations Bill is not the place for these funds to come from.
$1 million for Math Teacher Leadership.
$3 million in Impact Aid for Children with Disabilities.
$19 million for International Sporting Competitions.
$7.7 million for the Alaska Wide Mobile Radio Program.
$1 million for Animal Modeling Genetics Research.
$2.6 million for the Pacific Rim Corrosion Project.
$6 million for the Pacific Disaster Center Project.
$1 million for the Rural Telemedicine Demonstration Project.

These are just a few glaring examples of the over 1,700 Member additions that leave many people scratching their heads trying to find the link to defense program funding.

Here is a very abbreviated list of some of the member additions that, while at least connected to the Department of Defense, were still not requested in the President's budget nor were they on any of the service's unfunded priority lists. Remember, every one of these additions come at the expense of programs that our services need to carry out their missions. For every dollar spent on these additions, it is one taken out of priority programs.

$33 million in Distance Learning.
$101.3 million in Defense Wide Administration Activities.
$44 million for Multi-Purpose Vehicles.
$38.5 million for Automated Data Processing Equipment.
$30.9 million for Non-System Training Devices.
$14 million for Drones and Decoys.
$6.7 million in Base Information Infrastructure.
$1 million in Polar Fleece Shirts.
$5 million for the Institute for Creative Technology.
$2 million for the Center for Geo-Sciences.
$3 million for the Concepts Experimentation Program.
$2 million for the Consortium for Military Artificial Intelligence.

I will not list the rest of the additions as that would take hours. A larger list of Defense Appropriations Conference Committee earmarks is available on my website. I find it incredible that we are funding these unrequested and unneeded programs when we have more than 500 items that the Department of Defense says they need on their "Unfunded Priority Lists".

You will recall that last year, during conference negotiations on the Department of Defense Appropriations Act for Fiscal Year 2002, the Senate Appropriations Committee inserted into the bill unprecedented language to allow the U.S. Air Force to lease 100 Boeing 767 commercial aircraft and convert them to tankers, and to lease four Boeing 737 commercial aircraft for passenger airlift to be used by congressional and Executive Branch officials. Congress did not authorize this leasing provision in the fiscal year 2002 National Defense Authorization Act, and in fact, the Senate Armed Services Committee was not advised of this effort by Air Force Secretary Jim Roche during consideration of that authorization measure.

Again this year, without benefit of authorization committee debate or input—the Senate Appropriations Committee has added funding in the Fiscal Year 2003 Department of Defense Appropriations bill in the amount of $3 million for the "Tanker Lease Pilot Program" for the proposed Boeing 767 aerial tanker leasing scheme. Furthermore, additional language in the bill modifies a provision that has been carefully negotiated by the Office of Management and Budget, OMB, with appropriators last year, and may now permit the Air Force to circumvent law, OMB and standard leasing arrangements and, with respect to the 100 Boeing 767s, will allow the Air Force to defer the termination liability costs up-front, unprecedented in leasing arrangements according to leasing experts and certainly against good business practices.

In multi-year contracts such as leases there is a statutory requirement to obligate money for termination liability payments in the first year of the contract. The reason is quite simple. If the government, the Air Force in this case, cancels the contract then the Air Force is required to pay Boeing for breaking the terms of the contract. What would happen if a Boeing 767 tanker was hit by hostile fire which caused a catastrophic fire onboard and the Boeing 767 tanker crashed. Under a similar lease arrangement like the one that the Air Force signed with the Boeing Company for Boeing 737 VIP Executive aircraft, "loss or destruction of the aircraft constitutes a notice of cancellation" and under the terms of the lease the Air Force would be required to make a termination liability payment. Not planning for this is irresponsible, especially concerning military aircraft which operate in harms way with great regularity. This enormous and cost paid under this termination liability payment is an unfunded federal liability. This leaves Congress with no recourse but to foot the cost of this unfunded liability with the Boeing Company and leaves the taxpayer stuck with a big bill without any say in the matter. Boeing gets paid under this termination liability clause, yet the taxpayer is out an aircraft.

Particularly disconcerting is a provision that would allow the Air Force to fund the Boeing 767 aerial tanker lease at the expense readiness appropriations rather than the usual procurement accounts already committed to purchase $72 billion worth of other new weapons systems, aircraft and ships. According to statute, readiness appropriations or operations and maintenance accounts, finance the cost of operating and maintaining the Armed Forces. Specifically, included are the amounts for training and operation of civil service, maintenance of civil service for maintenance of equipment and facilities, fuel, supplies, and repair parts for weapons and equipment. Using critical readiness dollars to pay to lease 100 Boeing 767 tankers, under a non-transparent program, can only be referred to as a mistake of great proportions that will eventually have great consequences for all of our Armed Forces and not just for the Air Force. Since 1999, the defense budgets have made strides to reverse years of under-funding in the readiness accounts, however, I have serious concerns about the future state of preparedness of our units and our men and women in the military if we continue to follow the advice of the Secretary of the Air Force under the "rob Peter to pay Paul" leasing scheme.

There is yet another egregious legislative provision included in the appropriations bill that certainly could be regarded as a bail out for Boeing. This provision would authorize the Air Force to pay upfront advance payments, up to one year in advance, for leasing Boeing 767 tanker aircraft. I would like to have one of my colleagues from the Appropriations Committee explain to me how is this provision in the best interest of the government or the taxpayer for that matter. This Boeing leasing arrangement is projected to cost $20 billion, that means the Air Force may have to pay up front, each year, literally billions of dollars to Boeing with the promise to deliver aircraft later at a deal, courtesy of the Appropriations Committee. As a senior member of the Armed Services Committee, I would have liked to have heard some testimony regarding this significant change in acquisition policy. In fact, the Appropriations Committee is the proper committee to make recommendations as to reforming defense procurement policy, not the Appropriations Committee. The truth is there is no gain to the government for this provision the gain is all on the side of the ledger of the Boeing Company. This is waste that borders on gross negligence.

Does the appropriations committee have any respect for the authorizing committees in the Senate? I don't think so.

I believe this expensive aerial tanker lease program to be a new start that has been estimated by the Office of Management and Budget to cost between $20-$30 billion over six years. A program of this magnitude should require considerable consultation with the Secretary of Defense, not just that of Air Force Secretary Jim Roche or his staff or a nebulous entity know as the Leasing Review Panel that
was recently organized by the DOD acquisition secretary and DOD comptroller for the sole purpose to recommend leasing major weapons platforms such as aircraft, vessels, and combat vehicles according to the Project Oversight Oversight. I am deeply concerned that the Armed Services Committees have not been given adequate time for review, inspection or comment on this significant, unprecedented proposal and that we do not have the assurance that the Defense Secretary that this program is warranted. Recall, however, that we did hear from the Defense Secretary about the Army’s Crusader that would have had a total program cost of only a half to a third as much as Air Force’s scheme to lease Boeing 767 aerial tankers.

I appreciate the Secretary of Defense’s strong support for the practice of using American taxpayers’ money in a cost-effective manner to procure the best weapon system, at the best price for our men and women in uniform. I strongly endorse this practice. On June 28, 2001, in testimony before the Senate Armed Services Committee, the Defense Secretary said, “[w]e have an obligation to taxpayers to spend their money wisely. . . . there is no real incentive to save a nickel. To the contrary, the way the Department operates today, there are disincentives to saving money. We need to ask ourselves: how should we be spending taxpayer’s money? . . . There are two things: First, we are not treating the taxpayers’ dollars with respect—and by not doing so, we risk losing their support; second, we are depriving the men and women of our Armed Forces of the training, equipment and facilities they need to accomplish their missions. They deserve better. We need to invest that money wisely.”

The tanker leasing debate has not benefited from authorization committee input or an undersecretary of the Secretary of Defense’s views on the requirement for this large procurement and the alleged Department of Air Force’s change in policy to procure major weapons platforms, such as aircraft, through leasing schemes. I am concerned the impact of these provisions has not been adequately scrutinized, and the full cost to taxpayers has not been sufficiently considered.

I would like to note that OMB Director Mitch Daniels has often indicated his preference to maintain scrutiny of government leasing practices out of regard for U.S. taxpayers. Just last year, in a letter from the OMB Director to Senator Kent Conrad, OMB cautioned against eliminating rules intended to reduce leasing abuses. OMB’s letter emphasized that the Budget Enforcement Act (BEA) scoring rules “were specifically designed to encourage the use of financing mechanisms that minimize taxpayers’ costs by eliminating the use of funds provided to be used to purchase weapons platforms through the previous scoring rules. Prior to the BEA, agencies only needed budget authority for the first year’s lease payment, even though the agreement was a legally enforceable commitment to fully pay for the asset over time.” OMB’s letter continued by explaining that this loophole had permitted the General Services Administration to agree to 11-lease-purchase agreements worth $1.7 billion, but to budget only the first year of lease payments. OMB’s letter stated, “[t]he scoring hid the fact that these agreements had a higher economic cost than traditional direct purchases as allowed projects to go forward despite significant cost overruns.” Sounds very familiar.

As I mentioned before on the Senate floor when the Fiscal Year 2002 Defense Appropriations Conference Report was being debated, this is a sweet deal for the Boeing Company that I’m sure is the envy of corporate lobbyists from one end of K Street to the other. The Project on Government Oversight a political independent, non-profit watchdog organization called Secretary Roche’s Boeing tanker lease deal “… a textbook case of bad procurement policy and favoritism to a single defense contractor.”

Let me review the highlights of the information and costs of this leasing scheme that have been provided to the Congress by the Office of Management and Budget, the General Accounting Office, the Department of Defense Inspector General, the Congressional Budget Office, the Department of Defense, and other important outside independent experts:

- GAO estimates the cost to lease 100 Boeing 767 tankers for 6 years to be $20 to $30 billion.
- GAO estimates that the cost to modernize and upgrade 127 KC-135 Es to “R” Models is $3.6 billion; a $22.4 billion savings to leasing 100 tankers.
- GAO estimates the cost for building new, state-of-the-art tankers to be $1.7 billion, the same cost to modernize 59 older KC-135s.

The Air Force estimates that their current fleet of KC-135s have between 12,000 to 14,000 flying hours on them only 35 percent of the lifetime flying hour limit and no KC-135Es’s will meet the limit until 2040.

According to the Air Force, the Mission Capable Rate for KC-135 tankers is 80 percent the highest in the Air Force inventory. The B-2 Mission Capable Rate by comparison is 1 percent.

According to the Air Force Air Mobility Command, there is no requirement to begin replacing KC-135’s before fiscal year 2013.

OMB reports that the current fleet of KC-135s is in good condition.

According to OMB, leasing 100 Boeing 767 tankers, cost $26 billion, will result in an overall decrease of total tanker fleet capacity of 2 million pounds of fuel; whereas upgrading 127 KC-135s to E-model will cost $3.2 billion, will result in an increase of total tanker fleet capacity of 1.7 million pounds of fuel over and above existing capacity.

According to the Air Force “Tanker Requirement Study 05,” replacing the KC-135E fleet with leased Boeing 767 tankers would not solve, and could exacerbate, the shortfall identified in the TRS-05.

According to the OMB, the Air Force proposal/Request for Information, RFI, on leasing tankers was only 14 days, not the usual length of time of 90 days constituting a concern regarding the true nature of the competition.

The Congressional Budget Office has reported that a long-term lease of tanker aircraft would be significantly more expensive than a direct purchase of such aircraft.

According to DOD, while the KC-135 is an average of 35 years old, its airframe hours and cycles are low with proper maintenance and upgrades the KC-135 may be sustainable for another 35 years.

But this is just another example of Congress’ political meddling and of how outside special interest groups have obstructed the military’s ability to channel resources where they are most needed. I will repeat what I’ve said many, many times: the military needs less money spent on pork and more spent to redress the serious problems caused by a decade of declining defense budgets.

This defense appropriations bill also includes provisions that undermine domestic source restrictions; these “Buy America” provisions directly harm the United States and our allies. “Buy America” protectionist procurement policies, enacted by Congress to protect pork barrel projects in each Member’s State or District, hurt military readiness, personnel funding, modernization of military equipment, and cost the taxpayer $5.5 billion annually. In many instances, we are driving the military to buy higher-priced, inferior products when we do not allow foreign competition. “Buy America” restrictions undermine DOD’s ability to procure the best systems at the least cost and impede greater interoperability and armament cooperation with our allies. They are not only less cost-effective, they also constitute bad policy, particularly at a time when our allies’ support in the war on terrorism is so important.

Secretary Rumsfeld and his predecessor, Bill Cohen, should protect this provision by ensuring that the Defense appropriations bill includes several examples of “Buy America” pork, prohibitions on procuring anchor and mooring chain components for Navy warships; main propulsion diesel engines and propellers for a new class of Navy dry-stores and ammunition support ships; ammunition; titanium, graphite, alloy, or armor steel plate; ball and roller bearings; construction or conversion of any naval vessel; and, other
naval auxiliary equipment, including pumps for all shipboard services, propulsion system components such as engines, reduction gears, and propellers, shipboard cranes, and spreaders for shipboard cranes. I am pleased that an amendment that I introduced on the Senate floor carried through Conference Section 8147. This legislative provision would prohibit spending $30.6 million for leasing of Boeing 737 VIP Executive aircraft unless any contract entered into has some open competition procedure that is other than pursuant to the Competition and Contracting Act which promotes full and open competition procedures in conducting a procurement for property or services. I believe this amendment would ensure full and open competition with respect to Boeing 737 VIP Executive aircraft. Although last year’s DOD Appropriations bill specified 4 Boeing 737 aircraft, it did not authorize the lease solely from the Boeing Company. Yet with the only negotiated sole source contract totaling nearly $400 million with the Boeing Company, seemingly in direct violation of this statutory language if they disburse funds for this VIP Executive aircraft lease without fair and open competition. In today’s falling economy, I imagine there are many leasing entities that would like to compete for this lucrative leasing arrangement with the Air Force. With the downturn in the commercial aviation industry and the serious condition of most airlines in the United States, it is very likely that there are more than a few airlines that would like to participate in a full and open competition to provide excess Boeing 737 transport aircraft under some leasing arrangement with the Air Force.

I look forward to the day when my appearances on the Senate floor for this purpose are no longer necessary. I reiterate, over $7.4 billion in unrequested defense programs have been added by the Committee to the defense appropriations bill. Consider how that $7.4 billion, when added to the savings gained through additional base closings and more cost-effective business practices, could be used so much more effectively. The problems of our Armed Forces, whether in terms of force structure or modernization, could be more assuredly addressed and our warfighting ability greatly enhanced. The American taxpayers expected a lot of us, do our brave servicemen and women who are, without question, fighting this war on global terrorism on our behalf.

But for now, unfortunately, they must witness us, seemingly blind to our responsibilities at this time of war, going about our business as usual.

Mr. WELLSTONE. Mr. President, I rise today in support of the Defense Department appropriations conference report.

I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. They deserve the across-the-board pay raises of 4.1 percent, the incentive pay for difficult-to-fill assignments, and the reduced out-of-pocket housing costs from the current 11.3 percent to 7.5 percent contained in this conference report.

The report would also fully fund active and reserve end strengths, including $1 billion for the Army National Guard, which will helpfully ease the current burden on our overstretched men and women in uniform. For many years running, those in our Armed Forces have been suffering from a declining quality of life, despite rising military Pentagon budgets. The pressing needs of our dedicated men and women in uniform, and those of their families, must be addressed as they continue to be mobilized in the war against terrorism. This conference report adequately addressed those pressing needs. In addition, it provides $150 million for Army peer review breast cancer research and $85 million for prostate cancer research.

The conference report also provides $417 million for the New Livuiz Cooperative Threat Reduction Program, which seeks to secure airtight control over fissile materials and technologies from Russia and other former Soviet Union states to ensure that none makes their way to terrorists or to places like Iraq. Further, the report gives $70 million more than the administration requested to fund Israel’s Arrow antimissile program, which could protect Israel against Scud missiles fired by Iraq. Finally, the report shifts $368.5 million from Crusader research and development to a new, lighter cannon, which will engage the expertise of the highly skilled workforce at the United Defense Industries plant in Minnesota. For these reasons and others, I will vote for it today.

I also thank my colleagues on the conference committee for their hard work and their passage of an amendment I included in the Senate version of the Department of Defense appropriations bill. The final bill includes $5 million to put confidential victim advocates on military installations across the country. This would ensure that victims whose lives are in danger have an alternative place to turn that is confidential and where their needs can be met without qualification.

The bill will also ensure that funds are made available to establish an impartial, multidisciplinary, confidential Domestic Violence Fatality Review Team. The team to be charged with investigating every domestic fatality in the military and helping to find ways to prevent fatalities in the future.

Finally, this bill would require that the Secretary report to Congress on progress in implementing the recommendations of the National Defense Task Force on Domestic Violence. Domestic violence is something that we in Congress must constantly work to prevent, reduce, and eventually end. Having such reporting will help us work with the Military to address this terrible problem.

The National Defense Taskforce on Domestic Violence reported that “Domestic Violence is an offense against the institutional values of the Military Services of the United States of America. It is an affront to human dignity, degrades the over all character of our armed forces, and will not be tolerated in the Department of Defense.” I do not think anyone who has followed the recent events at Fort Bragg would disagree.

Sadly, the North Carolina incidents, while unusual in that they were clustered within such a short time, are not unique. The Naval Criminal Investigative Service reported 54 domestic homicides in the Navy and Marines since 1995. The Army reported 131 and the Air Force reported 32. This is a problem that is by no means limited to the military, but its dimensions in the military context are complex. They need to be addressed. I know that Secretary Rumsfeld and Deputy Secretary Wolfowitz have given the Secretary and the Deputy Secretary for the attention they have given to this issue and the willingness they have shown to address it. I also applaud my colleagues, particularly Senator INOUYE and Senator STEVENS, for their leadership in passing this important legislation.

I am, however, very disappointed that the conferees took out an amendment that I offered and which the Senate adopted, that would have barred any funds in this bill from being used to enter contracts with U.S. companies who incorporate overseas to avoid U.S. taxes.

Former U.S. companies who have renounced their citizenship currently hold at least $2 billion worth of contracts with the Federal Government. I don’t think that companies who aren’t willing to pay their fair share of taxes should be able to hold these contracts. U.S. companies, that pay by the rules, that pay their fair share of taxes, should not be forced to compete with bad actors who can undercut their bids because of a tax loophole.

The loophole gives tens of millions of dollars in tax breaks to multinational companies with significant non-U.S. business. It also puts other U.S. companies unwilling or unable to use this loophole at a competitive disadvantage. No American company should be penalized staying put while others renounce U.S. “citizenship” for a tax break.

Well, the problem with all this is that when these companies don’t pay their fair share, the rest of American taxpayers and businesses are stuck with the bill. I think I can safely say that very few of the small businesses that I visit in Detroit Lakes, MN, or Mankato, in Minneapolis, or Duluth...
can avail themselves of the Bermuda Triangle. I should also say, that the amendment that the conferees dropped was really a very mild version. It was mostly prospective, and it only affected fiscal years 2003 through 2006. I think it is appropriate for us to say that if the U.S. company wants to bid for a contract for U.S. defense work, then it should not renounce it’s U.S. citizen for a tax break. We are in a time of war, the only sacrifice this amendment asked of federal contractors is that they pay their fair share of taxes like everybody else.

My final point on this issue is that it is now clear that this fight is going to take place on the Homeland Security bill. The Senate has adopted a very strong amendment that I offered. There is a very similar amendment in the House passed bill. If the Republican Senate also hinds their bill and I am homeland security bill we could get it to conference and get a good provision signed into law to crack down on these tax cheaters. The Congress will not dodge this issue.

Mr. ALLARD. Mr. President, after many long months of negotiation, the fiscal year 2003 Defense Appropriations will finally come to a close today. I add my strong support for this bill and would like to thank Senators INOUYE and STEVENS for their work to ensure our continuing support for the men and women in the United States Armed Services.

At the very beginning of his administration, Bush made it a priority to rebuild our military after 8 years of substantial and dangerous levels of operation and maintenance funding shortfalls under the previous administration. Those of us in the Senate have also hended their bill and I am pleased that we are about to take the next step in maintaining a military fully capable of defending our Nation and meeting our foreign policy goals.

While some balked at the large defense increase in near our 2 decades, I support the President in his efforts to transform our military. His reasoning for this increase is firm, and I quote the President for his two reasons behind the plan:

I sent up to Congress the largest increase in defense spending since Ronald Reagan was the President. I did it for two reasons. One, any time we commit our troops into harm’s way, we must have the best pay, the best equipment, and the best possible training. And secondly, the reason I asked for an increase the size of which I did is because I wanted to send a message to friend and foe alike that when it comes to the defense of our freedoms, we’re not quiting. There’s not calendar on my desk that says, well, we’re reaching the peak. Let’s take this time to stop. That’s not how I think. That’s not how America thinks. We want our friends understanding that. We want the enemy to know it, as well—what it takes to defend our country, comes to defending the values we hold dear, it doesn’t matter how much it costs. It doesn’t matter how long it takes, the U.S. military is the best. We owe that to our children, and we owe it to our children’s children.

Specifically, I would like to point out some very important programs that have a great deal of bearing on the safety of our country. As the ranking member on the Strategic Sub-committee, I have made it abundantly clear to this committee is to not only our defense, but also our close allies. The most advanced cooperative military project between the United States and Israel is the Arrow missile defense system—a theater wide missile defense system capable of shooting down ballistic missiles fired at Israel or U.S. troops stationed in the Middle East. The Arrow system is operational, providing Israel with a functioning defense against surface-to-surface missiles.

The appropriations conference agreed on this priority and have provided $70 million to continue funding this very important program. This funding will ensure that Arrow remains capable of providing reliable protection against missiles developed through and faster and longer-range ballistic missiles and also speed production of additional Arrow missiles.

Likewise, I am encouraged by the $15 million allocated to purchase commercial space systems. The high-level DOD commissions, the Space Commission, the NRO Commission, and the NIMA Commission, all stated that DOD needs to better utilize commercial imagery. The NIMA Commission suggested that a new OSD account should be established with an initial budget of $350 million for the first year. The Space Commission stated that the “U.S. Government could satisfy a substantial portion of its national security-related imagery requirements by purchasing services from the U.S. commercial imagery industry.” I am convinced that there is yet more untapped potential with commercial space imagery, and I believe this is a good first step.

This Defense Appropriations bill also provided funding for a number of developmental programs critical to space-based systems and technologies. The Network, Information, and Space Security Center will facilitate cooperation for protecting information and information systems, which is becoming increasingly important in the face of cyberterrorism threats from around the world. The Center for Geosciences Research is a national research center continuously improving weather forecasts for our military forces around the world. TechSat 21 will demonstrate the technical and operational feasibility of microsatellites—a truly transformational approach to space-based systems. And finally, the GPS Jammer Detection and Location System will enable our military commanders to rely on GPS and GPS-supported systems such without the threat of interference or jamming by the enemy.

While we find ourselves at the end of another legislative year, the Senate and our colleagues in the House have taken a solid step toward the transformation of the United States military. While much work remains to be completed in the coming years, it bodes well for our men and women in the armed services that Congress will continue to support them in the defense of our country.

Mr. FEINGOLD. Mr. President, I will vote against the conference report accompanying the fiscal year 2003 Department of Defense appropriations bill. I view the conference report as missed another opportunity to reorient the thinking, and spending, of the Pentagon.

I strongly support our men and women in uniform in the ongoing fight against global terrorism and in their other missions, both at home and abroad. I commend the members of the National Guard and Reserves and their families for the sacrifices they have made to protect our security and freedom. I also believe it is important for their families, active duty, National Guard, and Reserves, deserve our sincere thanks for their commitment to protect this country and to undertake this fight against terrorism in the wake of the horrific attacks of September 11, 2001.

And they deserve our support as they face the uncertainly surrounding possible military action against Iraq.

Each year that I have been a member of this body I have expressed my concern about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills. I am troubled that the Department of Defense does not receive the same scrutiny as other parts of our Federal budget. This time of national crisis underscores the need for the Congress and the Administration to take a hard look at the Pentagon’s budget to ensure that scarce taxpayer dollars are targeted to those programs that are necessary to defend our country in the post-Cold War world and to ensure that Armed Forces have the resources that they will need for the battles ahead.

There can be no dispute that Congress should provide the resources necessary to fight and win the battle against terrorism. There should also be no dispute that this ongoing campaign should not be used as an excuse to continue to drastically increase an already bloated defense budget.

The conference report on which we are about to vote accompanies what will be the largest defense appropriations bill that Congress has ever passed. It represents a $34.1 billion increase over the fiscal year 2002 level, in excess of supplemental defense spending that was appropriated in the wake of the September 11 attacks. It represents a $54.5 billion increase over the fiscal year 2001 funding level.

The United States spends more on defense than all of the other countries of the world combined.

Of course, a strong national defense is crucial to the peace and stability of
making sure the men and women who serve our country—from salaries to living conditions, you name it; it is just an important piece of legislation.

I also thank both of my colleagues for fighting in the conference committee to keep an amendment in that deals with the problem of domestic violence and sexual assault. We all agree that both Under Secretary Wolfowitz and Secretary Rumsfeld are well aware of some of the problems and are more than willing to put together the necessary task force and really take a long, hard look at this to make sure we do what we need to do. I thank them for that.

This amendment also says we really need, in our budget, to have a place where women can go with some confidentiality if, in fact, they are in a situation where they are being battered and there is nowhere to go for support. It is extremely important for these women. It is extremely important for these children extremely important for their families. I am glad this amendment is in. I know there was some discussion down at Fort Bragg about the amendment and it was very positive. So I thank my colleagues for supporting this.

I want to finally express my indignation, even though I believe in both these Senators, that this is one part of this political process that drives people in Minnesota nuts, drives people in country nuts, and drives me nuts. I brought an amendment to the floor. It was eminently reasonable. It said for those companies that go to Bermuda and renounce their citizenship so they do not pay their fair share of taxes—it was only prospective, it did not look back; it was for 1 year—they don’t get Government contracts.

If they want to renounce their citizenship and not pay their fair share of taxes, they are not going to get any government contract.

There is overwhelming support on the floor of the Senate. I have heard my colleague now. I will have been on the floor for almost 12 years. Why haven’t I learned my lesson and ask for a rollover vote? Maybe that wouldn’t have done any good, anyway. It seemed that there was strong support from some Senators who didn’t want to vote against it but who didn’t want to vote for it. But I thought, OK, the point is to get this passed.

This was taken out in the conference committee. With all due respect, my understanding is the House conference would not budge. They would not budge.

I want to just say to the House Republican leadership and to the conference, you are not going to be able to get the 218 votes to win on these kinds of votes. People in Minnesota and in the United States of America are outraged that these companies go to Bermuda and renounce their citizenship and don’t pay their fair share of taxes.

You get into the conference committee, and it is the same old, same old, same old. Special interests do their lobbying and get the job done.
I understand that moving to the executive calendar is traditionally a prerogative of the Majority Leader. However, there has been an extraordinary and unprecedented violation of Senate rules and tradition in the manner in which Senator THURMOND's nomination was considered in the Judiciary Committee. I also believe that the manner in which Senator THURMOND was led on regarding Judge Shedd's nomination constituted a slight of Senator THURMOND during the final days of his long and distinguished Senate career. I remind Senators that we depend very heavily around here on comity and trust to do the vast majority of our business on behalf of the American people. When that trust is violated or misused it is hard to conduct business as usual.

Mr. President, Dennis Shedd's nomination was finally put on the Judiciary Committee's agenda, and it was held over to the next mark-up—which as it turned out was last Tuesday, October 8th. It is also my understanding that the normal practice is that Chairman LEAHY could concentrate on passing the Department of Justice (DOJ) Re-autorization Conference Report to the Senate on Tuesday, October 22nd, and then bring up Judge Shedd for a vote. However, breeches in decorum regarding Senator THURMOND have been prevalent throughout the week.

In this instance, the October 8th mark-up was actually postponed from the previous Thursday, October 3rd, so that Chairman LEAHY could concentrate on passing the Department of Justice (DOJ) Re-autorization Conference Report to the Senate on Tuesday, October 8th. Unfortunately, there has been no assurance as well as the practices and traditions of the Committee were violated last week because Judge Dennis Shedd's nomination was pulled from the committee's agenda—preventing the Committee from reporting him out to the full Senate. However, breeches in decorum regarding Senator THURMOND and Senator LEAHY that Judge Shedd would be on the mark-up on October 8th.

Unfortunatly, there has been no assurance, as well as the practices and traditions of the Committee were violated last week because Judge Dennis Shedd's nomination was pulled from the committee's agenda—preventing the Committee from reporting him out to the full Senate. However, breeches in decorum regarding Senator THURMOND and Senator LEAHY that Judge Shedd would be on the mark-up on October 8th.

On July 31st, Chairman LEAHY publicly promised Senator THURMOND at a committee meeting that Judge Shedd would be voted on this year. When Shedd wasn’t on the August 1st mark-up, Senator LEAHY assured Senator THURMOND's Chief of Staff that Senator THURMOND would be held over to the next mark-up after the August recess. When Shedd was not on the agenda for the first mark-up after the Senate returned in September—which was Sept. 5th—Senator THURMOND then was assured that Dennis Shedd would be on the next mark-up on Sept. 19th.

While Shedd was actually put on that mark-up on Sept. 19th, he was held over to the next mark-up—which is the right of Senators in the Committee to do. And, then, as I said previously, contrary to tradition and practice, Shedd was kept off the agenda for the last mark-up of the year by Senator LEAHY.

Mr. President, there is no doubt about Judge Shedd’s qualifications. He has strong bipartisan support. One of his most ardent supporters is the distinguished Democrat Senator from South Carolina, Senator Hollings. The Honorable Senator Hollings—often cited by Senator LEAHY—gave Judge Shedd a “Well Qualified” rating, its highest rating. So, it is not Judge Shedd’s qualifications which are standing in the way.

I have been appointed by President George H.W. Bush to the United States District Court for South Carolina in 1990, and has now served as a federal jurist for more than a decade—following nearly twenty previous years of public service and legal practice. In addition to his service on the District Court, he has sat by designation on the Fourth Circuit Court of Appeals on several occasions. Judge Shedd also has served on the Judicial Conference Committee of the Judicial Branch and its Subcommittee on Judicial Service.

From 1978 through 1988, Judge Shedd served in a number of different capacities in the United States Senate, including Counsel to the President Pro Tempore and Chief Counsel and Staff Director for the Senate Judiciary Committee when Senator THURMOND was the Chairman.

Judge Shedd would bring unmatched experience to the Fourth Circuit. He has handled more than 4,000 civil cases since taking the bench, has heard more than 900 criminal matters. In fact, no judge currently sitting on the Fourth Circuit has as much federal trial experience as Judge Shedd. And not only has he served for more than two decades on the District Court for South Carolina, Senator Hollings. The Honorable Senator Hollings—often cited by Senator LEAHY—gave Judge Shedd a “Well Qualified” rating, its highest rating. So, it is not Judge Shedd’s qualifications which are standing in the way.

Mr. President, Dennis Shedd’s record demonstrates that he is a mainstream judge with a low reversal rate. In the more than 5,000 cases Judge Shedd has handled during his twelve years on the bench, his reversal rate is less than 40 times (less than one percent). So, it should be clear that Judge Shedd is the victim of a deliberate, calculated, attempt by outside groups to embarrass one of President Bush’s nominees and not any deficiency in his professional training or temperament.

But Judge Shedd is not the only victim here. This is also an affront to Senator THURMOND in his final days as a Senator. We owe it to Senator THURMOND to hold legislation and nominations over next week as it turned out was last Tuesday, October 8th. It is also my understanding that the normal practice is that Chairman LEAHY could concentrate on passing the Department of Justice (DOJ) Re-autorization Conference Report to the Senate on Tuesday, October 8th.

Mr. President, the rules of the Senate provide a motion to discharge a nomination. I want to do that. But I am under no illusion that I would be allowed to make that motion and have it succeed under any circumstances. That has been tried on the other side of the aisle when I was majority leader, and I know that it would be interpreted as a
partisan vote and that the majority leader would have to press his members not to allow that to happen. But I feel so strongly about the unfairness of the treatment of this nominee and the way it has reflected on Senator THURMOND that I am going to put on the record my objections.

The Senate must be in executive session in order to move to discharge a nomination. That would not happen. Having said that, we feel we must make another effort. Therefore, I ask unanimous consent that the Senate proceed to the session; that the nomination of Dennis Shedd, to be a Fourth Circuit judge, be discharged from the Judiciary Committee and placed on the calendar; further, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate; that following the vote the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

Finally, I ask unanimous consent that this action occur prior to the adjournment of the 107th Congress.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Mr. DASCHLE. Let me respond briefly. It has been the practice of the Senate, since we have been in the majority, to take up all nominations that have been reported out of the committee. This nomination has yet to be reported out of the committee. There have been a number of others who have sought recognition and have asked to be heard on the Shedd nomination, which is why the nomination was tabled.

I hasten to add that, on that very day—I don't recall the exact number—a significant number of judicial nominations were passed out. I believe the number was 17. So there are 17 additional judicial nominations, which brings us close now to 100 judicial confirmations, if we deal with those 17 pending now on the calendar. More than 80 have already passed and were confirmed, and we have 17 pending and could be confirmed before the end of the year. That is close to an all-time record. I think that is all the more laudatory, given the fact that we have not been in the majority for the entire 2-year period of time. During that first 6-month period of time, the Republicans failed to confirm one judicial nomination; they failed on all counts to confirm even one. So the Shedd nomination is being reviewed. There are others who wish to be heard, and I respect the decision made by the chairman, in particular, that this nominee be given additional consideration, and that others who want to be heard be given that opportunity as well.

I do object.

Mr. LOTT. Mr. President, will the Senator yield for a question and a suggestion?

Mr. DASCHLE. I will be happy to yield to the distinguished Republican leader.

Mr. LOTT. Mr. President, we are in session this week—today and I presume tomorrow. I guess there is a possibility we will be in session again next week. In view of the commitments that were made that this nominee would be considered by the committee, is there a chance there would be another executive session or markup session of the Judiciary Committee either tomorrow or next week to further consider this nomination, because at least 2 weeks will have transpired between the last time it was supposed to be considered and when the Senate would go out for the election, and possibly even after the election?

The majority leader will note my UC just asked consent that it occur before the adjournment of the 107th Congress. I did not say today or next week, although, obviously, I feel strongly it should be considered soon. Is there a possibility something could be worked out in this regard?

Mr. DASCHLE. Mr. President, there is always a possibility, and I will certainly work with the Republican leader on all the nominations. He and I have talked on numerous occasions about how we might accommodate all of these nominees on the calendar. We have not yet been able to address those.

I would like very much to clear the calendar, to do as much as possible to get those who have been reported out cleared and confirmed prior to the time we leave. Clearly, I would work with him and certainly with the Judiciary Committee. I cannot make any commitments this afternoon without consultation with the Chair. But I think the Senate is far more fair and more productive in its effort to move out of the committee the large number of nominations, both at the district and circuit levels. I will certainly consult with the distinguished Republican leader and the Chair in the coming days.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Nevada.

Mr. REID. The Senator is aware when the Republicans were in the majority, we tried on a number of occasions to get a significant number of judges to have hearings. For example, I can remember last week Senator BOXER spoke to me about judges in California who waited over 4 years to have a hearing. Mr. Shedd was at least given a hearing. As I say, people are continually coming before the committee and seeking additional opportunities to address the committee on the Shedd nomination. That is far more than what a number of the nominees were given over the course of the Clinton administration.

We are hoping to rectify that, which is why we have confirmed as many judges as we have to date. As I say, almost 100 judges will have been confirmed if we clear the Federal calendar prior to the time we adjourn sine die.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I believe I still have the floor. I was asking the Senator to yield. He was still, I guess, proceeding under his objection. I take my time back. I would like to put some other issues into the RECORD.

Mr. President, I do want to respond to the comments about the nominations that have been confirmed and those that are still pending. There have been 121 judicial nominations submitted by President Bush during the 107th Congress—32 U.S. circuit nominees; 98 district nominees, and one U.S. Court of International Trade judge. So far, 80 of the 131 nominees have been confirmed—14 U.S. circuit court judges and 66 district court judges. The key figure is that there are still 49 nominations pending before the Senate, without final action 49 nominations. There are still 31 nominations pending in committee. Of the 16 U.S. circuit court nominees, 15 have not been confirmed—15 are still in the committee, just one is on the floor, and that one is the nominee for the Sixth Circuit, Mr. John Rogers, who has been pending on the Executive Calendar since July.

I thought there had been an agreement that we would move that nomination before the August recess. Again, that circuit court nominee has been pending on the Senate floor since July—almost 4 months ago. And there are 15 other circuit nominees in committee, some of whom have been waiting over 500 days without even a hearing.

As to district court nominees, there are still 15 of them in committee as well, and the 17 that are on the floor for consideration were just reported last week. I hope we will at least confirm those nominations before we leave, although on many occasions, we have been unable to move even district judges. I wonder if that means we are going to have to have 12, 14, 16, 17 recorded votes in the Senate on district judges to get them confirmed before we adjourn for the year. And, of course, the Supreme Court position is still pending in Committee and has been since December of last year.

The key point is the alarming number of vacancies on the federal courts—77, which is almost 10 percent of federal judgeships. I understand from the Judicial Council and from the Chief Justice, that over 30 of these nominations are for seats that are considered emergency vacancies that need to be filled.
We can always talk about percentages and numbers, Mr. President. For example, so far only 43 percent of this President’s circuit nominations in his first 2 years have been confirmed. President Clinton got over 86 percent of his circuits confirmed in his first 2 years in office, the first President Bush got 96 percent and President Reagan got 95 percent. Only 43 percent of circuit court judge nominations have been confirmed in this Congress compared to almost 90 percent for other Presidents over the past 20 years. That is a problem.

I know there have been disagreements in the past about nominations when I was majority leader, but we did move large blocks of nominations. We had some approved that were very controversial and others were not moved in the final analysis.

The problem with this particular nomination is not only the exceptional qualifications of the nominee and his history as a former judiciary committee staffer, but more importantly, the way Senator THURMOND has been treated in the process. Judge Shedd is eminently qualified for the job as a former staff director of the Judiciary Committee. And he has been a sitting Federal district judge for over a decade, confirmed by the Senate, probably unanimously. Nevertheless, after Senator THURMOND was given the word that he would have this nomination voted on before the year was out, this nomination was pulled from the calendar of the committee’s last markup.

Mr. President, that is simply a tragic conclusion to an almost five-decade career in the Senate. It is also in my view a violation of the unwritten rules of civility about which we all talk and aspire to in the Senate. That is why I will make a continued effort to find a way for this nominee to be considered by the committee and confirmed by the Senate in this Congress before Senator THURMOND retires. Senator THURMOND, Judge Shedd, and the American people deserve better. Senator THURMOND as an icon of his generation in his judicial days deserves better. And the honor and traditions of the U.S. Senate deserve better.

I yield the floor.

EXHIBIT 1

SHEED’S BACKGROUND

Appointed by President George H.W. Bush to the United States District Court for South Carolina in 1990, Dennis W. Shedd has served as a federal judge for more than a decade following nearly twenty years of public service and legal practice.

In addition to his service on the District Court, he has sat by designation on the Fourth Circuit Court of Appeals on several occasions. Judge Shedd also has served on the Judicial Conference Committee of the Judicial Branch and its Subcommittee on Judicial Independence.

From 1978 through 1986, Judge Shedd served in a number of different capacities in the United States Senate, including Counsel to the President Pro Tempore and Chief Counsel and Staff Director for the Senate Judiciary Committee.

Judge Shedd is well-respected by members of the bench and bar in South Carolina. According to South Carolina plaintiff’s attorney Joseph Rice, “Shedd—who came to the bench with limited trial experience? has a good understanding of day-to-day problems that affect lawyers and litigants. He’s been a straight shooter.” [Legal Times, May 14, 2001.]

According to the Almanac of the Federal Judiciary, attorneys said that Judge Shedd has outstanding legal skills and an excellent judicial temperament. A few comments from South Carolina lawyers: “You are not going to find a better judge on the bench or one that works harder.” “He’s the best federal judge we’ve got.” “He’s the A All around.” “It’s a great experience trying cases before him.” “He’s polite.” Plaintiffs lawyers commended Shedd for being even-handed: “He has always been fair.” “I have no complaints about him. He’s not overly harsh.” [Almanac of the Federal Judiciary, Vol. 1, 1999.]

Judge Shedd would bring unmatched experience to the Fourth Circuit. He has handled more than 4,000 civil cases since taking the bench and over 900 criminal matters. In fact, no judge currently sitting on the Fourth Circuit has as much federal trial experience as Judge Shedd in his ten years of experience in the legislative branch.

Shedd’s record demonstrates that he is a mainstream judge with a low reversal rate. In the more than 5,000 cases Judge Shedd has handled during his twelve years on the bench, he has been reversed fewer than 40 times (less than one percent). Since taking his seat on the Fourth Circuit in 2001, Judge Roger Gregory (a Democrat appointed by President Bush) has written opinions affirming several of Judge Shedd’s rulings.

Mr. SANTORUM. Mr. President, will the Senator from Mississippi yield? Mr. DASCHLE. Mr. President, what is the regular order?

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the Senator from Maryland, Ms. MIKULSKI, is recognized for 5 minutes. The Senator from Maryland.

ATTACKS ON THE CAPITAL REGION

Ms. MIKULSKI. Mr. President, this past year has been a challenging time for residents of the capital region. First there was the September 11 attack on the Pentagon. Then there were the anthrax attacks, and now a serial sniper is terrorizing the national capital region, attacking innocent people going about their daily lives. These attacks affect each and every one of us.

Here in the capital region especially, there have been seven attacks in Montgomery County and in Prince George’s County in my own home State of Maryland. The sniper has also made three attacks in Northern Virginia. Our friends and our neighbors have been either injured or killed. Our schools are now locked down, our neighbors have been shot, nine people have died, two others are still fighting for their recovery, including a child who was shot as he walked into his school in the accompaniment of his aunt, a nurse.

These senseless and brutal murders have left grieving families and terrified our communities. I wish to express my sympathy for the families of the victims. I want them to know they are not alone; that I am on their side and at their side; and also that the resources of the Federal Government are at the disposal of local government and local law enforcement to catch this criminal.

We in Maryland are deeply grateful for the support of President Bush, who has pledged the support of every Federal agency to be at the disposal of local government and local law enforcement.

I thank the Attorney General, Mr. Ashcroft, and the FBI Director, Mr. Mueller, for their immediate response when these attacks on our civilians occurred.

This killer must be brought to justice. It is going to take persistence and patience. It is going to take great detective work, which is already underway. I want everyone to know that just like the manhunt is not going to go away, Federal support is not going to go away. We are determined not going to go away until this criminal is brought to justice.

So many of my colleagues have expressed their support. They have asked me how my constituents are doing. Well, let me tell everyone what I know about the Marylanders I so proudly represent. We Marylanders strongly believe when times get tough, the tough get going. We are unflinching in our determination to get through these attacks, to stand with each other, and to do all we can to support law enforcement to catch the criminal, to keep our businesses open, and also to make sure our children are safe.

We are particularly sensitive to these issues, but our grief and shock must be coupled with action. Congress must respond with deeds, not just words. This is why I believe one of our first actions should be to pass something called the BLAST Act. The BLAST Act deals with ballistic fingerprinting. It was introduced by our colleague, Senator Kyl. It would keep a database that includes the fingerprint of every bullet and shell to enable law enforcement to solve crimes by providing a scientific link between gun crimes and their owners.

Ballistic evidence has already helped us determine that these shootings were linked to the same killer. We now need the kind of legislation that just as we take fingerprints of criminals, we need to have the same type of fingerprinting on guns.

I know this is controversial, but let’s begin the debate. Let’s move this legislation through the committee. I know there are issues related to technology, there are issues regarding those who want to tamper with a gun in some way, but this is the United States of America. We have the genius in regard to technology. Let’s solve the problems by doing something to make ballistic fingerprinting available faster and more accurate. Let’s not solve it by doing nothing and saying there are too many problems.
My constituents want action. They want us to not only find the criminal, but they want us to prevent these types of deeds from being done again. So this is why I support the BLAST Act. I am a proud cosponsor and hope to vote for it in that manner.

Unfortunately, the sniper is not the only killer who attacked our region and the people living in it. One year ago today, a letter containing the deadly anthrax was opened in the Senate. Before that letter reached the Senate氯, it passed through the Brentwood postal facility, exposing workers to its deadly contents. On this anniversary, I want to express my deepest condolences to the families who suffered in these attacks, particularly the families of two postal workers who died from anthrax exposure, my two constituents, Joe Curseen, Jr., and Thomas Morris, Jr. Both of these men lived in Maryland. They were public servants. They were patriots. They died doing what they were hired to do.

I want them to know I will continue to stand sentry to make sure we will not forget them. America must not only remember the sacrifices they made and the pain felt by their families but the fact that every single postal worker continued to work, show up for duty, deliver the mail and was unflinching and unabashed in fulfilling their duty as postal workers.

I was proud to join with my colleagues in the House, Representatives Wexler and Conroy, in passing a bill to rename the Brentwood facility after Mr. Curseen and Mr. Morris, but I want to do more. The postal workers are scared. Little is known about the long-term effects of possible exposure to anthrax. Some are quite ill and continue to be ill. This is why I will be offering legislation calling on HHS to examine the effects of anthrax exposure on the long-term health of our postal workers.

I also want to thank every Senate employee who has faced with anthrax, continue to keep the doors of the Senate floor open. Thanks to our personal staff, our professional staff, to the pages, to the elevator operators, everybody, we survived that attack, and we survived it because we stuck together. God bless them, and God bless America.

THE PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. REID. Mr. President, what is the regular order?

COMMITTEE ON APPROPRIATIONS REPORTING THIRTEEN APPROPRIATIONS BILLS BY JULY 31, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 304, which the clerk will report.

The clerk proffered a printed report of the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I am pleased to begin debate on the extension of several critically important budget enforcement tools. I want to thank the majority leader, Senator DASCHLE, for bringing up this important matter and for finding the time for this legislation.

I know that floor time is scarce and there are many other important priorities for this Senate, but I believe this amendment, authored by myself, Senator DOMENICI, Senator GREGG, and Senator FEINGOLD, is one of the most important measures the Senate will vote upon this year.

As I have indicated, I am especially pleased to be joined in this amendment by the distinguished ranking member of the Budget Committee, Senator DOMENICI.

The amendment that we offer today represents a major step in preserving fiscal discipline in the Senate. The bipartisan amendment provides a 1-year extension requiring 60 votes in the Senate to waive certain Budget Act points of order. The extension would continue the 60-vote waiver of these points of order against legislation that would, among other things, decrease the Social Security surplus, increase spending, or cut taxes beyond levels specified in the most recent budget resolution.

A 1-year extension of the Senate pay-as-you-go rule that has been in effect since 1993 is also included. This Senate rule requires 60 votes to waive a point of order raised against direct spending or tax cut legislation that would increase the deficit, further tapping into the Social Security surplus. In addition, the resolution extends the pay-as-you-go rule to mandatory spending items added to appropriations bills.

If you pierce the veil, because that is a lot of amendment language that is important, the fundamentals of this amendment are very simple. This is a question of whether or not we are going to have the budget disciplines we have had in place for most of the last decade that proved to be so important to having fiscal discipline in the Congress. This amendment will help protect Social Security. As previously mentioned, it extends the Senate pay-go rule which limits current use of the Social Security surplus for tax cuts or mandatory spending. It will extend the requirement for 60 votes to waive a point of order against a reconciliation bill that would make changes in Social Security. It will extend the requirement for 60 votes to waive a point of order against a budget resolution that would reduce the Social Security surplus, and it will extend the requirement for 60 votes to waive a point of order against legislation that would reduce the Social Security surplus.

This amendment does not accomplish everything I would like to accomplish. Back in June, Senators DOMENICI and FEINGOLD and I offered an amendment to the Defense authorization bill that would have included all of the elements of this amendment but also would have gone further.

At that time, we recommended to our colleagues to set a limit of $768 billion on discretionary spending for fiscal year 2003 and a required 60 votes to waive a point of order against legislation that would exceed that limit. We strongly supported the statutory pay-as-you-go rules that would enforce that discretionary limit through sequestration. We also would have extended the statutory pay-as-you-go rules that require that increases in mandatory spending or tax cuts be paid for and that enforce requirement for sequestration.

Although we had bipartisan support for that amendment, we fell one vote short of the supermajority that was required. The President will recall on that day we had 59 votes to extend the current procedural rules, 59 votes for a spending cap. But 59 votes was not enough. The rules require that we have the supermajority of 60 votes; we fell 1 vote short.

Senator DOMENICI, the ranking member of the Budget Committee, and I, Senator STEVENS, the ranking member of the Appropriations Committee, stood with us on that vote. Senator MCCAIN, a prominent Republican Presidential candidate, stood with us on that vote. Again, we did not achieve the 60 votes necessary to have that measure passed.

I would still like to put in place a limit on discretionary spending and extend the more comprehensive package of enforcement tools on which we voted that day. Getting agreement between the House, Senate, and the White House on a discretionary spending limit is not possible right now. For now, we have to take this different approach, even though it is diminished. Because of the importance of extending Senate rules enforcing limits on mandatory spending and tax cuts, Senator DOMENICI and I agreed to proceed with this simple Senate resolution.

Let me be clear; this is not a budget resolution. There has been some discussion, and I know Senator DOMENICI expressed concern to me. He is right; this is not a budget resolution. This is a measure that extends budget enforcement procedures in the budget, extends the expiring requirements for 60 votes in the Senate to waive the point of order relating to mandatory spending and tax cuts. It is, unfortunately, silent on the level of discretionary spending for fiscal year 2003. Again, while this is not everything I want or everything that needs to be done to ensure fiscal discipline, I am convinced this is all that is possible today. It represents a very important step forward in the fight for fiscal discipline. I urge my colleagues to support this amendment. Let us demonstrate to the American people that the Senate has not abandoned budget discipline.
I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from North Dakota, Mr. Conrad, for himself, Mr. Domenici, Mr. Finken- gold, and Mr. Gregg, proposes an amendment numbered 4866.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out the portion of the proposed amendment numbered 4866 and insert the following: That the Senate encourage the Senate Committee on Appropriations to report to Senate unifying, fiscal responsibility, bipartisan appropriations bills to the Senate not later than July 31, 2002.:

SEC. 2. BUDGET ENFORCEMENT.

(a) Extension of Supermajority Enforcement.

(1) IN GENERAL.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 305 of the Balanced Budget Act of 1997 shall remain in effect for purposes of Senate enforcement through September 30, 2003.

(2) EXCEPTION.—Paragraph (1) shall not apply in the event of a budget enforcement vote on 302(d)(2)(B) of the Congressional Budget Act of 1974.

(b) PAY-AS-YOU-GO RULE IN THE SENATE.

(1) IN GENERAL.—For purposes of Senate enforcement, section 207 of H. Con. Res. 68 (106th Congress, 1st Session) shall be construed as follows:

(A) In subsection (b)(6), by inserting after "paragraph (5)(A)" the following: "except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that calendar year shall not be available";

(B) In subsection (g), by striking "2002" and inserting "2003".

(2) SCORECARD.—For purposes of enforcing section 207 of House Concurrent Resolution 68 (106th Congress), upon the adoption of this section or a similar provision of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(b) APPLICABILITY TO APPROPRIATIONS.—For purposes of enforcing this resolution, notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, during the consideration of any appropriations Act, provisions of an amendment other than an amendment reported by the Committee on Appropriations including routine and ongoing direct spending or receipts, a motion, or a conference report thereto (only to the extent that such provision was not committed to conference), that would have been estimated as changing direct spending or receipts under section 202 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 207 of H. Con. Res. 68 (106th Congress, 1st Session) as amended by this resolution.

Mr. CONRAD. At this point, I thank my colleagues who comprise the ranking member of the Senate Committee on Appropriations, who has provided leadership to this body on these issues for a very long time and is keenly committed to the budget process, and who is deeply committed, as well, to fiscal discipline.

I yield the floor.

The PRESIDING OFFICER. The President of the Senate from New Mexico.

Mr. LONNIE B. BENTENSOHN of New Mexico, President pro tempore of the Senate, proposes an amendment numbered 4866.

Perhaps people are wondering what we are doing. If you think back the last 8 or 9 months, a vote will come in the Senate, only in the Senate; a vote is going to occur, and someone stands up and makes a point of order to honor the Budget Act.

When you first do one of these, it is something big. I remember making one and you wonder what is going to happen. The staff told you how to do each little thing, and when it came time to vote, you wondered if you really did it. But it is a very heavily used situation in the Senate.

Members call up an amendment. It costs a lot of money either in program authority or outlays. The money is not found in the budget resolution that should have already been passed. Members get up and say: I am asking that this amendment be deemed invalid because it violates the Budget Act. Another Senator says: I move we waive this budget point of order under the Budget Act. Then Members state which part or provision to be waived.

What happens in that situation, from that point forward? If you call up that amendment, you need 60 votes. Many Americans, especially academicians, are wondering what happened to the Senate: Have we stopped being a body where the majority prevailed? Don’t we have majority rules anymore?

The Budget Act provides an opportunity within its language—and it is only a 25-year-old statute—that if you violate the Budget Act by introducing and calling up an amendment, or a bill, you can ask that it be deemed null and void, and the other side says: I want to try a waiver.

How effective has this been? We put this together with the first President Bush a number of years ago. We did not know it would be so effective. Let’s see how effective it has been.

Fifteen Budget Act points of order that would have reverted now to simple majority votes, in a budget point of order. The CONGRESSIONAL RECORD — SENATE October 16, 2002
Some will not like that. But we get both together because if you want one, you have to take the other. That is the way we have done the law. That is how we have lived under it.

My friend Senator Gramm, who had been the ardent apostle of this 60-vote margin in this approach, has his own version as to why he would like it not to happen for a while. He will offer his own amendment and we will debate again.

If he will not win unless, after we discuss it with him, it essentially is about the same resolution we talked about here, and it will take up expenditures and not taxes.

I understand he has a very legitimate concern. But I tell you, so do I. I have a big concern. We had 4 years of balanced budgets and that was great. The American people liked that, and the markets in America liked that, and the foreign investors liked that, and we had very low interest rates, which were very good for Americans. I do not intend to carry on a debate, unless somebody cares to, as to who caused it. Many factors caused it. But we are now back into an unbalanced situation.

If we had had these provisions in which we had surplus and we would not vote for new expenditures, or to cut taxes unless we had paid for them, or unless they were in the budget resolution, then why wouldn’t we have it now when we have this huge deficit? Unless we are providing for something absolutely important—such as war or the continuation of a recession that lasted a long time—in those cases, obviously the Senate would say the 60 votes are not so hard to make; let’s vote and get it done so we can spend the extra money.

We know of no better way to maintain our system—which should have been 51 votes, majority vote—no way of putting it in a mode where it can take care of excessive spending by coralling excessive spending and the extra tax cuts with a resolution that says we choose, ourselves, to restrain spending by enacting a law, in effect, that restrains us. It puts a little collar around us and tightens us.

I have some additional remarks that go into a little more history, but I have a hunch we will talk more at some point. When I first started talking about this, I went to talk to Senators on that side of the aisle. I invite the presence of one of the Senators, who asked me then: If you do this, please put me on. We did add the Senator as we said we would. I assume the Senator still agrees we ought to have the 60-vote majority requirement.

Mr. Reid: If the Senator will yield, I know the Senator from Wisconsin has wanted to speak for some time.

I speak for the entire Senate when I say how much I appreciate the leadership of Senators Conrad and Domenici. I think you agree, Senator Domenici has said, we could have a long, drawn-out debate on why we are in this economic situation. The two managers of this bill have decided to go the path less traveled in recent months and talk about what is really the best thing for the country. There is no question the best thing for the country is to have fiscal constraints that are not mandatory unless we pass this legislation. I hope we can unite to resolve this issue. It is so important for us and the future of this country.

Again, I compliment and applaud the two managers of this bill for working together in a bipartisan fashion to allow us to get to the end of the road, where we need to get on this issue.

Mr. Domenici. Mr. President, I want to ask the Senator from Wisconsin if he is going to join us.

Mr. Feingold. I support it.

Mr. Domenici. I am going to stop in a minute and let him speak. But I believe we need 60 votes at some point on this resolution. I hope Senators will understand we have drawn it in the fairest way possible. If somebody that is contrary to the arguments I do not apply to the entitlements, then I am afraid half the Senate will vote against it because they would say: "It started with both; it is only for 1 year; let’s see how it works."

Even in better times, I think we ought to have it on the books rather than have nothing.

I will be back to talk to Senators again about it, once Senator Gramm has come to the floor. Maybe he can help us find some amendments that will make his concerns disappear, in which event this Senator will be helping him.

Parliamentary inquiry: Is there any parliamentary order with reference to when we might vote on this?

The PRESIDING OFFICER. Not at this time.

Mr. Domenici. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. Domenici. I ask the Senator to yield first to Mr. Feingold.

Mr. Feingold. I yield to the Senator from New Mexico.

Mr. Domenici. I ask unanimous consent that Senator Judd Gregg be shown as an original cosponsor.

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

Mr. Feingold. I ask the Chair to confirm that I am an original cosponsor of this as well.

The PRESIDING OFFICER. The Senator is confirmed.

Mr. Feingold. Mr. President, I rise to join the Chairman of the Budget Committee, Senator Conrad, the Ranking Republican Member, Senator Domenici, and the Senator from New Hampshire, Senator Gregg, in offering this amendment to extend the budget process.

Exercising the power of the purse is among Congress’s most important responsibilities. Justifiably, there has been much concern in the Nation about how Congress will exercise its responsibilities under the Constitution’s war powers, and certainly that is a grave and consequen-

tial responsibility. But we should recall that the way that the Congress ended the Vietnam war was through the exercise of the power of the purse, by constraining spending. The power of the purse is a momentous power.

Article I, section 9, of the Constitution reserves the power of the purse with Congress through the admonition that:

Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

Interpreting that power, our Founder James Madison wrote in the "Federalist Papers": They, in a word, hold the purse that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effective weapon which the Constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

That is what James Madison wrote in Federalist No. 58.

Congress exercises that power of the purse through its rules and through the Congressional Budget Act of 1974. The strength of Congress’s power of the purse depends on the orderly rules that the Congressional budget process provides.

Regrettably, those rules and that Congressional budget process largely expired at the beginning of this month. That is why it is so important that the Senate adopt this amendment to extend the budget process.

Our responsibilities under the Constitution would be enough of a reason to extend these rules. But added to that, and making the need for budget rules even more pressing, is the dire turn of affairs that our government’s finances have taken in this last year-and-a-half.

In January of last year, the Congressional Budget Office projected that, in the fiscal year just ended, fiscal year 2002, the Government would run a unified budget surplus of $313 billion. In its latest projections, however, CBO now estimates that we will run a unified budget deficit of $317 billion. This is a dramatic $600 billion—the disappearance of nearly half a trillion dollars—for that 1 year alone.

If, as the law requires, we do not count Social Security surpluses toward that total, then the picture is even more alarming. In January of last year, CBO projected that for fiscal year 2002, the government would run a surplus of $142 billion, without using Social Security surpluses. Now, CBO projects a deficit of $314 billion, not counting Social Security. If that projection holds, it will have been the third-largest on-budget deficit in our Nation’s history, rivaling those of the bad old days of 1991 and 1992, when the...
United States logged its record highest on-budget deficits. Instead of using those Social Security surpluses to prepare for the coming needs of that vital program, the Government has instead been using them to fund other Government programs.

And the baseline projections for the fiscal year just begun bring no respite. For the year that started at the beginning of this month, fiscal year 2003, CBO projects baseline deficits similar to those for the year just ended. For 2003, CBO projects a unified budget deficit of $145 billion, and a deficit of $315 billion, not counting Social Security.

And that is before taking into account the costs of a possible war with Iraq. The Wall Street Journal recently reported that American taxpayers may have to come up with between $100 billion and $200 billion more to wage a war in Iraq, according to President Bush's chief economic advisor. He said that we could have to add $100 to $200 billion to the non-Social Security deficit that CBO says will already be $315 billion this year. If those predictions prove true, yielding on-budget deficits of $415 to $515 billion, then the government would be running the largest on-budget deficits in our nation's history, by far.

Looking into the years to come, one can see little if any relief from the damaging fiscal outlook. CBO projects that under current policies, unified budget deficits will continue until 2006. And without counting Social Security, CBO projects that deficits will continue until 2011, when the sunset of the tax cut brings us back to on-budget surplus again, just barely. And it is among the most fervently-held articles of faith among many on the other side of the aisle that those tax cuts shall not be allowed to sunset.

Over the next 10 years, CBO projects a deficit of more than $1.5 trillion, without counting Social Security. And that is before taking into account a war with Iraq, before taking into account a prescription drug benefit that most Senators agree is needed to bring Medicare up to date, and before taking into account any of the many additional tax cuts that the President and many in the Senate would still like to enact.

It is sad to say that there is no way to look at these numbers without coming to this conclusion. The problem is in dire fiscal circumstances. I am concerned that many elected officials have not yet come to realize how grave those circumstances are.

We must not forget why sound fiscal policy is important. We must stop running deficits because they cause the government to use the surpluses of the Social Security Trust Fund for other government purposes, rather than to pay down the debt and help our nation prepare for the retirement of the Baby Boom generation.

We must stop running deficits because every dollar that we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes or fewer government benefits in the future. When we in this generation choose to spend on current consumption and to accumulate debt for our children's generation to pay, we do nothing less than rob our children of their own choices which they deserve the opportunity make. We make our choices to spend on our wants, but we saddle them with debts that they must pay from their tax dollars and the sweat of their efforts. That is not right.

That is why Senator GREGG and I offered an amendment in the Budget Committee markup of the budget resolution to extend budget rules and set appropriations caps for 5 years. That is why I joined with our distinguished and very able chairman, Chairman CONRAD, on June 20 in yet another attempt to extend the budget rules and set appropriations caps for 2 years. Fifty-nine Senators voted for extending the budget process on that day, just one short of the number we need to adopt such a measure.

That is why I am joining with my colleagues the Chairman and Ranking Republican Member of the Budget Committee and Senator GREGG to offer this amendment to extend the budget process today.

Yes, I would prefer to strengthen the budget process. I would prefer to do more.

But this is the bare minimum that we should do. The Conrad-Domenici-Feingold-Gregg amendment would provide some minimal restraint on entitlement spending and tax cuts. And we can do no less.

The Senate must preserve its vital role in exercising the power of the purse that the Constitution vests in Congress.

We must stop using Social Security surpluses to fund other government programs. We must stop piling up debt for our children to pay off. We must adopt this amendment and extend the budget process.

I again want to thank the chairman for his leadership and the opportunity to work with him on this issue. I urge my colleagues to support the amendment.

I yield the floor.

Mr. CONRAD. Mr. President, I thank the Senator from Wisconsin. Mr. Feingold, for his strong support of this amendment. I also want to thank him for his contribution on the Budget Committee. He has been a disciplined voice for fiscal responsibility. He has been a leader in trying to bring to the attention of the American people how dramatically the budget circumstance of the Federal Government has changed. I thank Senator FEINGOLD for reminding our colleagues of where we were a year ago, where we are now, and where we are headed.

It is critically important that our colleagues, the others on the other side of the Capitol in the other body, and the American people understand how dramatically our fiscal circumstances have changed.

A year ago, we told you to expect over the next 10 years nearly $6 trillion in surpluses. Now we know with the latest look from the Congressional Budget Office that the money is all gone. If we were just to put in place the President’s proposals for spending and revenue over the next decade, there wouldn't be $6 trillion of surpluses. There wouldn't be $4 trillion of deficits. There wouldn't be $2 trillion. There would be $400 billion of deficits. That is from $5.6 trillion, which we were told a year ago we would have in the surpluses over the next decade, to $400 billion of deficits. That is a $6 trillion swing in 1 year.

Now the question before this body is are we going to leave this place without the fiscal discipline that helped us get deficits under control before, in the mid-1990s, and the fiscal discipline that has led to the longest economic expansion in our history—after the 1980s when deficits were exploding, and we put in place a framework to get us back on track, a framework that worked, a framework that moved us from deficits to surpluses, that led to the longest economic expansion in our history, that led to the lowest inflation in 30 years, and the lowest unemployment in 30 years. Are we going to abandon all of that now?

That is the question before this body. Are we going to have the fiscal discipline that will be critically important to economic recovery? That is the question.

That is what this amendment is about. That is why it is important. That is why I thank Senator GREGG, Senator FEINGOLD, and Senator DOMENICI for cosponsoring this amendment. That is why I ask my colleagues to adopt it.

This is important. It is important not just for the notion of fiscal discipline, but it is important for the economy. When the markets see that we are serious about living within our means, we know that means good things for interest rates, and we know that means good things for the economic strength of America.

That is what this amendment is about. I know there are some who have a different view. I can’t think of any good thing that will come from doing away with the budget disciplines that have worked so effectively in this Chamber.

I yield the floor.

Mr. REID. Mr. President, I hope those of us who wish to speak on this matter now before the Senate will do so. It is 4 o'clock. We understand there are a number from each side who wish to speak. We hope that will occur.
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Others wish to speak on other issues. If they feel so inclined, I hope they will come and speak now. We would like to have as little down time as possible before we go out this evening. If there are no amendments or further debate, of course, we can move to third reading. I am told there may be some amendments, but I don’t think either leader wants us to wait around here doing nothing on this resolution.

If there are going to be amendments, I hope Members will come and offer them. If not, as I indicated, we can move to third reading at any time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant said that the bill clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, what is pending business?

The PRESIDING OFFICER. Amendment No. 4886 to S. Res. 304 is the pending bill.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

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

UNANIMOUS CONSENT REQUEST—S. 3018

Mr. BAUCUS. Mr. President, on October 1, Senator GRASSLEY and I introduced a bipartisan Medicare package, the Beneficiary Access to Care and Medicare Equity Act. Our bill would address a number of Medicare payment changes—primarily reductions—that went into effect at the start of the fiscal year. At the beginning of the fiscal year, Medicare payment reductions automatically went into effect in many areas. What were they? Cuts to home health services. Cuts to nursing homes. Cuts to payments relate to the most damaging cuts of all, for Medicare physician payments, is scheduled to take place beginning January 1, 2003. This is the second year in a row such physician payment cuts would occur. Mr. President, these cuts threaten access to care for tens of millions of seniors across America.

Sadly, since this bill was introduced, the Administration has indicated that preventing these cuts from going into effect is simply not a priority.

Tom Scully, the administrator of the Center for Medicare and Medicaid Services made this clear last Tuesday. He said:

‘‘It would be fine with the Bush administration if doctors do not pass Medicare provider payment legislation this year. If I had to guess right now—I guess there won’t be any give-back bill.’’

The White House Office of Management and Budget Director, Mitch Daniels, also said he thinks ‘‘the Federal Government cannot afford to pass a Medicare provider give-back bill.’’

Mr. President, the Administration says it cannot afford, after all the billions that have been spent elsewhere, to restore some of the cuts that have already gone into effect.

The chairman of the House Ways and Means Committee has been equally unenthusiastic about addressing these cuts.

The Administration and the chairman of the House Ways and Means Committee may believe this legislation is not, so far, of such concern. I do not agree. This bill is a priority. It is a priority for every senior who receives home health care. It is a priority for every senior who receives nursing home care. It is a priority for all Americans of all ages who depend on our teaching hospitals. And it is a priority to anyone who cares about ensuring our seniors receive access to physician services.

Again, a large cut goes into effect for physician services after January 1. Last January, physicians saw their payments cut by 5.4 percent. Already some doctors are talking about leaving Medicare. Why? Because they are concerned that Medicare payments may not be enough to allow them to pay for the costs of caring for seniors.

If this legislation I have introduced with Senator GRASSLEY does not pass, physician payments will be cut again by over 4 percent. This must be changed.

Our bill also is a priority for our children. Under current law, funds for the Children’s Health Insurance Program that have not yet been spent are scheduled to be returned to the Federal Treasury. I think this money should remain where it belongs—with the States, helping children. It is helping children who need health insurance benefits. We have about 9,500 Montana kids, and many more children in many other States, who are currently receiving coverage through CHIP. If our bill does not pass, America’s kids stand to lose as much as $2.3 billion.

This bill is also a priority for States. We have all heard about the budget problems threatening States in every corner of our Nation, about the possibility of deep cuts to important programs and services, such as Medicaid. Our bill will send an extra $5 billion in fiscal relief to the States to forestall these cuts.

This bill is a priority for rural America. From Montana to Maine, the Medicare payment system continues to discriminate against rural patients and rural providers. Our bill takes strong steps to address these regional inequities.

This bill is a priority. I cannot imagine the administration saying this is not a priority, given all the other areas where we spend dollars. Defense, homeland security, and other issues are vitally important. But our Nation’s health is also important, and we should invest in it accordingly.

I cannot believe this administration is saying it is not a priority to prevent these cuts from taking effect. I cannot believe that. Nevertheless, that is what they say. This legislation tries to address that situation so those cuts do not go into effect.

I said this bill is a priority. It is a priority for our senior priority for our children. It is a priority for our State governments and rural areas in our country, for anyone who cares about preserving access to quality care in America.

I said this, add, this is a bipartisan bill. Senator GRASSLEY and I have worked very hard on this legislation. Senator GRASSLEY is the ranking member of the Finance Committee. We worked together at every point to craft this bill. We sought input from our colleagues on both sides of the aisle. We met with our respective caucuses. We worked closely with members of the Finance Committee.

The chair of the Senate from Oklahoma objected to my unanimous consent request almost two weeks ago, he suggested this bill appeared out of nowhere on the Senate floor. That could not be further from the truth.

Senator GRAHILL also objected to this bill because we lack official CBO scoring. That issue has been cleared, as we received an official estimate of the bill on Friday. CBO estimates this bill would cost about $43.8 billion over 10 years. I guess it would cost about $133 billion. CBO said our guess is pretty close; it is $43.8 billion.

I believe that is the minimum investment we should make to address the priorities I mentioned. So today as the Medicare payment cuts go into their 16th day, and as many more cuts loom on the horizon in January, I will again ask unanimous consent to pass S. 3018.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3018, a bill to amend title 18 of the Social Security Act; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any amendment be printed in the Record.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma?

Mr. NICKLES. Mr. President, reserving the right to object, unfortunately this bill did not go through committee. I ask the Senator if he would modify his request to refer the bill to the Finance Committee to be reported out within 48 hours. Will he be willing to modify his request?

Mr. BAUCUS. I am sorry, I was distracted.

Mr. NICKLES. Correct me if I am wrong, but the Senator is trying to pass his bill which never had a markup in the Finance Committee. I happen to be a member of the Finance Committee. I would like to offer an amendment. I know Senator SOWE has an amendment she would like to offer. Senator Sessions and I have a amendment he would like to offer, or myself or someone else on the committee to offer on his behalf.
We would like other Members to have a chance to amend the bill. So will the Senator be willing to modify his request to request this bill be referred to the Finance Committee for 48 hours for a markup so all members on the Finance Committee could have the opportunity to have input on this particular bill?

Mr. BAUCUS. Mr. President, in responding to my good friend from Oklahoma, I have a couple points. First, as my good friend well knows, since he is a member of the committee, this issue in the Medicare provider bill has been discussed for many weeks. It was in the Finance Committee informally, with several discussions and meetings.

In order to prevent the belief that these Medicare cuts represent, I believe, and I think Senator GRASSLEY believes—we should check with him and make doubly certain—that we should pass this bill now. It makes more sense to pass will costs pass the bill than to go back and try to make it perfect in the view of some other Senators.

Second, there are very few days remaining in the session. There are very few days before the taxes will go into effect. So let’s pass this legislation. So let’s pass this legislation and make doubly certain—that we will have momentum to pass on the floor. It would deny the Senator from Oklahoma the chance to do more on Medicare.

Second, the Senator knows this because we have had four separate votes on the issues he is indirectly referring to. Any attempt to refer legislation back to a committee for the purpose of offering amendments is really a veto tactic. It is an indirect way of accomplishing the same objective by objecting. As the Senator well knows, the amendments he is thinking of will not pass the Finance Committee, can essentially do so by objecting or by offering amendments.

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The Senate tradition has always been—I did a little history on Medicare. Twenty-two of twenty-three significant Medicare changes passed the Finance Committee in a bipartisan fashion and passed the Senate usually with overwhelming numbers—not all the time but usually with overwhelming numbers. So I was saying let us refer it back to committee, let us have some amendments, let us have some votes, and maybe we can come up with a bipartisan package that will have momentum to pass on the floor.

I might remind my friend and colleague from Montana, my suggestion was that is the way we should do the prescription drug bill. We did not do that on prescription drugs, and we ended up with no bill. Seniors got zero, and I am afraid if we continue going down this path on the so-called Medicare adjustment give-back bill, they will end up getting zero. I would like for us to provide some assistance by passing something that could become law.

When I objected to this previously—I believe it was a week ago Friday, October 4—there was not a Congressional Budget Office scoring. The bill was just introduced, and I said: How much is it going to cost? The Senator, my friend and colleague from Montana, my suggestion was that is the way we should do the prescription drug bill. We did not do that on prescription drugs, and we ended up with no bill. Seniors got zero, and I am afraid if we continue going down this path on the so-called Medicare adjustment give-back bill, they will end up getting zero. I would like for us to provide some assistance by passing something that could become law.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

The coverage from Oklahoma.

Mr. NICKLES. Mr. President, I will repeat to my friend and colleague, the chairman of the Finance Committee, I will work with him to try to come up with a package that can pass this Congress this year. I want it to pass, and I want it to be signed into law. To come up with a package that the administration is opposed to means it will not become law.

Some of us want to alleviate some of the problems. This particular bill the Senator has asked to pass by unanimous consent, which means no Senator gets to offer any amendment, flies in the face of Senate tradition.

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that can pass both the House and the Senate and be signed by the President this year. Maybe that is this week, maybe it is next week, maybe it is the week after election, but I am willing to do that this year. I am willing to try to get all parties together so we can actually make campaign statements but we can change the law and have that law changed by a signature of the President. I think that is doable, but we are going to have to get all parties together, and to my knowledge that has not happened at this point.

I yield the floor.

Mr. HATCH. Mr. President, today I rise to join my colleagues on the Senate Finance Committee in cosponsoring S. 3018, the Beneficiary Access to Care and Medicare Equity Act of 2002. Although this bill does not include all that I would have wanted, and indeed includes some provisions with which I disagree, on balance, I believe it is necessary to pass such a bill this year to provide needed assistance to both Medicare providers and beneficiaries.

I would like to take this opportunity to express my strong support for provisions contained in S. 3018 which increase reimbursement rates for physicians, skilled nursing facilities and home health agencies. Physicians' Medicare reimbursements were reduced by approximately 5 percent in 2002. Unfortunately, the estimates used by the Centers for Medicare and Medicaid Services, CMS, when calculating the physician payment formula were erroneous in some cases, and, regrettably, physicians will continue to be subjected to large cuts in future years if Congress does not take appropriate action. This is simply not fair to physicians or their patients.

Doctors in Utah have been calling me about this issue since late last year and have explained to me over and over again that these reductions will have a lasting, negative impact on patient care. Some Utah physicians have told me that they will no longer accept Medicare patients or, even worse, are thinking about dropping out of the Medicare program all together. And what impact does that have on patients, especially those in rural areas? In my opinion, there is no question it could lead to reductions in the number of Medicare providers in rural areas.

And, for those who are left, it will be virtually impossible to spend quality time with patients.

Is this our goal? I do not think so. And I will be doing everything possible to increase reimbursement rates to physicians to help them continue to provide the best quality care that patients deserve.

Another important component of S. 3018 is the valuable assistance this bill provides to rural states, such as my home state of Utah. S. 3018 incorporates the give-back bill, which is included in the Medicare Payment Advisory Commission's, MedPAC, 2001 report on rural health care. This report found that beneficiaries living in rural areas encounter more obstacles when receiving health care than those who live in urban areas, primarily due to cost barriers. In addition, the MedPAC report stated that rural hospitals have had to make larger margins than urban hospitals throughout the 1990s. This gap has widened from less than a percentage point in 1992 to 10 percentage points in 1999. These statistics not only apply to inpatient care, but also to most Medicare services in rural regions of our country. In the end, the report states the obvious, current Medicare payment policy places rural communities at a distinct disadvantage and changes are necessary. S. 3018 takes steps toward addressing these important concerns and attempts to provide equity between rural and urban Medicare providers and patients.

In addition, it is important to me that Medicare for Skilled Nursing Facilities, SNFs, is included in S. 3018. I have heard from facilities across my State about the dire financial situation many SNFs are facing due to reduced Medicare spending in fiscal year 2003. SNFs care for our nation's most vulnerable beneficiaries and provide valuable medical assistance to these Medicare beneficiaries and their families. I have been working with both Finance Committee Chairman Senator MAX BAUCUS and Ranking Republican CHUCK GRASSLEY on this important matter. While I am pleased that the Senate Medicare provider give-back bill provides more money to SNFs than the House-passed bill, I believe that the funding level for SNFs should be even higher. I intend to continue to work with my House and Senate colleagues on improving the Medicare reimbursement rates for SNFs.

I also am pleased that S. 3018 includes provisions that will eliminate the competitive bidding program for home health payments. There is no question in my mind that home health services are among the most valuable Medicare providers. Home health agencies are providing compassionate, caring services which, quite simply, help keep beneficiaries out of more costly institutional settings. Home health agencies across my State have urged me to support the elimination of this cut. They have shown me how these potential cuts threaten home health providers in Utah to go out of business. Over my Senate career, I have been extremely supportive of home health services, and will continue my advocacy for this important program.

The preceding things having been said, one great concern that I have with S. 3018 is the impact that this legislation could have on small durable equipment manufacturers in Utah. The bill contains provisions on competitive bidding which my constituents believe could drive them out of business. On the one hand, I do recognize the need to ensure efficiency in spending for scarce Medicare dollars. On the other hand, though, I am deeply concerned about the effect this legislation could have on these companies. I am working with CMS officials and my Utah manufacturers to resolve concerns that have been raised about the competitive bidding program included in this bill and will do everything possible to protect small durable medical equipment companies in Utah and across the country. We also continue to look at Medicaid programs. There is no secret that the majority of States are running deficits in this program, expected to reach $58 billion during this fiscal year. Adding to the urgency is the fact that States have already used up two-thirds of their cash and their "rainy day" funds. According to a recent survey by the National Conference of State Legislatures, more than 40 States had instituted some kind of spending freeze or an across-the-board cut and 22 States have cut Medicaid funds.

Included in the Baucus-Grassley legislation is a provision that would direct some funds back to the States for their Medicaid programs. The legislation increases the Federal medical assistance percentage by 1.3 percent for 12 months. Additionally, it directs $1 billion in state fiscal relief grants for Fiscal Year 2003.

In a perfect world, this is not the approach I would have preferred, but I am also very concerned that this "emergency" approach I would have preferred we take to address the issue of fiscal relief for States. I have doubts about the advisability of using an entitlement program to address a shortfall in State funds. The precedent of linking an entitlement program to the economy is unsound policy, in my opinion. If we had adopted that policy years ago and were consistent in following it in good times as well as bad, FMAP rates would have been lowered in the 1990s when States were experiencing surpluses, resulting in the current FMAP rates being much lower than they are now. I am also very concerned that this "emergency" fund is temporary and permanent. Both the Federal Government and the States do not have the best record when it comes to cutting off a funding source we may have come to rely upon. However, I do recognize that States are being forced to cut back essential services to low and middle income individuals and families as a result of States' considerable budget deficits.

Additionally, this legislation includes a much-needed fix for the Children's Health Insurance Program, CHIP. Without this provision, some $2.3 billion of unspent CHIP funds are scheduled to revert back to the Treasury. It is critical that States are able to use these funds. Some States experienced significant challenges when implementing their CHIP programs. However, they are meeting that challenge and have "ramped up" considerably. They now are in a position to address these challenges. In these uncertain economic times, we should not deprive states of funding to help finance the social safety net.
I also believe the provision prohibiting States from using their CHIP monies to cover childless adults is wise policy. While I am extremely sympathetic to the needs of the uninsured, it is important to note that Senator Kennedy’s program, CHIP, has worked very hard to ensure the CHIP program was a way of helping the 10 million uninsured children in the country. As the title reflects, the bill was solely directed at “Children.” Indeed, it was not the health insurance program, HIP, nor the Adult Health Insurance Program, CHIP.

If we would like to help needy, uninsured adults, by all means, let’s look at the Child Health Insurance Program, AHIP, but the Children’s Health Insurance Program, CHIP, was not solely directed at “Children.” In fact, it was not the health insurance program, HIP, nor the Adult Health Insurance Program, CHIP.

As of October 1, skilled nursing homes and long-term care facilities experienced a cliff, or a sharp drop, in their Medicare reimbursement. As of October 1, skilled nursing homes face a 10-percent, or $1.7 billion, reduction in their payment rates for the current fiscal year, and a 19-percent cut in 2004 unless Congress acts to respond to it.

We can talk about numbers, this can all be done by computers, but colleagues know what it really is about. It is about the quality of care for people in our nursing homes. If the decision is made not to reverse these cuts for long-term care, the quality of care is going to be diminished for those folks who are in our nursing homes.

I suppose one of the saddest days of my life was when I took my father to a nursing home some months after my mother had been killed. I will never forget the moment we decided he had to go to a nursing home and then when I took him there. He did not want to go. The time he spent in that nursing home meant I spent a lot of time there, too, and I came to understand what long-term care was all about and what the quality of a senior citizen was about. I have deep admiration for the people who ran that nursing home. I do not know what my father would have done without the care he received in that facility.

In my State, right near the top in this country with respect to the number of nursing home beds per resident in the State are concerned. Yet, on October 1, at a time when nursing homes are already struggling and do not have the money they need, we find this cliff exists where they get a reduction in reimbursement—and a pretty substantial one at that.

Now we are nearing the last few days of this session and my colleague Mr. Baucus brings to the floor legislation that I think makes great sense. It is bipartisan. The chairman and the ranking member of the Finance Committee are sponsors of this legislation. They say we need to get this done, it is urgent, but we have people who stand up and say, I object.

There are a thousand reasons to object, but there is only one good reason to do what we need to do here to protect the quality of care for vulnerable seniors in nursing homes, and that is because it is our responsibility.

I have talked about nursing homes and how important they are. The same is true with hospitals. For hospitals in my State, and I suspect the States of Montana, Iowa, and many other States, the Finance Committee is going to determine whether we have hospitals that are available to people who need acute care, who need emergency care, in the future.

Now, we have the opportunity to do something to provide decent payment to these hospitals.

Under the 1997 Balanced Budget Act, everyone in this Chamber understands we cut too deeply. We understand that. The fact is, we have hospitals and nursing homes on the brink of going out of business or cutting back services. Rural hospitals, just about all of the hospitals in my State, are disadvantaged by lower reimbursement rates. In my State, and many others, rural and small urban hospitals receive a standard payment that is woefully inadequate. We have to fix that. When you take a look at the standardized payment for hospital payment, you realize the standardized payment is not standard at all. This legislation fixes that concern.

I know it is the eleventh hour. The fact is that Senator Baucus and Senator Grassley have a piece of legislation that everyone in this Chamber knows must be done. Yet we have people walking around as if to say this is not an urgent problem. Check yourself into a nursing home and tell me it is not an urgent problem.

We spend a lot of time in the Senate during the year on things not so serious. But there is a serious problem with Medicare reimbursement. We often treat the light too seriously and the serious too lightly. This is serious. We have a responsibility now to deal with this issue.

I hope the Senator from Montana will come to the floor every single day we are in session and make the same unanimous consent request until at some point we will not see people standing up to object. I hope he will come tomorrow and I hope next week. At some point we will see this Senate and the other body on the other side of this Capitol say: Yes, let’s do this. We will do it.

I did not mention physician reimbursement. I will mention that when I talk tomorrow about this subject.

I appreciate the leadership of the Senator from Montana and the leadership of Senator Grassley. This legislation is the right thing for right now. Not next year, not the year after, but right now. It will affect on the quality of care for the American people in hospitals and nursing homes across this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mrs. Snowe. Mr. President, I am deeply disheartened by what I am hearing today, the refusal to refer the Medicare provider give-back legislation to the Finance Committee for the deliberation and the consideration it deserves. Time and again this Senate has circumvented the traditional and conventional procedures to undermine the possibility of enacting a prescription drug benefit for our Nation’s seniors.

It is clear to me if my colleague from the other side of the aisle wish to achieve and accomplish a victory for our Nation’s seniors, they will work with me and others, including Senator from Oklahoma, those of us who worked on this legislation in the committee—who crafted a tripartisan package to provide comprehensive prescription drug
coverage for our Nation’s seniors. The Senator from Vermont, Senator JEFFORDS, Senator BREAUX from Louisiana, Senator GRASSLEY from Iowa, the ranking member of the committee, worked together. We could make it possible.

I am deeply disappointed by what I am hearing today. Again, it gets back to the all-or-nothing proposition. Some have said, we have already had votes on this issue. What does that have to do with what our Nation’s seniors who are denied the possibility of having a prescription drug benefit included in their Medicare package? That is who we should be talking about today. It is not an all-or-nothing proposition. We can do both. It is possible to do the Medicare provider give-back package the Senator from Montana is referring to.

It is also possible to do a prescription drug benefit for our Nation’s seniors and include it in one package. There is no reason to be in any other situation than including and considering these issues in tandem. That is the desire of the Senator from Oklahoma, Senator NICKLES. That is my desire. That is the desire of our Nation’s seniors. In fact, it is the desire of the largest organization that represent our Nation’s seniors, AARP.

I know the letter has already been printed in the RECORD, but I will read it. It is important to read.

The legislative session is drawing to a close with no Medicare drug coverage in sight. Once again, after years of waiting and with prescription benefits soaring, beneficiaries and their families find that they get no help from Congress. What they face instead is yet another round of provider “givebacks” that will raise their Part B premiums.

The provider pay hikes enacted in the Balanced Budget Refinement Act of 1999 (BBRA) and the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) are already costing beneficiaries $14 billion over ten years in higher Part B premiums. The over $60 billion givebacks package for 2007 that the Senate will pay for the Senate with a $9 billion cut to Medicare premiums continue to rise. And now, nine months to schedule markups in the Finance Committee. We had the ability over several weeks to do that, but we did not have a markup. That clearly is the deliberate decision of this Committee.

The same was true of the Medicare give-back. I and others in the committee, and Senator BREAUX, were planning to offer an amendment to the Medicare provider give-back more than a month ago. Senator JEFFORDS and I planned to have an amendment marked up for markup in the Finance Committee which is appropriate because that is the committee of jurisdiction. We intended to offer an amendment to that legislation. Then the markup was canceled. There were a variety of other markups that were scheduled in the Finance Committee over this last month on various issues.

Again, we were saying if we can have time to consider these other important pieces of legislation, clearly we should have the time to give consideration to the time to consider a prescription drug package.

Now, you might say, we had votes in July on this issue in the Senate. That is true. Did the Finance Committee have a markup, did we have a prescription drug bill? The answer is unequivocal no. I can’t state why. The Finance Committee, the committee of jurisdiction, did not have a markup on a bill I think virtually everybody in this Chamber believes to be one of our Nation’s top domestic priorities. Everyone would agree with that. So you might ask, why didn’t the committee have a markup, going through the conventional procedures, so that both sides have the chance to deliberate, to amend, debate, and vote upon a package? It is a very good question, a question to which I do not have an answer. Yet I have never had an answer. This is close to a $400 billion package that would provide prescription drug coverage to our Nation’s seniors. Yet we did not have a markup. That clearly undermined our ability to achieve a consensus on this legislation.

You could take the tax-cut legislation in the year 2001. No one knew what the end result of that bill would be when it came before the Finance Committee. We had the ability over several days to amend it, debate it, and vote upon the various issues the Members had with it. Ultimately we voted on a package. It came to the floor. We had more amendments. We had more than 50 amendments to the tax cut bill because we had the right and the prerogative to express our positions and our views of the States that we represent. During the natural course of the legislative procedure, we had the ability to express ourselves on that very important piece of legislation and then ultimately vote for its enactment.

The same was true when it came to this significant issue that affects most of our Nation’s seniors. So it became an either/or approach. What I am saying today is let’s take the Medicare provider give-back legislation and let’s have the opportunity to also consider an amendment—amendments to that legislation that would include a prescription drug package. I will make a unanimous consent request shortly on that amendment.

But I think we have the time, we have the ability to do both in this Chamber right now. The question is, Do we have the political will? Some Members say we have the political will, say we have voted on this issue. It is not about us. The last time I checked, Members of the Senate had health care coverage that included prescription drug coverage. It is about our Nation’s seniors, and it is making this institution work on behalf of the people we represent. Each of us have an individual and collective responsibility to make that happen.

It is a true failure on our part that we did not make this possible. We could have had a markup. The Senator from Vermont is here, Mr. JEFFORDS, and Senator BREAUX from Louisiana, Senator GRASSLEY and I worked—more than a year and a half ago to begin the process of shaping a comprehensive package that would include this significant benefit in the Medicare Program to avoid political collisions, to avoid the scenario that has now manifested itself in this institution on this particular issue.

We would prevent the denial and obstruction and circumvention of the conventional processes of this Senate—No. 1, because we did not have a markup in the Finance Committee; and, No. 2, it was an up-or-down vote in the Senate floor on two packages, no amendments. So we did not have the ability to work through our differences, work through the concerns that each of us might have in terms of how do we shape this most significant benefit for our Nation’s seniors, and it is making this cumbersome, that people deserve and desperately need. No one is denying that. So what is impossible about doing it right here and now? If we have had time over the last few months to schedule markups in the committee on various initiatives, including the Medicare provider give-back, then why don’t we have the time to also include, in conjunction with those bills, a prescription drug coverage?

How can we fulfill our commitment to our Nation’s seniors if we fail to do that in this session of this Congress? And to provide a provider give-back bill that I certainly support, but also one that raises Part B premiums? It raises Part B premiums. And that is not my estimate. That is the estimate of the Congressional Budget Office.

What we are saying is, recognizing the impact that will have on our Nation’s seniors and the costs to them directly, when you raise Part B premiums, you are obviously going to have to pay more of their out-of-pocket costs for their Medicare coverage. So why then are we not also considering a
prescription drug benefit to ease the impact of the cost to our Nation’s seniors, if they can even pay? Even if they can afford to pay out-of-pocket costs for their drugs. But most, as we know, are forced to choose between food and paying for their prescription drugs purchased for their seniors.

I believe we have a greater obligation. We have a greater obligation to build upon the support of both goals here today. I hope we will be able to do that. We should be able to do that. We think it is important that we do not have to end this session this way. If we had the ability to consider a $43 billion package that provides reimbursements to our rural hospitals and home health care, to medical providers—and they, too, will acknowledge how imperative this benefit is to our Nation’s seniors—they certainly would welcome the Senate’s action on both pieces of legislation in tandem.

The House of Representatives passed, months ago, both a prescription drug bill and a Medicare provider give-back. While some may have differences in this Chamber with what direction and what provisions they included in that package, they ultimately passed a package that includes both initiatives. I happen to believe that we have a greater obligation to do the same.

I don’t think we can use the rationale that we are here at this point in time and that we do not have the time any more. Let’s do this back to the committee. I regret the Senator from Montana objected to the request made by the Senator from Oklahoma to refer this back to the committee. We have the next couple of days. We are going to be here. We may be here next week. We have the ability to mark up this legislation, both the provider give-back and the prescription drug bill—we have the time—and then report it back to the floor so each of us have the opportunity again to debate and amend, if at all possible, on various issues, and have a final vote.

I think we should try to work together to advance a viable, comprehensive prescription drug plan that warrants strong bipartisan support. We developed a tripartisan package beginning more than a year and a half ago. We announced our principles a year ago that modernizes and reflects the text of S. 3018, the Beneficiary Access to Care and Medicare Equity Act of 2002, and S. 2, the 21st Century Medicare Act, be considered and agreed to, then to reconsider be laid upon the table, and the bill then be open to further amendment and debate.

The PRESIDING OFFICER. Is there objection?

Mr. RHODES. Mr. President, preserving the right to object. I say to my friend from Maine, the distinguished senior Senator, that maybe she protesteth too much.

The foundation of that compromise was going to be, in fact, the tripartisan package. In fact, we had one of the meetings that was chaired by the Senator from Montana that included more than 14 Senators, almost equally divided across the political aisle. We were really focusing on the several issues that really did represent the areas of disagreement. Somehow the meetings were canceled.

No explanation was given. This is all the more unfortunate and disappointing because I think we did have a consensus package exists today.

I hope we can agree today to do both. I am committed to doing that.

I know there are others here who are committed in this Senate to do what is in the best interest of our Nation’s seniors. The basis of a consensus package exists today.

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I happened to come across a poll not too long ago. It says when asked, Should senior Americans have the right to choose between different health care plans with different benefits just like Members of Congress and Federal employees? Of course 90 percent said, yes, they want to have that choice. They want to be able to choose in committee. I don’t object to that. They have a choice under the tripartisan prescription drug coverage. They would have a choice under the tripartisan package. They could choose the traditional Medicare Program, the new enhanced fee-for-service program, or the Balanced Medicare-Choice plan. Whatever the choice, the options they would choose, they would have the option of a prescription drug benefit. That is the way it should be.

We all know the Medicare Program was developed almost 40 years ago. It needs to be reformed and overhauled in a way that modernizes and reflects the kind of health care that seniors are getting today. But some say the traditional program works, and they should continue with it. If they want a new, enhanced fee-for-service that also includes prescription drug coverage, they should have that benefit. But the fact is they should have a choice.

We are told, “the next Congress.” I have been hearing that every Congress. As far as I can check, we have been talking about this for almost the last 4 years or more—the next Congress; the next year. It is here and now that we have an obligation to do it now.

AARP is right in saying that you can’t do one without the other—especially because it has the impact on increasing our Nation’s seniors’ Part B premiums. That, of course, has been underscored by the Congressional Budget Office as well—that it will raise the cost of Part B premiums as a result of this give-back bill. If we are going to do the give-back—and I wholeheartedly support that—then we also have a responsibility to provide this most critical coverage to our Nation’s seniors.

It would be a terrible oversight if we fail to do what is right. This action is warranted. Seniors cannot put off their illnesses, and we must not put off a solution.

I come to the floor to offer a proposal that we consider not only Senator Bal- cruis’ legislation and provide for his leg- islation but also the tripartisan pre- scriptive drug package. I made a commitment to our Nation’s seniors that I would protect their interests and do everything possible to pass the Medicare prescription drug benefit this year.

Now is the time to be giving that consideration. To say that we don’t have time is really failing our Nation’s seniors. We do have time because we are considering the Medi- care-provided give-back. We have time because a number of markups were scheduled before the Senate Finance Committee, and they were canceled. But there was obviously time that was included on the schedule for the mem- bers of the committees to consider other pieces of legislation for markup in committee. I don’t object to that.

But what I object to is denying our Na- tion’s seniors the ability to have a pre- scriptive drug benefit because we are denied the ability to give voice to that benefit and to express our will through the traditional procedures of the commit- tee and here on the floor of the Sen- ate.

I regret that the majority leader will not allow a vote and a vote on an amendment and consideration on both issues in tandem. We could do it in the morning and on the floor. That is certainly what I would prefer. But if not, we ought to be able to con- sider both these initiatives before the full Senate. We should let the process work the way it is designed because our Nation’s seniors deserve at least that.

UNANIMOUS CONSENT REQUEST
The fact is the prescription drug package that she talks about did not get a majority vote in the Senate. The one that received a majority vote of 51 Senators was the Gramm-Miller amendment prescription drug plan. That received a majority vote of the Senate.

I think her idea is a good idea—that we go ahead and adopt what the Senator from Montana, the chairman of the Finance Committee, has come to the floor twice today and talked about doing. We have the Medicare give-back—have that and have the prescription drug bill have a majority vote. Graham of Florida and Miller—51 votes.

That would let the will of the Senate work where the majority of the Senate determines what happens. The problem was we didn’t get 60 votes. We had 51 votes.

I also say my friend from Maine talks about protecting the interests of seniors. I know she wishes to protect the interests of seniors. I think the best way to do that is with the best prescription drug package that has surfaced in the Senate—the one that received the majority vote of the Senate. Let us pass that. That would protect the interests of seniors.

I would also say this: I say it with a smile on my face. To have the minority talk about us having enough time to do things is about as close to being ridiculous as anything I have heard. I have sat on this Medicare give-back for minute but hours, days—I have sat here for weeks while the minority has prevented us from doing anything. We can’t pass our appropriations bills because they won’t let us. We can’t pass homeland defense because they won’t let us. We can’t pass the conference report on terrorism insurance because they won’t let us. We can’t pass the prescription drug bill because they won’t let us. We can’t pass the generic drug bill because they won’t let us. I could go on and on.

So I say that we do not have enough time to do things. We are not having enough time to do things because the minority won’t let us.

So I object, unless my amendment is accepted.

I move to amend the unanimous consent request to accept the language——

The PRESIDING OFFICER. Objection is heard.

The Senator from Maine has the floor.

Ms. SNOWE. Thank you, Mr. President.

In response to what the majority whip mentioned, the fact is that we had the opportunity and the time. The motion that I offered with respect to the Medicare-provided give-back legislation and the prescription drug benefit is including further amendments and debate.

That is all we are asking, to have the opportunity and a separate package on the floor of the Senate that gives our Nation’s seniors the option of having a prescription drug benefit in the Medicare program. It is not a question of whether I protest too much. I can assure you, our Nation’s seniors will protest when they learn about the failure of this institution to pass any prescription drug benefit.

We were close to working out our difference on that, really did separate us on the two packages that were before the Senate back in July. It really came down to several different issues. We had ongoing negotiations, even including additional Members who had been working on this before, before we were reaching out. We were close to reaching an agreement, whether it was on the cost or the fallback, to ensure every senior had the option and the access to a prescription drug benefit that was designed in that program, regardless of where they lived in America, so no one would be denied.

We were close to reaching that consensus. But for some unexplainable reason, further negotiations were suspended because we couldn’t come to an agreement. We could have been at a point where we could have enacted a prescription drug benefit in the Medicare program.

When I asked for this unanimous consent, it was to also include the opportunity or the chance to amend and debate this legislation. We do have the time. If we have the time to bring up Medicare provider give-back legislation of more than $48 billion, then clearly we also have the time to consider a prescription drug bill. I would argue, we are even further along in this institution in examining all of the components and provisions and the issues surrounding the development of a comprehensive universal package. We are much further ahead because we did have debate on the two proposals on the floor, but we didn’t have the opportunity to amend our various packages. It was up or down, all or nothing, either or, take it or leave it, get the 60 votes or get nothing. We went through the conventional procedures of this institution.

I cite again the example of the tax-cut measure we ultimately adopted in the Senate back in May of 2001. It required several days. In that case, there were 50 amendments. But we expressed ourselves. We had the opportunity to offer amendments and then ultimately vote on a final package, yes or no. That is not the same opportunity that has been given this issue. No.

Our Nation deserves to know that. They also deserve to consider both of these initiatives in tandem. I have yet to hear a reasonable argument as to why we cannot do that, why we cannot include both of these initiatives in one package. When I went to what the House of Representatives did months ago. We should be able to do the same thing in the Senate, send the package to the conference, and work out the issues.

Believe me, there is great urgency to obviously resolve both of these initiatives to reach a final conclusion. I think there is genuine interest on both sides of the political aisle here in this institution and on the other side to work these issues out in the final and remaining days of this Congress. But to say it can’t be done, tell that to our Nation’s seniors.

Voting on an issue means nothing unless you produce results. Results means taking final action on a piece of legislation that is sent to the President of the United States. The President is eager to have legislation that can be signed into law to give this much-needed benefit to our senior citizens.

We can do it. I hope the Senate will recognize it is a very reasonable unanimous consent request. I hope they will reconsider their objection to this request.

Mr. REID. Would the Senator repeat herself? I was speaking to one of my staff.

Ms. SNOWE. I hope the Senator would reconsider his objection to my unanimous consent request because the motion really is asking to include both issues in one package in tandem and to be able to further amend and debate. I think it is a reasonable request, and it is one that should not be denied.

Mr. REID. Will the Senator allow me to respond?

Ms. SNOWE. I am glad to have the Senator respond.

Mr. REID. The Senator has asked if I would respond or reconsider. I have the greatest respect for the Senator from Maine. We have worked together on many issues. She is a fine legislator, but she is simply wrong.

It seems somewhat unusual to me that in the waning hours of this congressional session, suddenly we want to have a debate on Medicare give-backs and prescription drugs. We have fought the minority all year long on many issues. On the list, of course, is prescription drugs. That is the second one we have here. We were forced to pass something that is good, but certainly not what we wanted with the generic drug bill. It is buried in the dark hole of the Republican-led House of Representatives because they will not go to conference.

We have the Medicare give-backs, which is so important for the people of the State of Nevada and Maine and Vermont, West Virginia and Montana, any State in the Union, a very important piece of legislation. That is ready to move. We could pass that in a matter of minutes.

The prescription drug bill I referenced, the Graham-Miller legislation, had extended debate on the floor. We have heard enough about that. People understand the issue. It got a majority vote. We didn’t need anything amendable on an item on which we have, frankly, your side stall, stall, stall, as you have done all year long.

I have reconsidered. The only thing I would suggest is that the proposal of the Senator from Montana, the proposal of the Chairman of the Finance Committee, on Medicare give-backs and stick in that, if we have so
many on the other side who suddenly found religion and want to do something to help seniors with prescription drugs; that we pass, as a majority of the Senate has already said we should do, the Graham-Miller prescription drug bill.

Mr. PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Maine.

Ms. SNOWE. Mr. President, in response to the points made by the Senator from Nevada, obviously the minority does not design the floor schedule. That is the prerogative of the majority. The minority did not preclude the Finance Committee from marking up this legislation. We did not choose to postpone the consideration of a prescription drug package in the Finance Committee. The Senator from Nevada would acknowledge a markup in the Finance Committee was important and essential to achieving the consensus that is so critical in passing any significant piece of legislation.

In this instance, we are discussing a package that represents more than $400 billion over the next 10 years.

Mr. President, I think everybody would agree the Finance Committee should have had the opportunity to consider this initiative. I cannot think of the last time that creating a new benefit, a new package, or a new program that represents close to $400 billion over the next 10 years, has not had the benefit of a markup in the committee. You are the chairman and you want a fair--especially about enhancing the ability to create the consensus for the final passage of that legislation. So the process was circumvented, for whatever reason, I do not know.

But what I do know is what is possible today. I do know if we had the political will, we could resolve the few differences between the positions that were offered on the floor back in July that, regrettably, we didn’t have the opportunity to consider or further amend. It was, again, as I said, up or down, either/or, all or nothing. Well, you cannot achieve cooperation and consensus on a major package of this kind without working through the various issues.

So all I am asking is we have the opportunity to consider a prescription drug benefit in tandem with the Medicare provider give-back. If we have time to provide $43 billion in additional assistance to our providers in the Medicare program, I would wholeheartedly support that, but I also would support providing prescription drug coverage to our Nation’s seniors. How can we do one without the other? I have not heard an explanation I think would be acceptable to the senior citizens of this country.

We didn’t have time? Well, where have we been over the last 2 years? We didn’t have time, Mr. President? I don’t think that is acceptable. How does anybody go home and say to their constituents we didn’t have time—especially because that has been the rationale given for the last 4 years: we will put it on to the next Congress.

We are elected to do what is important here and now. That is our obligation. If we have to stay here day and night, through the weekend, what greater obligation do we have than to do what is important to the people we represent? This is an issue that has become a top priority to be one of our top domestic priorities, and we are saying we don’t have time. We don’t have time in the committee. We didn’t have time in the committee last July. We didn’t have time in the committee at any time. We didn’t have time.

When do we have time around here, Mr. President? When do we have time to do what is right in this institution? When do we have time? How do we do it?

We had a tripartisan group from the Senate Finance Committee begin to work on this issue a year ago—I would say in June, and we announced our principles a year ago July—to avoid this type of political showdown, to avoid this type of negotiation that seems to pervade this institution. Guess what. We are denied the ability to mark up this bill in the Senate Finance Committee.

Well, I might be protesting too much, but, this is not what the Nation’s seniors deserve better. I know they are protesting. Tell them we don’t have time. Explain to them why we didn’t have a markup in the committee that would have increased the likelihood of the passage of this legislation.

Now we are hearing we should have this Medicare provider give-back. I endorse that, but I don’t believe these are mutually exclusive items. I want to make that clear. These are not mutually exclusive items. Obviously, AARP agrees because of the letter they sent to the legislative leadership, the committee leadership, and the ranking member of the Finance Committee, that you should not do one without the other. I am speaking on behalf of the seniors I represent in my State of Maine. They deserve better.

I hope the Senator from Nevada will reconsider, so we have the ability here and now to consider the provider give-back benefit, and if the Senator indicates there is general unanimous agreement to provide that, then we can focus on the prescription drug benefit and on the few areas we have identified to be the issues in disagreement between the Senator from Nevada. So Senator GRAHAM and the tripartisan package offered by the Senator from Iowa, Senator BREAX from Louisiana, Senator JEFFFORDS from Vermont, and myself. We can do that. I hope I will hear that message today. Let’s begin here and now.

Mr. REID. Mr. President, I try to be very patient; sometimes I am and sometimes I am not. But I have to tell you the statement of my dear friend, the senior Senator from Maine, is really trying my patience. She has stated numerous times she likes the tripartisan piece of legislation. More power to her. The fact is, it could not get a majority vote in the Senate. We had a piece of legislation that got a majority, but she refuses to talk about that. She talks about committee, committee, committee. We recognize how the Senate works. The committee structure, I support. I have great respect for the committee. But there are times when the committees don’t have full hearings on pieces of legislation.

The minority should become consistent. Because, on the one hand, they are telling us if the committees work and they don’t like what the committee does, the matter should come to the floor anyway. Let’s see how that would work here. If something happens in the Senate Judiciary Committee and they make a determination and the minority doesn’t like what happens in the committee, then it should come to the floor anyway. It would seem to me if you are consistent, you have to recognize we have a situation where we have had the opportunity to have debate and place a bill over a period of many weeks on prescription drugs. The only one that got a major vote is the one I talked about—on two separate occasions—by Senators GRAHAM and MILLER. Let’s put that now. I think that is where we can make a fair deal. We are elected to do what is important here and now. That is our obligation.

I see the Senator from Michigan, who spent weeks of her time working on prescription drugs. We didn’t get a prescription drug bill because we could not get 60 votes. But we had a major agreement to provide that, then we can start this one in the committee. When it comes to the floor, we want to have a perfect bill but a good one—that would lower the cost of drugs in America, not only for seniors but for everybody. It allows reimportation from Canada.

Where is that bill? It’s buried over in the dark hole of the conferences of the Republican-led House of Representatives. They won’t even let us do that. Here we have somebody telling us we have lots of time. Let’s do another prescription drug bill that doesn’t start this one in the committee. When it comes to the floor, we want to have a lot of amendments, or a few amendments.

We know that is a prime-time word for the big stall. That is all this is. I have great respect for the AARP. It is a great organization, but they don’t run the Senate or this country. There are many people in the State of Nevada, and all over the country, who have convalescent centers going broke who badly need this. I am going to take my a generic drug bill. I will take my a perfect bill but a good one—that would lower the cost of drugs in America—rural America and urban America—people who badly need this. I am going to have convalescent centers going broke in Nevada, filling bankruptcy.

Is that what we want? We had a convalescent center in rural Nevada. They had all kinds of problems. They did not know what to do with the people in the
Mr. BAUCUS. Mr. President, I am thankful the Senator from Maine is still on the floor. I wish to respond to a couple points she made.

I do not know that there is anybody in the Senate who wants to get a prescription drug benefit for seniors more than the Senator from Maine. Believe me, I understand that. I have been at many meetings with the senior Senator from Maine where she has made that very clear.

There is also no one on the floor who wants to pass a prescription drug bill more than the senior Senator from Montana. The same is true of the Senator from Michigan, the Senator from Nebraska, and the Senator from West Virginia, as well as the current occupant of the chair, the Senator from Wisconsin. We all want to get a prescription drug benefit passed.

On the one hand, there is the so-called tripartisan bill, the legislation that is essentially the Medicare model. Reducing it to its basic simplicity, that is the argument.

The Senator says she wants a prescription drug benefit passed, but she slyly indicates she wants hers. Her offer is that we will take a tripartisan approach. I could not agree more with the Senator from Maine. Nobody on this side of the aisle wants to try to slow down and prevent the Medicare give-back bill from passing. If she wants doctors to continue to withdraw from Medicare, that is her choice, when she comes up with a compromise so we can reach a solution and pass a bill that does give benefits to our seniors. To be frank, I have not heard the Senator from Maine come forth to me or any other Senator to say that she is going to try to pass a bill that does not give benefits to seniors.

But while we all want to pass a benefit, we also want to make sure it is done right. If we are going to pass legislation on the order of $400 billion over 10 years, we have to make sure it is done right and that it works for seniors. It does not make sense just to pass a bill. It makes sense to pass a bill that works.

I could not agree more with the Senator from Maine. It is hard to say in all candor, at this late moment, coming up to the Chamber without first suggesting an honest-to-goodness compromise sounds as if this is obfuscation. On the surface, it sounds good. Let's pass a prescription drug benefit. I know she means well, but there are others on her side of the aisle for whom this is an obfuscation, a desire not to get an underlying give-back bill passed.

The reason the Medicare give-back bill is here is because there is agreement. There is agreement on almost all of the provisions: an agreement that we should not allow the home health cut to go into effect; agreement on what the restoration for physicians should be; agreement on hospital payments, the so-called standardized amount. There is agreement.

But there is not agreement on how to provide prescription drug benefits, and the Senator from Maine well knows that. Her argument is: Let's just try; let's try it. Sometimes we have to tell it like it is. The fact is, both sides are so stuck in their ways that I have made the judgment that it is nearly impossible in the remaining days to reach agreement because we are in such a political season.

The Senator from Maine wants to continue to try to slow down and prevent the Medicare give-back bill from passing. If the Senator from Maine wants to continue to try to slow down and prevent the Medicare give-back bill from passing, that is her choice. The Senator from Maine wants to continue to try to slow down and prevent the Medicare give-back bill from passing. If she wants doctors to continue to withdraw from Medicare, that is her choice, when she comes up with a compromise so we can reach a solution and pass a bill that does give benefits to our seniors. To be honest, she has not suggested anything except the tripartisan insurance company model. And that plan did not even get a majority vote in the Senate. The approach by Senator Graham received a majority of votes in the Senate.

Mr. President, if we don’t pass this bill to restore Medicare payments, we will be considered all those who may get less care in nursing homes, and seniors who may get less care because doctors will no longer provide Medicare services to patients.

My good friend from Maine points out that the Medicare payment bill will increase costs to seniors. She does not tell us that of the increased cost to seniors 90 percent is caused by a restoration of payments to physicians. This restoration is needed to ensure that physicians will still provide care to seniors.

If the Senator from Maine wants to continue to withdraw from Medicare, that is her choice, when she comes up with a compromise so we can reach a solution and pass a bill that does give benefits to our seniors. To be honest, she has not suggested anything except the tripartisan insurance company model. And that plan did not even get a majority vote in the Senate. The approach by Senator Graham received a majority of votes in the Senate.

October 16, 2002
CONGRESSIONAL RECORD—SENATE
I am sympathetic to the underlying concerns expressed by the sponsors of this provision, especially as they relate to coverage of childless adults under the CHIP program. CHIP was designed to address the needs of children of working parents who made too much money to qualify for Medicaid, but, many times, could not afford private health insurance. I believe that the integrity of the CHIP program must be maintained. For this reason, I have even heard that some wanted to expand CHIP to cover pregnant women because I believe funding should be devoted to providing coverage to uninsured children, preserving the original intent of this legislation. It should come as no surprise to my colleagues that I oppose expanding CHIP under a waiver to cover childless adults.

However, there are those who do not share my views on this issue and I believe that they should be heard. There are those who believe that CHIP enrollment would grow as it coupled with health cause parents are not covered by the program. They believe that one way to capture children under CHIP is to offer family coverage. I do not agree with that approach, but I do believe that there is a need on the States.

Before Congress adopts provisions which could limit both the Federal and State governments’ ability to adopt innovative approaches to address the problem of the uninsured, we ought to have a thorough and comprehensive debate. The Senate Finance Committee should hold hearings on these important waiver issues prior to enacting legislation which could be detrimental to State flexibility and innovation. I strongly object to including a provision which is opposed by the Secretary of Health and Human Services and the National Governors Association in an attractive package of Medicare reimbursements and fiscal relief for the states. The affected States and NGA have concerns with this provision because it limits a State’s flexibility to provide expanded health coverage tailored to the specific needs of its residents.

I believe that, as drafted, Section 706 would deter a state’s attempt to provide health insurance coverage to those who are currently uninsured. Additionally, it is my view that Section 706 would not improve the waiver process, but would actually function as a disincentive to undertake an open dialogue with stakeholders as they go through the process of securing a Medicaid or CHIP waiver.

Section 706 would require that 60 days prior to the date that a state submits a waiver or amendment application to the Secretary, the state must publish, for written comment, a notice of the proposed waiver that contains at least the following: projections regarding the likely effect and impact of the proposed waiver on any provider or suppliers of items or services for which payment may be made under the Medicaid or CHIP program. It would seem to me, that we are putting the cart before the horse here. Isn’t it too simplistic to require a public comment period to determine the effects and impacts on individuals and providers? Aren’t we setting the States up to be criticized for coming to pre-determined conclusions about the effects of a proposal by requiring them to effectively develop these conclusions before the public has had a chance to weigh in on the matter?

Section 706 goes on to require that the State must have one meeting with the state’s medical care advisory committee and two public hearings on the waiver. I am somewhat confused by these provisions. It seems to me that rather than encouraging an open and comprehensive dialogue in the state over a proposed waiver, Section 706, if it were worded in such a way, would truncate the process, effectively limiting input from the very individuals and groups which would be affected by the waiver. In short, to comply with Section 706, a State could conclude what the effects of a waiver would be prior to public comment, hold two perfunctory public hearings and be done.

Officials in my State of Utah, in developing their waiver, did not need the Federal Government to come in and tell them how to go about to stakeholders on this issue. I am informed that the State held meetings for 10 months prior to getting approval for their waiver with low-income advocates, providers, insurance companies, employers and state legislators. The state held a series of work conferences and community meetings on issues associated with Utah’s waiver. The State had several legislative task force meetings which were open to the public as well as several public hearings held open to the public. Officials from my State who were overseeing the waiver process attended monthly meeting of advocate groups and met repeatedly with their medical care advisory committee.

Now, it might be that other States contemplating a waiver might not need such a comprehensive public outreach effort. Other states could determine they should emulate such an approach. Is it really the role of the Federal Government to tell the States what they should do with this process? Section 706 would also require states to file copious records documenting detailed descriptions of the public notice and input process; copies of all notices, dates of meetings and hearings; a summary of the public comments; and any certification that the state complied with any applicable notification requirements with respect to Indian tribes.

If we are looking for ways to encourage unwilling states to reach out to the public for input, one of the least effective ways to do so, in my opinion, is to require States to jump through a bunch of bureaucratic hoops. This will not foster open debate nor will it encourage the states to try and draw a buy-in from stakeholders. Instead, in my opinion, it will create an atmosphere where the State will do the bare minimum in order to meet the requirements of the law. Rather than finding a way to promote outreach efforts and a free-flowing exchange of ideas. In fact, I believe that if enacted, Section 706 will stifle such an approach.

In considering the role of HHS related to the waiver process, I am informed that HHS Secretary Tommy Thompson has written in opposition to Section 706. I share the Secretary’s concerns that, as drafted, this section would leave HHS vulnerable to costly and burdensome lawsuits. I agree with Secretary Thompson that State and Federal resources should be spent addressing the issue of the uninsured and should not be, instead, to fending off legal challenges from every national advocacy group who did not exactly what they wanted.

Finally, one of the facts that gets overlooked in these waiver discussions is that we have 41 million uninsured Americans and states are trying to provide coverage for them. In the bottom line, here, the states are trying to find ways to get some coverage to Americans who would otherwise have no coverage. Rather than looking for ways to inhibit the states from accomplishing this, we should be making it easier for them.

I look forward to working with my colleagues on the Finance Committee to accomplishing this important goal.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I find myself in total agreement with the Senator from Montana, sadly so but nevertheless very much so. But this situation strikes me as ironic. I support the Senator from Montana and what he is trying to do with the give-back. The Senator from Maine talked about resolving a few minor differences, and the Senator from Montana said they are not minor. They have to do with whether or not a State such as West Virginia, which this Senator represents, will have any prescription drug benefits at all because there are no insurance companies that have any intention of coming into the State of West Virginia and making these available.

I am not so sure that any would be willing to go to Maine. I do not think they would be willing to go to Montana. I do not think they would be willing to go to—well, I don’t know. They probably would be willing to go to Florida, probably Nevada a little bit, Michigan a little bit, but Nebraska not very much; Wisconsin, I do not know.

Basically, all rural States—and 81 percent of all counties in the United States of America—will be shut out by this prescription drug bill which the tripartite approach embraces. I hope the Presiding Officer
does not think for one moment the Senator from West Virginia is going to contemplate working out a compromise on the floor of the Senate, with only a few days left, when we have been filibustered on every single thing we have brought up, especially something as complicated as a difference between a pharmacy benefit manager and an insurance model.

There is a lot of educating that has to go on on the Senate floor that has taken place in the Finance Committee. There was a vote on the floor. The vote said one thing and the Senator from Maine says she wants something else.

I am extremely disappointed we are not at an unanimous consent that was sought to proceed to the Beneficiary Access to Care and Medicare Equity Act of 2002.

I have heard nonstop from those in my State concerning the effects of the declining Medicare reimbursement on access to critical care services. The reality is we will also be unable to enact a Medicare prescription drug benefit for this year. Why? Because of the huge ideological gap which I have just finished describing.

People can describe it as a minor difference. It is the Grand Canyon of difference, and it is the difference between whether people from populated, wealthy areas get a prescription drug benefit and everybody else does not.

If that is what one wants, fine; but that is not what the Senator from West Virginia wants, and it is not what my people want. It is not what the majority of people in this country want. Yes, they want something called a prescription drug benefit. But there is a question of saying how do they get it and who gets it? The mechanism is important.

I want a prescription drug benefit. I dare say the income of Medicare beneficiaries in the State of West Virginia is lower—about $10,800—than the Medicare beneficiaries in the State of Maine.

People spend $1,000, $3,000, to $5,000 out of their pockets on prescription drugs. Do I want a prescription drug benefit? You better believe I do, but I want one which will actually get to the people I represent and which are represented across America in rural States.

We do not have a choice of being able to say let's do both. We cannot finish that debate on this floor. We cannot reach this floor without the Senator from Maine, but there are many on the other side of the aisle who do not want to see that happen in some respects because they do not want to see the Graham-Miller bill pass because that would be a victory for the wrong people, or something like that.

However, one priority that cannot wait until next year is providing States with fiscal relief. That would include the State that the Presiding Officer is from.

On July 25, 75 members—talk about a consensus. The Senator from Maine, Ms. COLLINS; the Senator from Nebraska, Mr. NELSON; and this Senator put forward a compromise plan, and it got 75 votes. It got half the Senators on the other side of the aisle to vote to provide States with $9 billion in assistance. That has since been somewhat eroded.

Republican leader on the Finance Committee to get $5 billion, but that is still substantial relief—$4 billion in Medicaid and then $1 billion in Social Security's block grant. That is a lot of money.

Since we passed that amendment by an overwhelming vote, the situation in the States has, in fact, gotten much worse. The last time States faced a budget crisis this bad was in 1983. I happen to remember that because I was Governor of West Virginia and our unemployment rate was about 21 or 22 percent. One does not forget those things quickly.

At least 46 States struggled to close a combined budget gap of $7 billion in the past fiscal year. This year's gap is even wider. This year it is going to be a combined $58 billion deficit. Most States are required by law to balance their budgets, something we did up until a year ago. Then a variety of things happened, and it is no longer balanced. So they are being forced to slash their spending. The Governors do not want to, but they have to.

This year coming up, 18 States are planning to cut families from Medicaid coverage, and 15 States are eliminating important health care benefits. Twenty-nine States are cutting or freezing provider payment, further jeopardizing access to health care. As a result, thousands of Americans, at the least, will join the ranks of the uninsured and countless more will find access to needed benefits reduced or eliminated altogether.

In this tough fiscal climate, a new survey of Medicaid programs shows an increasing number of States are dropping certain groups of patients, curtailing some services, requiring poor people to help pay for their own care when they can, limiting access to expensive drugs and then cutting or freezing payments to hospitals, doctors, nursing homes, and other providers of care. Is that kind of important? You bet your bottom dollar it is. Fundamental access to health care.

In Massachusetts, the legislature had to stop covering about 50,000 unemployed adults. In California, children spent longer in foster care because of cuts in adoption services. In New Jersey, the working poor will lose access to State-funded health care. In Louisiana, there will not be future hospital beds available for low-income patients. The Kaiser Commission on Medicaid and the Uninsured, which nobody disputes, in a new study found that States have found it cheaper to tighten their eligibility rules in the coming fiscal year, compared with 8 States last year.

The most common strategy that States are using to cut costs is to limit their expenditures on prescription drugs by reducing pharmaceutical payments or making it more difficult for doctors and patients to select expensive but necessary medicines. Forty States saw Medicaid officials begin requiring patients who need the popular antidepressant drug Zoloft to get tablets that are twice as strong as they need and then break them in half.

I do not know if that makes a tragedy, but it sure is a lousy way to do business.

In a subtler strategy, some States are curtailing recent innovations that were designed to find more people who are eligible for public insurance and then make it easier for them to stay covered once enrolled. Delaware stopped a very good initiative which had been paid through an outside grant to provide Medicaid-eligible children's Health Insurance Program and to help clients fill out applications. They had to stop that because they had no money.

So the decision being made by Governors, legislators, and Medicaid administrators underscores the pressure that States are confronting in a weakened economy, which I dare say will stay weakened for some time. Their revenues are plunging. Increases in unemployment and poverty are prompting more people to sign up for government help. As a result, States are reversing the trend that lasted nearly a decade when they added money and changed rules so the public insurance programs could help more Americans who lack health coverage and pay for more kinds of care.

The fiscal crisis has a direct impact on the families in our States but it also has a direct impact on local economies. Medicaid is the largest purchaser of maternity care in the United States of America. It pays for half of all nursing home care which everybody faces at some point in their life.

Medicaid provides significant support for local hospitals and for nursing homes. Providers in some instances are struggling to stay in business, and in many instances have stopped. Eight out of 10 hospitals in West Virginia are losing money. How long can they continue in small rural counties? The bottom line is that means Medicaid plays a critical role in sustaining local economies as well as people's lives and health care. For every dollar a State cuts from Medicaid—and that is what is happening—it loses between $1 and $3 in Federal assistance. That is a large loss. That loss would have otherwise gone to hospitals, to home health services, nursing homes, and health clinics tied into our local economy.

For this reason, the legislation introduced last week in the Senate to increase payments to providers under Medicare, which we just failed to get unanimous consent on, also includes a
Mr. BAUCUS. It was my judgment after that meeting and checking with Senators on both sides of the aisle, that discussions were going backwards on prescription drugs. I basically made a decision that Senators were digging in so much that they were not going to agree.

Ms. SNOWE. I would like to pose a question to the Senator from Montana and to why we didn't have any additional meetings that were to bring instructions to the staff to work out language in the various areas? I didn't sense there was inability to reach a consensus. It might well have been, after we considered and pondered the legislation that language they were working on over the weekend. We didn't have the opportunity to talk about those issues.

Mr. BAUCUS. That is correct.

Ms. SNOWE. We had an opportunity to talk about the language the staff was instructed to draft in these three areas.

Mr. BAUCUS. I might ask the question—the reason is because I checked with Senators who were at that meeting and they said: No, sorry, I am not going to agree with that. They are going backwards. They were going in the other direction. They didn't want to meet. It is unfortunate, it is so unfortunate. To be candid, Senator, you are the last one standing on this issue wanting to find agreement. But it is clear there are not enough Senators in this body who also want agreement at this time. That is why I think we cannot let the Medicare provider legislation be held hostage to another bill which does have an agreement.

It is very unfortunate we could not get agreement. But it is partly because the Senate, as well as the House, is still a bit too partisan on all matters—not all matters, but most matters. Particularly on this issue, because it gets to a very fundamental question which this body and the other body will have to address, the whole country is going to have to address, and that is: What is the future of health care in this country? To what degree is it going to be privatized, to what degree not? That is a huge question. The prescription drug benefit debate is really the opening shot of that larger debate.

I wish that were not so. I wish we could pass the prescription drug benefit...
quickly this year, but it is the judgment of this Senator, and I think it is the judgment of virtually every other Senator in this body, that it is not going to happen now. I wish that were true.

Therefore, I think let discretion be the better part of valor and let this Medicare payment bill pass.

Ms. SNOWE. In response to what the Senator from Montana indicated, let me say this. Obviously I am not privy to all of the conversations, but we were sitting in those meetings in good faith, and I didn’t hear from anybody around that table—more than 14 Members—who resisted the idea we should not proceed, that we should not work out these areas, that it was impossible. Maybe in the final analysis, it might have been impossible, but that certainly was not the expression of the sentiment in that meeting during that course of time. The fact is quite the contrary. I think most of the Senators were equally divided between Republicans and Democrats, including Senator JEFFORDS from Vermont. There was an indication of strong interest to proceed to try to see if we could work through and resolve the identified areas in disagreement.

Those are the ones I mentioned previously.

So I didn’t hear any indication there was a “can’t do” attitude. In fact, just the contrary. They were suggesting we could proceed and instruct the staff to work over the weekend on those various areas.

Suffice it to say we didn’t have the process in the committee to work these through. Obviously, for whatever reasons, it did not work out as a result of those negotiations. But they were, I think, very close. I think we were very close.

I know if those individuals sitting around the table had agreed in these areas, we could have equally divided among the three areas I mentioned originally. That is where we were in these meetings that were scheduled by the Senator from Montana in his office.

Ultimately, there were not additional meetings, even though the staff had been instructed to draft language in the three areas I mentioned originally. The fact is, this failure is at whose expense? It is at our Nation’s seniors’ expense. As prescription drug prices go up each and every year by more than 15 percent, it is 2½ times faster than the cost of additional health care components. By 2011, the prescription drug spending is expected to be 15 percent of all health care spending in America. Rising prescription drug costs have already led to dramatically reduced coverage for Medicare beneficiaries less available and more expensive. We have seen employer-sponsored retiree health plans provide 28 percent of Medicare beneficiaries with prescription drug coverage, more than any other source. It is a major source of prescription drug coverage for our Nation’s seniors.

Now what are we finding? Far fewer employers are offering coverage to their employees. Those employers who are offering coverage are confronting seniors to pick up a larger share of the costs. That is what we are talking about. The proportion of larger employers offering retiree health benefits dropped from 31 percent to 23 percent between the years 1997 to 2001. Those who were requiring Medicare-eligible retirees to pay the full cost of their coverage rose from 27 percent to 31 percent.

Those are not my figures. Those are the figures that have been given by the GAO. It could have been certified. Certainly I think they underscore the costs of prescription drugs to our Nation’s seniors and, I think, the challenges we face in this country if we fail to address this most serious problem.

As AARP indicated in its own letter, the costs of prescription drugs are going up, as was said, more than 15 percent on an annual basis. These added costs to beneficiaries, as we have seen, because the Medicare provider give-back is going to increase part B premiums. The question about that. So that is going to raise the premium $6 billion in the first 5 years alone. These added costs, as they said in their letter recently, come in addition to double-digit hikes in prescription drug costs for older and disabled Americans, many of whom have little or no options for drug coverage.

Employers continue to reduce or eliminate health care coverage. Medigap premiums continue to rise. And not even Medicare-Medicare choice plans are pulling out of Medicare.

So, you see, we do have an obligation to do what is right. I would not be standing here today insisting on getting this done if I didn’t think it was possible. That is because I have had a number of conversations with colleagues on both sides of the aisle, on different sides of the issues, different philosophies. Many have indicated they are prepared to make concessions and develop compromise and consensus on this issue to get it done here and now.

I agree with the statement that was made by the Senator from West Virginia with respect to the provider give-back. I think it is absolutely necessary for our Nation’s hospitals and home health care. So is this. They are not mutually exclusive. They go hand in glove for our nation’s seniors.

I have toured many of the hospitals in my State. I have heard firsthand from seniors in my State about the plight of some who have gone without prescription drug coverage.

I was told a story about a man who had diabetes and was supposed to take his medication and couldn’t take his medication. He knew what that would lead to. He didn’t have prescription drug coverage. So he was unable to take the medication prescribed by his doctor after he was released from the hospital. He had diabetes which ultimately led to amputation and ultimately to his death.

Those are the kinds of tragic stories we hear over and over again. Those are choices our seniors shouldn’t have to make.

We have the time. We have the time to do what is right.

Mr. KYL. Mr. President, I rise in support of S. 3018, the Beneficiary Access to Care and Medicare Equity Act, which was recently introduced by the Chairman and Ranking member of the Finance Committee.

This act would provide more than $40 billion over the next 10 years to improve benefits for Medicare beneficiaries, guarantee that Medicare beneficiaries continue to receive the high quality health care they deserve, and increase reimbursements to Medicare providers.

I would prefer that we address these issues as part of comprehensive Medicare reform, reform that includes a new prescription-drug benefit. Unfortunately, the process the Majority Leader used to bring a prescription drug benefit to the Senate floor guaranteed its defeat, and no drug proposal put forward won the 60 votes necessary for passage. While the Senate was unable to pass a prescription drug bill, we still have an opportunity to address other critical Medicare issues.

And it is critical. In 1997, Congress passed the Balanced Budget Act. This act made significant cuts in Medicare provider reimbursements and implemented new payment systems. In many cases, these cuts have been increased. However, in some cases they went too far. Moreover, the process of implementing these new payment systems for home
health care, hospital outpatient services and skilled nursing-facility services has not been a smooth one.

One key area where we see this is in payments to physicians. Physicians are reimbursed for providing services to Medicare beneficiaries under a fee schedule. The fee schedule is updated annually under a very complex formula. The formula considers the sustainable growth rate which is based on four factors: the estimated changes in fees; the estimated changes in the average number of Medicare Part B enrollees, not including Medicare+Choice beneficiaries; estimated projected growth in real gross domestic product growth per capita; and estimated change in expenditures due to changes in law or regulations.

On November 1, 2001, the Center for Medicare and Medicaid Services (CMS) announced that the annual update of the fee schedule in 2002 would result in a 5.4 percent cut. Additionally, this legislation would help smooth out the transition to a new payment system for skilled nursing facilities. S. 3018 would also provide both urban and rural hospitals with increases in reimbursements. It has many provisions to help alleviate the reimbursement differences between rural and urban hospitals. Of particular note, S. 3018 contains a 5.4 percent update this year that will allow publicly-funded safety net hospitals to negotiate for lower drug prices. These hospitals bear a disproportionate burden in caring for the uninsured in our country; allowing them to negotiate drug prices will save them millions of dollars.

Another provision of note is section 805, which would provide $48 million annually for two years to States and other providers that offer federally-required emergency medical treatment to illegal aliens. A congressionally-commissioned study by the U.S.-Mexico Border Counties Coalition estimates that the 24 counties along the southwest border incur uncompensated care costs of over $100 million per year in connection with the provision of emergency health treatment to undocumented aliens. The non-border counties in southwest States, and other states, including New York, Florida, Illinois, New Mexico, Washington, Arizona, New Mexico, Colorado, and Maryland, also incur tremendous costs. The entire state of Arizona, for example, incurs unreimbursed costs of approximately $100 million per year to provide such treatment.

These southwest States and counties, many of which have very small tax bases and small annual budgets, and other States should not be forced to bear the responsibility of providing emergency health treatment to undocumented aliens. These unreimbursed costs have helped put Arizona’s and other States’ affected hospitals in a state of dire fiscal emergency. Many hospitals have closed, or are in danger of closing, their emergency rooms either temporarily or permanently.

The Balanced Budget Act of 1997 provided funding to states to help defray some of these uncompensated costs; however, this provision expired at the end of fiscal year 2001. Section 605 would specifically extend and refine the Balanced Budget Amendment Act of 1997 to provide $32 million in each of fiscal year 2003 and fiscal year 2004 to the 17 States with the highest number of undocumented aliens, as defined by the U.S. Department of Justice. Additionally, in fiscal year 2003 and fiscal year 2004, $16 million would also be allotted to the six highest undocumented alien apprehension States, as defined by the U.S. Department of Justice.

Forty-eight million dollars per year is just a fraction of the unreimbursed costs that the States incur each year, but this funding will at least begin to defray some of the costs.

Although, I strongly support most of the provisions contained in S. 3018, I do have concerns about others. For instance, section 707 of S. 3018 provides States with a temporary 1.3 percent point increase in their Federal Medical Assistance Percentage, FMAP, payments, the amount that the Federal Government supplements States’ Medicaid spending.

Under FMAP, Medicaid funds are distributed to States based on a formula designed to provide a higher Federal matching percentage to those States with lower relative per capita income, and a lower Federal matching percentage to those States with higher per capita income. S. 3018, although not perfect, is justified because States cannot manipulate it for their own gain; the data are periodically published and can be estimated with reasonable accuracy. Additionally, the use of per capita income is a proxy for state-tax capacity which, in turn, relates to a State’s ability to pay for medical services for needy people. To put it simply; poorer States get more help than wealthier States.

Unfortunately, S. 3018 ignores the Medicare+Choice Medicaid formula designed to provide each State a 1.3 percent point increase. Under this section, States that have been determined by the Medicaid formula to receive the lowest FMAP of 50 percent receive the greatest percentage increase in FMAP. States with the highest FMAP receive the lowest percentage increase. This is the exact opposite of how the funds should be allocated. The Medicaid formula, whatever its faults, does indicate a relative sense of need. It would be wrong to give the least needy States the largest percentage increase.

Even though I have concerns about how funds are distributed under this section, I urge my colleagues to support S. 3018. It is vitally important that Congress enact changes to Medicare payment policies before we adjourn. I also support the passage of a Medicare prescription-drug benefit, preferably the tripartisan modernization proposal; but this should not allow our inability to reach a consensus on that matter to stop us from making the appropriate changes to Medicare’s payment policies. Medicare beneficiaries need guaranteed access to high quality care, and S. 3018 is a means to that end.

Mr. JEFFORDS. Mr. President, I first want to salute the Senator from Montana, Mr. BAUCUS, as well as my good friend and colleague, Senator GRASSLEY, for their bipartisan effort and leadership in crafting S. 3018, the Beneficiary Access to Care and Medicare Equity Act of 2002.

As the chairman and the ranking member of the Senate Finance Committee, they have worked long and hard on legislation that is critically important to the future of health care for our citizens that rely on Medicare. I am proud to be a cosponsor of S. 3018, and I urge all of our colleagues to support its passage as soon as possible.

In the closing days of the 107th Congress, there will be many bills that on their way to consideration and passage will enjoy the unanimous consent of
the Senators. There are few of these many bills more worthy of our consideration and unanimous consent than this measure.

Vermont, like so many of our States, has a healthcare system that is facing reductions in levels of Medicare reimbursement that are untenable. In some cases, these reductions took effect on October 1 and others will occur at the end of this month. The cuts have already led to fewer physicians and services being available to care for our elders.

The list of cuts and reductions is long. Physicians and other healthcare professionals, home health agencies, critical access hospitals, skilled nursing facilities, sole community hospitals, and others are being affected. And make no mistake, these cuts translate as cuts in access to healthcare for our elders.

But it is not too late. We can pass this legislation, engage in a conference with our colleagues in the other chamber, and have a bill for the President to sign before the end of this Congress.

I would like to have us pass a prescription drug benefit before we leave, but I don’t want to do it at the expense of this legislation that is so necessary. When I go back, if we don’t pass it because of a prescription drug benefit that causes the failure of this legislation which I am going to describe in a minute, I will have to face George and Lee. Not only will they tell me we didn’t get a prescription drug benefit, but their physician Medicare rates are down and their doctor doesn’t want to provide the care for them anymore. Or I have to go back and find out the skilled nursing facilities are not going to be funded or the State fiscal relief that Senators Rockefeller and Collins have worked so hard to get, or $12.9 billion is now cut back from $9 billion to $5 billion and that is not going to be available to the State.

I agree with the passion of the Senator from Maine and her concern about the fact that we didn’t get a prescription drug benefit in this session. But I don’t agree we ought to pull this legislation which is before us back into committee so they can attach to it a bill that failed, only got 48 votes, and not be part of the package. I think we have to separate these two issues—and they have been separated.

Let us talk about the bill that is now before us, the Baucus-Grassley bill, a bipartisan effort. The ranking Member from Iowa is pushing to have this considered on the floor rather than to go back and be delayed in committee.

Under current law, Medicare’s physician payment rates are projected to fall by 12 percent over the next 3 years. In Nebraska, due to a reduction in the 2003-2005 cuts which cost Nebraska doctors a total of $12.9 million or about $3,675 per physician in 2002.

An AMA survey conducted earlier this year found that one in four physicians either has restricted or plans to restrict the number or type of Medicare patients treated. One in three has stopped or intends to stop delivering certain services to Medicare beneficiaries.

Additional payment cuts of an extra year will only exacerbate these problems and cause significant access problems in the State of Nebraska—a State that is already challenged geographically to be able to provide access to our residents.

Let us talk for just a moment about skilled nursing facilities and what will happen there.

Our skilled nursing facilities are also in jeopardy. If action isn’t taken and if this legislation does not pass, then Nebraska’s facilities will lose $28.48 per patient per day next year, for a total of $10 million. There are just some that aren’t going to make it. They are going to be in small communities that will be left out when it comes to skilled nursing facilities.

But it comes to State fiscal relief, my colleague from West Virginia and I—both former Governors from our States—know very well what the impact is going to be on the States of Nebraska and West Virginia, as well as the rest of the States. Forty-nine out of 50 States must balance their budgets by law.

It is no secret the economy is hurting. States are facing a number of difficult decisions as a result of that. When States have to make budget cuts, let me assure you it affects real people. There may be line items in a budget, but there are faces associated in every case.

In a special session in Nebraska in August, the legislature made some hard choices. It was cut to $4 billion of the 14,000 thousand kids were cut from Medicaid.

That is why we have been working so closely. Senators Rockefeller, Collins, and I, to pass State fiscal relief, which is part of this legislation. Seventy-five of our Senate colleagues agreed with us when they supported our amendment in July. Senators Baucus and Grassley have included State fiscal relief in this very important provider package, and it is extremely important to the people in the State of Nebraska and the States of every one of our colleagues here in the Senate.

If I were one of my residents of Nebraska, or one of my constituents watching or listening to the debate today and heard about unanimous consent requests, objections, sending this back to committee for further consideration, trying to deal with what closure is, how many times, what person did what, and how many of us are all involved in making sure that it is not just only this legislation through but also a prescription drug benefit, they have to be confused.

Their only question is, Why don’t you just get this legislation done and work also on a prescription drug benefit? What has one got to do with the other? Don’t, for heaven’s sake, deny us our prescription drug benefit because you can’t get it through, and at the same time now come along and make sure our doctors aren’t going to get reimbursed enough, or our nursing homes aren’t going to have enough money, and our States are going to continue to cut back on Medicaid benefits. Separate the two issues and get them done.

Then tri, and I don’t think we are out. That is true in baseball. I don’t think it is true here. I think we can dust off one of these versions and make it work well.

I have met with Senator Snowe on a prescription drug benefit. I have met with everybody I can in the interest of finding a prescription drug benefit. I know it is possible. I also know it is
difficult. But I think it is extremely important for us to first fulfill our obligations with the Baucus-Grassley effort. Let us let this come to a vote. Let us stop the objections. Let us withdraw the objection from the other side. Let us get new us some if a bunch of us can come back together and we should—and get a prescription drug benefit.

But, for heaven’s sake, even in the greatest and most sincere effort in the world, we should not think about one bill here because we are trying to save another, when we know very well it is not going to work. We have not run out of time. We can do this. We should bifurcate them. We should separate them, get the Baucus-Grassley done, withdraw the amendment, and let us work on a prescription drug benefit so I can go home and I can talk to Lee and George and tell them something more than: Well, we tried. I sure don’t want to have to go back and say: Well, we didn’t get anything on prescription drugs. But that isn’t where the bad news ends. There is worse news. We also didn’t get the give-back bill through, and that means if you go to a nursing home, there may not be one. Your doctor may decide he is not going to treat you because he has had a reimbursement dropped or if, heaven forbid, they have to go on Medicaid, there will not be any benefits to provide for seniors as well.

I don’t want to have to tell the children of Nebraska there are further cuts coming because we could not get the State relief, the PMAF, as it is called, back to the States to take care of the short budgets so that people are not going to be further disadvantaged by these unfortunate economic conditions in these times.

I agree with my friend from West Virginia, there is more passion in this Senate body to pass a prescription drug benefit than you can imagine. The problem is very simple. We just cannot agree on it to do it. It cannot cost too much, the benefits cannot be too much, the benefits cannot be too much, the benefits cannot be too much, the benefits cannot be too much. We have said the President will veto—the Department of Defense authorization bill. I think the enormity of that is $347 billion, something of that sort. They said the President will veto the entire bill because officials in this administration oppose concurrent receipt for service members who are retired from the Armed Forces with a service-connected disability.

It is a huge subject. We have been fighting for years to eliminate this injustice. While the Senate, under the leadership of Senator HARRY REID of Nevada, has passed such a provision several times, this is the first time we have something to offer that approximates the Senate’s efforts in dealing with the House, which is now a problem.

Money has been set aside in the deeming resolution to fund some version of concurrent receipt. Now we learn that the Bush administration is threatening to veto—they have said the President will veto—the Department of Defense authorization bill. I think the enormity of that is $347 billion, something of that sort. They said the President will veto the entire bill because officials in this administration oppose concurrent receipt for service members who are retired from the Armed Forces with a service-connected disability.

A disability is a very special condition. Frankly, I find this opposition highly objectionable. I find it shocking. It wholly disregards the enormous dedication and sacrifice of our men and women in uniform, and it labels their claim to compensation earned in service to this Nation as “double-dipping,” which is a slam and a putdown. It is something you say in sort of contemptuous terms.

When did this become double-dipping? More than 100 years ago, Congress examined the military pensions of veterans of the Mexican-American war. At that time, Congress found the retired service members who returned to active duty could draw active duty, retirement, and disability pay. So life was good and right and fair.

During debate, the late Senator Francis Marion Cockrell, who, I confess, is unknown to me, argued that: “The salary we pay the officers of the Army is intended to be in full for all military services. We allow longevity pay . . . in lieu of pension and everything else. In 1891, therefore, Congress banned what is called ‘dual compensation’ for past or active service and disability compensation. So that is history, 1891.

That legislation accomplished its goal. Service members can no longer receive retirement or full disability compensation while on active duty. However, the Congress of 1981 painted with too broad a stroke. Retirement and compensation are and have always been intended to compensate very different purposes. One is called retirement; the other is disability. They are totally unconnected.

This is a very important issue to veterans in this Senator’s State and to veterans throughout the country. In fact, I would say to the Presiding Officer, there is no single subject on which this Senator gets more mail and more telephone calls and more conversations when in my State than on this subject of concurrent receipt. It is an overwhelmingly emotional and powerful argument of anger and anguish and frustration on the part of the veterans of this country.

Veterans such as Hugh Weeks of Beckley, WV, a veteran of World War II, Korea, and Vietnam—that’s not hard—a career military man, wrote to me: ‘Now is the time for the government to stop discriminating against us.’

In yet another disturbing setback for retiree veterans, the House of Representatives Appropriations Committee, last week, reported out a VA-HUD appropriations bill for fiscal year 2003 spending. This bill contains a provision that would prohibit specifically VA from using any staffing funds to adjudicate claims for VA service-connected disability benefits that would result in concurrent receipt.

Mr. President, I ask unanimous consent that the applicable text of the bill and committee report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

H.R. 5605—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2003

SEC. 114. (a) No appropriations in this Act for the Department of Veterans Affairs shall be available for the adjudication of any claim for disability compensation filed after the date of the enactment of a new concurrent receipt law by a veteran who is entitled to retired or retainer pay based upon service in the uniformed services if the Secretary determines that, if compensation under the claim is awarded to the claimant, the veteran will, by reason of the new concurrent receipt law, be entitled to payment of both compensation under the new law and some amount of such retired pay determined without regard to the provisions of sections 5304 and 5305 of title 38, United States Code.

For purposes of subsection (a), the term ‘new concurrent receipt law’ means a provision of law enacted after October 1, 2002, that

CONCURRENT RECEIPT

Mr. ROCKEFELLER. Mr. President, I rise on this point on a different subject, with the tolerance and forgiveness of the Senator from Louisiana, to discuss a different problem, concurrent receipt.

I am very pleased my friend from Minnesota is in the Chair because he is on the Armed Services Committee, and so it makes me very happy to be able to present this argument to him.

We are all very familiar with this practice of requiring military retirees to choose between retirement or disability. They do not sink it trying to do something, they just cannot. But this mechanism is not the dom to find a way to do it, but it is a very sad state of affairs that we have come into.

This is a practice that my friend, Bill Stubblefield, of Martinsburg, which is a large town in West Virginia, who serves on the board of directors of the Retired Officers Association, told me “is patently unfair when a serviceman or woman, who has devoted 20 plus years of their life in service to this country—suffering physically as a consequence—has to be penalized by having their VA disability offset by their retirement pay.”

It is a huge subject. We have been fighting for years to eliminate this injustice. While the Senate, under the leadership of Senator HARRY REID of Nevada, has passed such a provision several times, this is the first time we have something to offer that approximates the Senate’s efforts in dealing with the House, which is now a problem.

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During debate, the late Senator Francis Marion Cockrell, who, I confess, is unknown to me, argued that:

[T]he salary we pay the officers of the Army is intended to be in full for all military services. We allow longevity pay . . . in lieu of pension and everything else.
provides that certain veterans are entitled to be paid both veterans’ disability compensation and military retired pay (in whole or in part) without regard to sections 5304 and 5305 of title 38, United States Code.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2003

Section 114 prohibits VBA funds from being used to adjudicate claims arising from any new concurrent legislation. The Department of Veterans Affairs estimates that enacting concurrent receipt of compensation benefits and military retirement pay would result in mandatory costs to VA of approximately $16,000,000,000 over ten years, as well as administrative costs of $224,000,000 in the first year and $124,000,000 over a five year period. These estimates do not include the additional costs to the Department of Defense. The Department estimates the concurrent receipt claims workload would add more than 800,000 claims over the next three years. VA has been working diligently over the years to reduce the claims backlog and adjudication times. As of August, VA adjudicated almost 730,000 claims in fiscal year 2002 and still has a current workload of over 355,000 claims with a lag time of 225 days regardless of the priority surrounding concurrent receipt, the Committee is concerned that the deluge of new concurrent receipt claims will paralyze the system and those veterans who have been waiting for years to get a determination will never see the benefit. The Committee directs the administration to budget appropriate VA funding for both mandatory and administrative costs should such new concurrent receipt legislation be enacted.

Mr. ROCKEFELLER. Mr. President, if this provision becomes law, no service military survivors next year and is disabled because of service will be found service connected by VA. No current retiree who has yet to file a claim with VA but is disabled because of service will be service connected by the Veterans’ Administration. No retiree who is already service connected, whose condition worsens, will receive a service-connected rating increase. No widow of a retiree who died of a disability service will be service connected by the Veterans’ Administration. No retiree who is already service connected, whose condition worsens, will receive a service-connected death benefit if she receives Department of Defense survivor benefits.

It is discrimination. It is wrong. If followed to its logical conclusion, none of the benefits that flow from service-connected disability status will be given to otherwise completely eligible individuals. These important benefits include free health care and, most importantly, obviously, long-term care, vocational rehabilitation and education, life-homeowner’s insurance, health care, education, and home loan eligibility for surviving spouses and children.

Our House colleagues have justified this action, so to speak, this policy choice, by pointing to the cost to the Federal Government of paying for benefits that rightfully accrue to veterans who devoted a lifetime of service to this country. The House Appropriations Committee was alarmed by the potential flood of new claims that might be filed if concurrent receipt passes, increasing delays in processing.

My shock over these provisions and the rationale given for them is not that of the chair, which I am, of an authorizing committee seeing its role usurped by appropriators. One gets accustomed to that. No one is more concerned about the Veterans’ Administration adjudicating claims than I am.

As chairman of the Veterans’ Affairs Committee, I have been working on this issue for a very long time. I am troubled not only about the length of time the Veterans’ Administration takes but the quality of the decision-making in that process. We can quibble over the number of claims that might arise if concurrent receipt passes and how much they might add to VA’s already shocking backlog. That is why we must support, therefore, a sufficient appropriation to process and pay for these claims.

None of these concerns are mentioned by me justly prohibiting benefits. In fact, they have a duty to their families, benefits they have earned through their service to this country. Nothing justifies that.

It can be straightened out in this body. It is time for us as a nation to step up and do the right thing. Otherwise, how can we face Hugh Weeks, the aforementioned veteran from Beckley, WV, and all of the disabled retirees who stand with him. When will it be time to stop discriminating against those who continue to serve after they have suffered disabling injuries or illnesses? I hope that time is now.

Mr. NELSON of Florida. Will the Senator yield to me, Mr. ROCKEFELLER. I am glad to.

Mr. NELSON of Florida. I just want to thank the Senator from West Virginia for his insight and leadership and for educating me, a Senator from Florida, from his position as chairman of the Veterans’ Affairs Committee.

I wanted to bring to the Senator some late-breaking news. We have just had a conference committee meeting of the Senate Appropriations Committee, which we are trying to get final resolution on the DOD authorization bill. The House conference refused to show up with the Senate conference to hammer out the final version because of a dispute over concurrent receipt. But it is not a dispute from the entire membership of the House of Representatives.

In fact, they had a motion to instruct conference to accept the Senate’s position, as articulated by the Senator from Virginia on concurrent receipt; in other words, that if you have a military retirement, you ought to have that, and it should not be offset by what you are also entitled to if you are a disabled veteran who is entitled to disability.

Despite the fact that the House passed a motion to instruct conference, 400 to 0, to accept the Senate position—in other words, to accept concurrent receipt—and give the disabled veterans what they are entitled to, the White House sends a message to the House of Representatives leadership and says: Don’t agree with the Senate.

I was so proud of the chairman of the Armed Services Committee; when he found out that was the position, he said: Nothing doing. We are not agreeing to the White House’s position. We are going to stand up. The Senate is going to stand up for concurrent receipt.

I thank the Senator from West Virginia. I wanted to bring him that late-breaking news.

I also want to put very clearly where the responsibility is because the veterans of this country don’t know that they are going to be denied concurrent receipt because of instructions from the White House staff and President Bush.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to add my words on this issue and also to thank the Senator from West Virginia for his comments, as well as the Senator, from Florida. The Senator from West Virginia is absolutely correct; this is a very important issue to Americans generally, particularly in the context in which we find ourselves, getting ready to perhaps fight yet another war and honoring our designs on winning in Afghanistan and particularly to the veterans and their families that are affected.

Unfortunately, the President has stated he will, in fact, veto the Defense bill over this issue. I hope that time is now. I am sure many of my colleagues on both sides of the aisle do as well—to reconvene. While there is a cost associated with this, clearly it is an injustice that should be corrected.

A veteran, a person who has put their life on the line, particularly in recent years, been called up again and again and again into active reserves and also reservists have been called up, to have a person injured or disabled and then to serve out their 20 years, only to come to the realization that they can receive their retirement but they can’t receive their full disability is a very unfair situation, something for which our veterans most certainly deserve our better attention.

As we allocate our resources to strengthen our military, not only do we need smarter weapons, but we need to keep our promises to our men and women in uniform. We need to keep our promises about health care—you take care of us now, we will take care of you in your senior years. We are doing a better job of that by stepping up with the TRICARE and health benefits. But this concurrent receipt issue is where the rubber hits the road and trying to get some sort of commitment to helping our veterans who are disabled on the battlefield or injured on the battlefield, that disability then is subsequent to that injury, to allow them and their families to take the full benefit of their retirement, as well as their disability, and again into active reserves and also reservists have been called up, it is discrimination. It is wrong. If followed to its logical conclusion, none of the benefits that flow from service-connected disability status will be given to otherwise completely eligible individuals. These important benefits include free health care and, most importantly, obviously, long-term care, vocational rehabilitation and education, life-homeowner’s insurance, health care, education, and home loan eligibility for surviving spouses and children.

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and live up to our promises to our men and women in uniform as to what we should be doing. I am hopeful this situation will resolve itself to the benefit of veterans. For one, I am prepared to stay here and work toward that end.

TRIBUTE TO SENATOR JOHN BREAUX

Ms. LANDRIEU. Mr. President, I rise to address a subject on which there is no disagreement. The President would agree, as would Senate Democrats and Republicans and many Members of Congress; that is, to congratulate the senior Senator from Louisiana, John Breaux, on 30 years of service in the Congress.

We celebrated that momentous anniversary this past Saturday. He received, of course, many well wishes from his many friends and supporters in Louisiana and around the Nation.

I know his family is very proud. I want to say for a minute how proud I am of his service to our State of Louisiana. Thirty years ago, Senator John Breaux, then a Congressman, came to Washington as a young lawyer from a small town, the city of Crowley. He was elected to the House of Representatives at a very young age. In fact, when he got here, he was the youngest Member of Congress. He has served our State admirably ever since. Now he is in his third term in the U.S. Senate, and I have every hope he will run again and have no doubt he will be reelected.

John likes to say he started campaigning in nursery school. Those of us who know him well would almost believe that. That is probably no stretch. He said he was going to city council meetings with his grandfather when he was 7 years old. In high school he was a popular athlete who played hard but was always fair to his teammates as well. He learned the lessons on those athletic fields of hard work, teamwork, and leadership, which serve him well. Frankly, it is so obvious to all of us who know him and his affable manner, his very approachable way, always with a kind word to say, always a joke, and always something to lighten up a discussion at the appropriate time. Those traits have served him well as an outstanding Congressman and Senator.

In addition, because none of us come here on our own, he has come here as a husband, a father, and now as a grandfather. His wife, Lois, has truly been a tremendous partner, at great sacrifice to herself and her family. John and Lois brought their Cajun roots to our heart of rice country, in Crowley, LA, and in the heart of, in many ways, sugarcane country in south Louisiana; and he is familiar with all of our row crops, cattle, and other aquaculture and agricultural commodities.

He is a strong and effective advocate of energy policy for the Nation, and his voice has been one that has brought us to the center, with a balanced approach on our energy policy. In addition, on our health care industry and issues, he has been particularly noted as a leader. As a member of the Finance Committee, there is not an important compromise that is developed on that committee—or outside of that Committee, for that matter—that he is not part and parcel of, which is a great strength as a Senator, particularly in these times when our parties seem to have a hard time coming together and finding middle ground and working out a compromise. Senator Breaux brings so much effort in that regard and so much help.

To mention a few things—and after his 30 years, I could stay here all night and I could talk for hours. I will highlight a few of the things that would not have passed without his able help and assistance: the Welfare Reform Act, many health insurance reform bills, the balanced budget amendment, and tax cut, which have passed here. He chaired the Special Committee on Aging and to that committee has brought a tremendous amount of passion on the issues of Social Security and Medicare, which have served this Nation well.

I will conclude by saying we have all been blessed by his leadership and his talent. He has used it to help Louisians to grow and expand economically. Mr. President, he has had a tremendous impact on the Nation at large. He has fought for businesses, schools, workers, students, and opportunities for all. He is a founder of the DLC, of the new Democratic Network.

I could not have a better partner in the U.S. Senate than John Breaux. He is a mentor and a partner in helping to strengthen our State. I wanted to spend a few moments to acknowledge the 30th anniversary and wish John 30 more years. He is in great health. He plays tennis regularly, with Democrats and Republicans alike, and beats us all on the court. He wins many of his battles on the Senate floor as well.

Again, I congratulate Senator John Breaux.

RESERVISTS AND GUARD PAID PROTECTION ACT

Ms. LANDRIEU. Mr. President, I will now address the Reservists and Guard Paid Protection Act, which I introduced last week. I'm looking forward to working diligently in the months and years ahead—hopefully, it won't take years—to pass this bill. I think it is a bill we probably should have addressed cultural commodities. Whether it be in Afghanistan, or Iraq, or anyplace our flag needs to continue to wave.

Mr. President, as you might know—and I am certain most people in America don't realize—most reservists are called up, their salary is cut. When our reservists are called up to defend us—because the President, our Commander in Chief, and this Congress have authorized us to call on them, to call on their lives, their health, and strength to defend us—they, in most instances, take a pay cut. Why? Because their salaries are generally higher in the civilian sector than we are able to compensate them.

This Reservists and Guard Protection Act gives their employers, if they voluntarily keep their salaries at the level they were before they were called up to serve, a 50 percent tax credit. So it helps the employer, who also is making a sacrifice, might I say, in the new system we have on relying more on reservists and guardsmen. The employers themselves are, of course, mandated to keep that job open so when the Reservists come back, they have a job. They are not mandated—and should not be—to pick up the tab for their salary, but we can help, and the cost is really minimal compared to the benefits that would result.

In addition, this bill also would mandate the Federal Government would maintain, for those reservists who are on leave or are called up to serve, a 50 percent tax credit. So it would mandate the Federal Government to maintain their salary at their regular level. Instead of taking the paycheck and sending part of it back to the Treasury while they defend us—because the President, our Commander in Chief, has authorized us to call them up—they, in most cases, would be able to keep that paycheck, which would make a tremendous amount of sense. I know it would mean a tremendous amount to the spouses and family members at home, who have to keep the lights on, pay the mortgage, pay the car payment monthly, food bills, etc. Just because one person in the family—one of the breadwinners, and in some cases it may be the sole breadwinner—has been called up to go to war, the family bills don't stop coming. They need to be paid.

So anything we can do to keep our reservists' and our guardsmen's pay...
where it was so they are not taking a cut to defend us, I think would be appropriate at this time. Basically, that is what this bill does.

Let me make another point before I close.

Since 1991, the U.S. military has significantly scaled down its active troops because we came to the end of the cold war and we thought we could scale back our active troops. Now we are scaling up, of course, to meet these new threats, and into the foreseeable future, by calling on our Reservists more and more. In fact, they represented 40 to 50 percent of our troop force in Desert Storm. We have called on them in somewhat a disproportionate way to defend us in Bosnia, Afghanistan, and no doubt, if we go to Iraq, our active force will be perhaps 100,000, if not 200,000, in number, and many of them will be reservists.

Gone are the cold war days when we had massive military personnel positioned around the world. Now we are relying on a leaner force. The reservists have become a part of that leaner force because we need flexibility in putting our force together to serve a great purpose.

In addition, with the new war—and you know, Mr. President, because you serve on the Armed Services Committee and the Emerging Threats Subcommittee which I chair, you are familiar with the fact we are going to need new skill sets in our armed services—linguists, cultural experts, historians. We are going to need different skill sets, highly technical individuals—public relations people, individuals who have skills about setting up civil authorities. So our new Army, Navy, Air Force, and Marines have to be a group of men and women who are highly trained in specialized skills.

Sometimes we can get those specialized skills from those on active duty, but it is even more economical, and actually more effective if we are able to pull certain types of skills out of the civilian force when needed to apply them to that specific goal or objective. That is the way this new military is going to be designed for the future. It is different from the First World War, different from the Second World War, different than the cold war strategy. With a new strategy and new weapons, we are asking the reservists to do more. Let's not ask them to do more with less. Just ask them to do more and cut their pay. Let's do right by our reservists by supporting them. They are weekend warriors, but now they are simply warriors. Our benefits to them and our pay systems should reflect this new demand on their schedules.

OPTEMPO is up. Our conflicts and our challenges are right before us, and we need to respond.

I ask that this bill gain support for this act. I look forward to debating and presenting it to the committee, but I think this is the least we can do to support a segment of our national security force that is so important and so crucial for us to win the war on terrorism, to establish the peace around the world, so this economy, and economies around the world, can grow and people truly can live in peace and prosperity. These are the people who are on the front line of history. This is a very important bill. I hope we will gain a lot of support for it as the months and weeks unfold.

**TRIBUTE TO STEPHEN E. AMBROSE**

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 342; that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the Record.

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

The resolution (S. Res. 342) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 342

Whereas Stephen E. Ambrose dedicated his life to telling the story of America;

Whereas Stephen Ambrose’s 36 books form a body of work that has educated and inspired the people of the United States;

Whereas President Bill Clinton awarded Stephen Ambrose the National Humanities Medal for his contribution to American historical understanding;

Whereas Stephen Ambrose made history accessible to all people and had an unprecedented 3 works on the New York Times Best-sellers list simultaneously;

Whereas Stephen Ambrose served as Honorary Chairman of the National Council of the Lewis and Clark Bicentennial and lent his name, time, and resources to immeasurable other philanthropic endeavors;

Whereas Stephen Ambrose committed himself to understanding the personal histories of the men and women often referred to as the “greatest generation”;

Whereas Stephen Ambrose’s groundbreaking work on the history of World War II and the D-Day invasion culminated in the National D-Day Museum in New Orleans; and

Whereas all Americans appreciate the contribution Stephen Ambrose has made in re-capturing the courage, sacrifice, and heroism of the D-day invasion on June 6, 1944; Now, therefore, be it

Resolved, That the Senate—

(1) mourns the death of Stephen E. Ambrose;

(2) expresses its condolences to Stephen Ambrose’s wife and 5 children; (3) salutes the excellence of Stephen Ambrose at capturing the greatness of the American spirit in words; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Stephen Ambrose.

Ms. LANDRIEU. Mr. President, this resolution is to honor—I am not sure words can actually do appropriate justice to the great American who passed away this past weekend. That American is Stephen Ambrose, the author of a number of books, a man who helped our Nation understand the dynamics of war, the spectacular strengths of the American infantry men and women in uniform.

He passed away quite a young man in his mid-sixties. He was a professor of history, known by many of us personally, and was a personal friend of the Senator from Alaska. After the RECORD this resolution, to have it appear in the CONGRESSIONAL RECORD to honor a great American, someone Louisiana has lost and the Nation has lost. I am not sure we can ever replace him. Mr. REID. Will the Senator yield for a question?

Ms. LANDRIEU. Yes.

Mr. REID. Mr. President, I ask the Senator from Louisiana allow me to be a cosponsor of this resolution.

Ms. LANDRIEU. Yes. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to my friend from Louisiana, I love to read. I have very few extracurricular activities outside the Senate, but one is reading. I have received so much pleasure from “Undaunted Courage,” the great book about the Lewis and Clark expedition, which changed my view of our country. Of course, the work he did on World War II is something that will forever be in my mind and the mind of anyone who knows anything or cares about the history of this country. And to have the pleasure of being able to talk with him on a number of occasions when he came to speak to groups of Senators, I consider one of the pleasures of this job.

I compliment the Senator from Louisiana for submitting this resolution. It is a resolution I will remember as having been a part of because he allowed me to have so much pleasure in traveling to places in my mind’s eye I would never be able to reach out for his great ability to write the English language.

Ms. LANDRIEU. I thank the Senator, and I am pleased to have him cosponsor this resolution. It has been said Stephen Ambrose was not a historian’s historian, but he was a student’s historian. He was truly an exceptional teacher. In my mind, when I think of an exceptional teacher, it is not someone who teaches in a way that inspires one to be better, to help one understand the context in which one lives. He was not an exceptional teacher just for the brightest kids in the class but for every kid in the class.

He taught—I used to say he taught at the University of the Mississippi, and kids would say their whole life was changed hearing him lecture. He lectured in the Senate, which changed many of our lives and outlooks.

He was an extraordinary man and left us too soon. He left a number of books and discussed will of his work. He certainly will live on, and we were blessed to know him. The PRESIDING OFFICER. The Senator from Florida.
Mr. NELSON of Florida. Mr. President, I inquire of the Senator from Alaska, who is standing to be recognized, I have a major speech I wish to make. If the Senator has a few remarks, I will certainly defer to let him go first.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEEVES. Mr. President, it is my intention to make some remarks as a cosponsor of the Ambrose resolution, not to exceed 10 or 12 minutes at the most.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I be recognized upon the conclusion of the Senator's remarks, and I defer to the Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska.

Mr. STEEVES. Mr. President, I thank the Senator for his courtesy, and I thank Ms. LANDRIEU for submitting this Ambrose resolution.

I thought Stephen Ambrose's book "Undaunted Courage" was one of the best books I ever read in my life. A few years back, my secretary said Stephen Ambrose wanted to come talk to me. Of course, I am a part of a provincial type. I got out my book and had it on my desk ready for him to autograph when he arrived.

We talked about his dream. He had a dream of a museum for World War II. He talked of the story of the squadron of which he was going to write. He did write about the squadron of which he was the chronicler of the Eisenhower period of our history. I think he wrote nine different books about Eisenhower's participation. He was called by President Eisenhower to be his official biographer. I can personally say that and how he had not expected that.

He has now completed his life, unfortunately. He has left a mark for historians to envy because he was a popular historian. I challenge anyone to read one of his books and not want to read the next one written by Steve Ambrose. For instance, he wrote his own biography.

I ask unanimous consent that it be printed in the RECORD following my remarks.

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

(See exhibit 1).

Mr. STEEVES. It is one of the most interesting biographies a person could read because he personally wrote it. It is sort of a roaming history about a man who enjoyed life.

His books about World War II, of course, will live in history. He showed that worship when he wrote about Eisenhower. He had the honor of autographing all of the Eisenhower papers. He edited and issued five different volumes of the Eisenhower papers. If one wants to know the period of World War II and the time that has followed in terms of people who reviewed the history of World War II, they have to turn to one of Steve Ambrose's books, and think about some of them.

I ask unanimous consent that the Associated Press list of the 39 books that Steve Ambrose dedicated his life to writing be printed in the RECORD following my remarks.

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

(See exhibit 2).


Before he even got to the Eisenhower books he wrote "Duty, Honor, Country: A History of West Point." He also had a series of books about Lincoln, "Halleck, Lincoln's Chief of Staff," the one he personally gave me, his own "Wisconsin Boy in Dixie."

For those of us who are in the Senate, I hope they have read one of the last books he wrote, and that is 'The Wild Blue,' which is really the story of George McGovern and the B-24 squadron in World War II. I think that reads better than any of the Ambrose books, particularly because those of us who knew George could understand him even as a Senator. Once we realized what he went through as a bomber pilot.

I thank Ms. LANDRIEU for submitting this resolution because I think the country should honor Stephen Ambrose. He was a great American. For instance, he honored him in 1999 with the National Humanities Medal, but very clearly this man has left his mark on our country. Americans for centuries to come will know more about the period in which we have lived because Steve Ambrose dedicated his life to writing history.

I send my thoughts and my best to Moira, his wife, who traveled with him at times to Alaska. I shall miss him. He was scheduled to come up again this year and go fishing with me.

I ask unanimous consent that another item from Stephen Ambrose's history be printed in the RECORD following my remarks.

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

(See exhibit 3).

Mr. STEEVES. Thank you for yielding to me. I commend all of the Ambrose books to anyone who wants to understand the period of World War II. He was an author and a great personal friend.

EXHIBIT 1
I was born in 1936 and grew up in Whitewater, Wisconsin, a small town where my father worked as a pre-med, but after a course on American history with William B. Hesseltine, I switched my major. He was a great teacher of writing, with firm rules such as abandon chronology at your peril; use the active voice; avoid adverbs whenever possible, be frugal with adjectives, as they are but salt and pepper for the sentence.

On to L.S.U., where I studied for M.A. I was only one of 300 students but was good enough to offer two years of Latin, which taught me the centrality of verbs—placement, form, tense. At the University of Wisconsin, I started as a pre-med, but after a course on American history with William B. Hesseltine, I switched my major. He was a great teacher of writing, with firm rules such as abandon chronology at your peril; use the active voice; avoid adverbs whenever possible, be frugal with adjectives, as they are but salt and pepper for the sentence.

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Funny thing, Harry Williams was a much better writer than Hesseltine, but Hesseltine was the better teacher of writing. We graduate students once asked him: “How can you demand a minimum of two hours when his books are not all that well written?” as we confronted him with a review of one of his books that praised his research and historical understanding, yet deplored his style. Hesseltine laughed and replied, “My dear boys, You have a better teacher than I did.”

From 1960 to 1985 I was a full-time Teacher (University of New Orleans, Rutgers, Kansas State, Naval War College, U.C. Berkeley, a number of European schools, among others), something I have found invaluable to my writing. There is nothing like standing before 50 students at 8 a.m. to start talking about an event that occurred 100 years ago, because you have their faces— their challenge—“let’s see you keep me awake.” You learn what works and what doesn’t in a hurry.

Teaching and writing are one to me—in each case I am telling a story. As I sit at my computer, or sand at the podium, I think of myself as sitting around the campfire after a day of action and telling stories that I hope will have the members of the audience, or the readers, leaning forward just a bit, wanting to know what happens next.

Some of the rules of writing I’ve developed on my own include: never try to write about a battle until you have walked the ground; when you write about politicians, keep in mind that their most important job to do is to convince you that they are story-tellers, not God, so your job is not to pass judgments but explain, illustrate, inform and entertain the reader.

The idea for a book comes in a variety of ways. I started as a Civil War historian because Hesseltine taught the Civil War. I wrote my dissertation because he had told me to become his biographer, on the basis of a book I had done on Henry Halleck, Lincoln’s Chief of Staff. I never wanted to write about Nixon but my editor (Alice Mayhew at Simon and Schuster) made me do it by saying: “Where else can you find a greater challenge?” I did Crazy Horse and Custer because I took my family camping in the Black Hills of South Dakota and got hooked on the country, and the topic brought me back to the Black Hills many times. I did Meriwether Lewis because I had an exciting trip returning to Montana, thus covering even more of the American West. My World War II books flowed out of the association with the men, and the feelings toward the GIs. I was ten years old when the war ended. I thought the returning veterans were giants who had saved the world from barbarism. I still think so. I remain a hero worshipper. Over the decades I’ve interviewed thousands of veterans. It is a privilege to hear their stories, and then write them down.

What drives me is curiosity. I want to know how this or that was done—Lewis and Clark, the Pacific; the GIs and D-Day; Crazy Horse’s Victory over George Custer at the Little Big Horn; the making of an elite company in the 101st Airborne, and so on. And I’ve found that if I want to know, I’ve got to do the research and then write it up myself. For me, the act of writing is the act of learning.

I’m pleased to have Moira Buckley Ambrose as my wife. She was an English Lit major and school teacher; she is an avid reader; she has a great ear. At the end of each of her classes she would ask me what she had just said aloud what I’ve done. After more than three decades of this, I still can’t dispense with requiring her first of all to say, “That’s good, that’s better, But then why don’t you do more work. We make the changes. This reading aloud business is critical to me—I’ve developed an ear of my own, so I can hear myself read—as it reveals awkward passages better than anything else. If I can’t read it smoothly, it needs fixing.

Hesseltine always told his students that the act of writing is the art of applying the seat of the pants to the seat of a chair. It is a hell of a tricky job in the world. As Moira and I have five kids (at one time all teens together; the phone in the evening can be imagined) I started going to bed at night to get that four and have three quiet hours for writing before the teaching day began. The kids grew up and moved out and I retired in May, 1986, but I keep to the habit.

I’m sometimes asked which of my books is my own favorite. My answer is, whatever one I’m working on (Ambrose 1990). One reason why I wrote a book on World War II in the Pacific as well as a book on the 15th Air Force and the B-24 Liberators they flew. I think the greatest achievement of the American Republic in the 18th Century was the army at Valley Forge; in the 19th Century it was the Army of the Potomac; in the 20th Century, it was our air force. I want to know how we beat the Japanese in the Pacific and how our air force helped us beat the Germans. To do a book of this scope is daunting but rewarding. I get to know the old soldiers and reading their private memoirs. My job is to pick out the best one of every story or situation to tell it along to readers, along with commentary on what it illustrates and teaches. It is a wonderful way to make a living.

My experiences with the military have been as an observer. The only time I wore a uniform was in naval ROTC as a freshman at the University of Wisconsin—called “The Madison Monarchs” in second grade when the United States entered World War II, in sixth grade when the war ended. When I graduated from high school, in 1943, I expected to go into the army but within a month the Korean War ended and I went to college instead. Upon graduation in 1947, I went straight to graduate school. By the time America was again at war, in 1964, I was twenty-eight years old and the father of five children. So I never served.

But I have admired and respected the men who did fight since my childhood. When I was in grade school World War II dominated my life. My father was a navy doctor in the Pacific. My mother was a peacan picker beside German POWs (Afrika Korps troops captured in Tunisia in May 1943). Along with my brother Garth and my sister, and Bill, two years younger—I went to the movies three times a week (ten cents six nights a week, twenty-five cents on Saturday night), not to see the films, which were generally Clinkers, but to see the newreels which were almost exclusively about the fighting in North Africa, Europe, and the Pacific. We played at war constantly. “Japs” vs. Marines, GIs vs. “ Krauts.”

In high school I got hooked on Napoleon. I read various biographies and studied his campaigns in the snows of Russia. In high school I was a member of the varsity basketball team and ran the mile relay. In my senior year I was a member of the varsity football team and a member of the track team. I was a member of the varsity baseball team and a member of the varsity tennis team. I was a member of the varsity lacrosse team and a member of the varsity wrestling team. I was a member of the varsity bowling team and a member of the varsity golf team. I was a member of the varsity soccer team and a member of the varsity swimming team. I was a member of the varsity cross country team and a member of the varsity track team. I was a member of the varsity tennis team and a member of the varsity golf team. I was a member of the varsity lacrosse team and a member of the varsity baseball team. I was a member of the varsity football team and a member of the varsity basketball team. I was a member of the varsity soccer team and a member of the varsity cross country team. I was a member of the varsity tennis team and a member of the varsity bowling team.

EXHIBIT 2

BOOKS BY HISTORIAN STEPHEN AMBROSE

[The Associated Press—Oct. 14]


“The Mississippi and the Making of a Nation: From the Louisiana Purchase to Texas,” with Sam Abell and Douglas Brinkley, 2002.


“In America New History of World War II” (with Douglas Brinkley), 1999.

“Lewis & Clark: Voyage of Discovery.”

1998.

“The Victors: Eisenhower and His Boys, the Men of World War II,” 1998.


“American Heritage New History of World War II” (original text by C. L. Sulzberger, revised and updated, 1997).


“Eisenhower: Soldier and President.”

900.


“Eisenhower: The President.”

1963.


Also that year, I took a course entitled “Representative Americans” taught by Professor William B. Hesseltine. In his first lecture he announced that in this course we would study the writing papers that summarized the conclusions of three or four books; instead we would be doing original research on nineteenth-century Wisconsin businessmen and business leaders, for the purpose of putting together a dictionary of Wisconsin biography that would be deposited in the state historical society. What a magnificent idea. Hesseltine gave us, be contributing to the world’s knowledge.

The words caught me up. I had never imagined I could do such things as contribute to that great book’s knowledge. Years later, the phrase continues to resonate with me. It changed my life. At the conclusion of the lecture—on General Washington—I went straight to the registrar’s office and changed my major from premed to history. I have been at it ever since.


"The Military and American Society" (with Jane Louise Brumberg), 1972.


"Upton and the Army," 1964.

"Hallicock, Lincoln's Chief of Staff," 1962.


Stephen E. Ambrose, the military historian and biographer whose books recounting the combat feats of American soldiers and airmen fueled a national fascination with the generation that fought World War II, died yesterday at a hospital in Bay St. Louis, Miss., who lived in Bay St. Louis and Helena, Mont., was 66.

The cause was lung cancer, which was diagnosed last April, his son Barry said. "Until I was 10 years old when the war ended," Mr. Ambrose said. "I did my graduate work like anybody else, and I kind of had that attitude myself. The problem with my colleagues is they never grew out of it.

Two years after his D-Day book was published, Mr. Ambrose had another best seller, "Undaunted Courage," the story of Lewis and Clark's exploration of the West. He reported having earned more than $4 million from it.


Mr. Ambrose's most recent book was "The Mississippi and the Making of a Nation," the account of an American para-trooper company in World War II, published in 1992, was the basis for an HBO mini-series in 2001.

He founded the National D-Day Museum in 2000 in New Orleans and was president of Stephen Ambrose Historical Tours.

In August 2002, The Wall Street Journal estimated that the Ambrose family company was bringing in $3 million in revenue annually. It said that Mr. Ambrose reported having earned more than $4 million from it. The first volume, "Eisenhower: Soldier, General of the Army, President-Elect, 1890—1952" (Simon & Schuster, 1983), was described by Drew Middleton in the New York Times Book Review as "the most complete and objective work yet on the general who became president.

Mr. Ambrose also wrote a three-volume biography of Richard M. Nixon, published in the late 1980’s and early 1990’s. He wrote or edited some 35 books and said that he often arose at 4 in the morning and concluded his day’s writing by reading aloud from his books from 6 p.m. to 8 p.m. for a former high school teacher. His son Hugh, who was also his agent, and other family members helped with his research in recent years.

When he was confronted with instances of having copied from others—"The Wild Blue" had passages that closely resembled material in several other books—a question arose as to whether he was too prolific.

"Nobody can write as many books as he has—many of them were well-written—without the suspicion that he comes with speed and the constant pressure to produce," said Eric Foner, a history professor at Columbia University. "It is the unfortunate downside of doing too much too fast.

David Rosenthal, the publisher of Simon & Schuster, said of Mr. Ambrose’s pace, "We were always a few days behind, but it was a business to conduct before I begin my objective work yet on the general who became president.

Mr. Ambrose retired from college teaching in 1995, having spent most of his career at the University of New Orleans. He received the National Humanities Medal in 1996.

In addition to his wife and his sons Barry, of Moore, Okla., and Hugh, of New Orleans, he is survived by another son, Andy, of New Orleans; two daughters, Grace Ambrose of Wappingers Falls, N.Y., and Stephanie Tubbs of Helena; five grandchildren; and two brothers, Harry, of Virginia, and William, of Maine.

In reflecting on his writing and on his life, Mr. Ambrose customarily paid tribute to the American soldier, whose sacrifice in World War II, he recounted the building of the transcontinental railroad in "Nothing Like It in the World." It said that Mr. Ambrose reported having earned more than $4 million from it.

"I was 10 years old when the war ended," he said. "I thought the returning veterans were giants who had saved the world from barbarism. I still think so; I remain a hero worshiper."

Mr. STEVENS. Madam President, I ask unanimous consent that I be added as an original cosponsor of the Land- dlord Obligation Act.

The PRESIDING OFFICER. (Ms. CANTWELL.) Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. It is my understanding Senator Reid has some business to conduct before I begin my oration. As the Senator knows, I am getting warmed up to get into the subject of the economy. So I yield the floor to Senator Reid and ask unanimous consent that when the Senator is through, I would be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. REID. I appreciate my friend, the Senator from Florida, for being his usual courteous self.

COMMITTEE ON APPROPRIATIONS REPORTING THIRTEEN APPROPRIATIONS BILLS BY JULY 31, 2002—Continued

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. Res. 304.

Mr. REID. I ask unanimous consent that the Conrad amendment be modified with the changes at the desk; that the amendment, as modified, be agreed to; to the resolution, as amended, be agreed to; and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The amendment (No. 4866), as modified, is as follows:

Strike all after the Resolved Clause and insert the following:

That the Senate encouraging the Senate Committee on Appropriations to report thirteen, bipartisan appropriations bills to the Senate not later than July 31, 2002.

SEC. 2. BUDGET ENFORCEMENT.

(a) EXTENSION OF SUPERMAJORITY ENFORCEMENT.

(1) In general.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 901 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through April 15, 2003.

(2) Exception.—Paragraph (1) shall not apply to the enforcement of section 302(c)(2)(B) of the Congressional Budget Act of 1974.

(b) PAY-AS-YOU-GO RULE IN THE SENATE.

(1) In general.—For purposes of Senate enforcement, section 207 of H. Con. Res. 68 (106th Congress, 1st Session) shall be construed as follows:

(A) In subsection (b)(6), by inserting after “paragraph (5)(A)” the following: “, except that direct spending or revenue effects resulting from enactment of legislation pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available”;

(B) In subsection (b)(7), by striking “September 30, 2002” and inserting “April 15, 2003”.

(c) SCORECARD.—For purposes of enforcing section 207 of House Concurrent Resolution 68 (106th Congress), upon the adoption of this section the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(d) APPLICATION TO APPROPRIATIONS.—For the purposes of enforcing this resolution, notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 185-217, during the consideration of any appropriations Act, provisions of an amendment (other than an amendment reported by the Committee on Appropriations that would have been estimated as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in an Act other than an appropriations Act shall be treated as direct spending or revenue effects as appropriate, under section 207 of H. Con. Res. 68 (106th Congress, 1st Session) as amended by this resolution.

The amendment (No. 4866), as modified, was agreed to as follows:

The resolution (S. Res. 304), as amended, was agreed to as follows:

(One resolution will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, this resolution has been cleared by the minority. I am told earlier in the day that such an amendment would be welcome to the bipartisan work done on this measure by Senators DOMENICI and CONRAD. It is an example of what can be accomplished when we work together. This is extremely important for the country. As I said earlier today, those two Senators, together with the two leaders, are to be commended.

THE ECONOMY

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, before the No. 2 Democrat retired from the Chamber, I want to congratulate him. He is the consummate consensus builder. He is someone who in the midst of chaos and fracas calms the waters with the soothing balm that gets reasonable people to suddenly understand they can come together.

This agreement on the budget resolution, which contains the enforcement provisions of the Budget Act, is another testimony to his skill in negotiating, as he does so ably, with the other Members, the other side. So I am delighted. It is fitting this agreement on a budget enforcement provision has been agreed to, because of the condition of our economy.

The stock market today has gone down another 229 points. Stocks stumbled, slamming the brakes on any kind of rally we might have thought was occurring over the last few days. Sales outlook was weak, there were disappointing earnings, and it has brought profit jitters back into the market.

Is it any wonder investors, large investors such as pension funds or small investors such as the Presiding Officer and myself, with our own little hard-earned savings that we invest in the stock market, how it is by way of reduction in the payroll tax is deducted from their pay. The tax cut would have made sure that every taxpayer would also get a tax cut.

The tax cut would have also reduced the 15-percent income tax rate paid by all income-tax payers. It would have reduced that to 10 percent and to a permanent reduction. It would have been fair. It would have been fiscally responsible, and it would have been economically stimulative. But the final version of last year’s tax cut was enacted by this Chamber. This Senator did not vote for it, and I did not vote for it because it did not meet the criteria that the Social Security and Medicare trust funds would not be touched now or in the future.

I remember when I was sworn in as a freshman in the Senate, the talk was so uplifting and upbeat about how we had a surplus that was projected for 10 years and that we were not going to have to invade the Social Security trust fund to pay bills; indeed, that we were going to fence it off. We promised that. We were going to fence off the Social Security fund. We spent it, remaining untouched, its surpluses over the next decade would have paid down most of the national debt, a debt that averages out in the range of about $200 billion to $250 billion a year we pay in interest on the national debt. Just think what that savings on interest payments could provide if we had followed through on the promises and paid down that national debt, what that would have meant to the economy as another indicator that we were getting our fiscal house in order.

The final version of last year’s tax cut did not meet that criteria of walling off Social Security trust funds.
Because of the fiscally irresponsible way the bill was drafted, with gimmicks such as changing the beginning and ending dates of key tax provisions, because of those gimmicks the bill amounted to flawed public policy that would, in fact, make our country much more $1.35 trillion debt that tax bill was advertised. The true cost of that tax bill which advertised at $1.35 trillion, and allowed by the budget resolution, over a 10-year period is closer to $2 trillion instead of $1.35 trillion. The administration—supported tax cut plan that we passed last year has a cost that explodes to $250 billion in deficit in the year 2011 alone.

Now, after going from record surpluses to real deficits, we are seeing just how bad that decision was last year. Now we are experiencing the worse market decline since the 1930s, as evidenced by the slumping stock market and again the 220-point loss today in the Dow Jones Industrial Average.

The Standard & Poor's 500 stock index has lost nearly half of its value. In the last 2 years, Americans have seen the markets lose $3.7 trillion in value. That amounts to a day in losses in value on the stock market.

Homeowners now are having such a hard time paying bills. Home foreclosure rates have reached the highest rate in 30 years. That is another indicator. The foreclosure rate has reached an increased mark for the first time in 8 years and 1.3 million more Americans are now falling into poverty. Median household incomes have fallen for the first time in a decade.

Another indicator is consumer confidence. Consumer confidence and consumer spending have both fallen. Retail sales just took their worst drop since November of last year, and consumer sentiment has dropped to levels last seen in the fall almost a decade ago, 1993.

Look at another indicator. The number of Americans without health insurance has increased by almost 1.5 million, to 41.2 million. In a nation of plenty, in a nation where we pride ourselves on the best health care in the world, there are 41 million people who do not have health insurance. Not only are the low and middle-income class families losing income, but because of the escalation of the cost of health care, in particular and prescription drug costs, they are now also losing their health insurance. I thank the previous Presiding Officer, my colleague from Minnesota, for his personal interest. He is a soul brother in what I am saying, and I appreciate it so much. In my immediate past government job before having the privilege of coming to the Senate, I was the elected insurance commissioner of Florida. I can see the trends of the rising health insurance premiums, a lot of famines, that. But I will tell you, the economy is one big factor. Where it crunches the little guy, where it crunches those in the middle-income and lower levels of income who do not have the benefits of having the Government provide their health care through the Medicare Program, where it crunches the little guy is in declining incomes in a slumping economy at the same time of rising health care costs; it gets to the point they cannot afford it.

That includes the rising cost of prescription drugs.

Interestingly, we can get 52 votes in this Senate, a majority—plus 2—to include with a prescription drug benefit—but we can't get the 60 votes required to cut off the filibuster.

Because of the slumping economy, Americans are faced with growing uncertainty over job security. With corporate scandals, a slumping stock market, a growing national debt and various forms of economic turbulence related to September 11, it is no surprise that unemployment is rising at a staggering rate. We recently saw an increase in the number of 60 to 70-year-olds in the workforce. They are trying to make ends meet.

In the last 2 years, unemployment has jumped by 1.5 percent. More than 2 million of our taxpayers, have lost jobs in the last year and two quarters, and many who have lost their jobs are having trouble finding new work.

In my Orlando office we have a bright college intern. This is a college graduate from one of our State universities who cannot get a job. While this college graduate is biding his time, he has very graciously come to offer his services as an intern in one of our Florida offices.

Many who have lost their jobs, clearly are having trouble finding new work. A million and a half people have been unemployed for over 6 months. Now they are also losing their unemployment insurance.

Last month, the Bureau of Labor Statistics reported that in the previous month, manufacturing lost 68,000 jobs; retail businesses lost 55,000 jobs. Last month, over 8 million Americans were unemployed; over 2 million more, as we said, above January of 2001 figures. Two million fewer people are working to support their families and contribute to the economy. They are gone—two million taxpayers, two million people forced to find other work because they lost their jobs.

In a slumping economy, it is no easy task to find new employment, as that college graduate has found. People are now spending over 17 weeks unemployed compared to an average of 12 weeks a year and a half ago.

The unemployment rate is rising—5.6 percent last month compared to 3.8 percent back in January of 2001, when the three Senators I see on the floor were sworn in. It is a little over a year and a half ago. The economy is falling. We must take care of the merits of extending unemployment compensation for American families. That is what some of the argument concerns.

But instead of focusing on how to get the economy going again, this administration is proposing new tax cuts for the wealthy and extending those for the wealthy that were passed last year. New tax cuts in the year 2011 will have no immediate economic effect. In fact, adding an additional $4 trillion in debt during the next decade will only hurt our economy in the short term by pushing up interest rates. What we ought to focus on is the slumping economy now and how to correct that.

Right now, most Americans are distracted with thinking about the war in Iraq and thinking about a war that is on going against terrorism. These are life-and-death matters. These are the gravest concerns of the Nation and should have our utmost attention, as it has had over the last couple of months. But we also must pay attention to our bottom line and to the economic security and the fundamental financial strength of America.

To have military strength we need an undergirding of moral, and economic strength. With projected huge deficits projected all over the rest of this decade, can we really afford to dig an even deeper hole in the middle at the time when the baby boomers are going to start retiring and demanding more in terms of retirement and Social Security and Medicare? Last year's administration spending and tax cut plan has resulted in today's collision course of more deficits, more debt, more economic insecurity, higher interest rates, lower economic growth, and lower employment. There is no way to sugar-coat that. You may as well say it like it is. To anybody who says, "Oh, why didn't you support the tax cuts," I say I did. I supported a tax cut up to $1.2 trillion over a decade. But what we said at that time was that is a responsible, balanced approach. A temporary tax cut, which I should be voted back to the latter end of the decade, is not a responsible way to rejuvenate our economy.

All of this is occurring right under our noses. Yet it doesn't seem as if there are a lot of folks in this Chamber, nor down there on Pennsylvania Avenue, who are paying much attention.

I appreciate this ongoing dialog that we have had, but there seems to be a collision course going in this East. So we better be paying attention to other battles. We must do something to reinvigorate our economy. We must pay attention to our Government's bottom line. We must not continue to raise the debt for our grandchildren.

One of the things we can do in a slumping economy is get with the appropriate kind of tax cuts, and we can stimulate the economy by getting dollars into the pockets of people so they can go out and spend it. That could start rejuvenating the economy. We have a Christmas season coming up. It is going to be critical for retailers. We can do that with a responsible tax cut.
We could also do that by extending unemployment benefits. The unemployment insurance system was designed to provide aid when it is needed most. When the economy is healthy, unemployment insurance revenue rises because fewer people are being paid. As spending falls because there are fewer unemployed.

Conversely, in a recession, unemployment insurance revenues fall while spending rises, helping to stimulate the economy.

But the problem now is that American families in this economic decline which has existed over many months are exhausting their benefits, and they need our support. The unemployment insurance program was designed exactly for the situation we are in today. This is the rainy day for which unemployment insurance saves. If we would extend those benefits from the required number of weeks that are paid now, it would amount to an economic stimulus in the most direct way, allowing families to continue functioning while they search for jobs in this poor economy.

In the 1980s, when I had the privilege of being at the other end of the Capitol in the House of Representatives, Democrats and Republicans came together to agree to extend unemployment insurance—three times. That is what we need to do today for some economic stimulus.

What we need to do is provide immediate fiscal relief for States. We heard the Senator from West Virginia talking about the support of the States. They have this huge additional drain on these Medicaid funds. States have diminished revenues. States need some assistance from the Federal Government on Medicaid, which is health care for the poor. Right now States are facing severe budget shortfalls, and many of them are finding themselves forced to cut bedrock services such as education, health care, and transportation. So the States need assistance with these crucial programs.

What we need to do is to provide a strong bill to protect pensions. We have heard these heartrending stories about the people of the Enron Corporation and other corporations such as WorldCom. They have been saving and playing by the rules. They have been working hard and saving. Where have they been saving? They were saving in their corporate pension plan. They had a retirement security.

We had several Floridians come up here because Enron had many employees of the Florida Gas Company in the Orlando area with headquarters in Winter Park. We had a number of those employees here and told how they had their entire life savings, and now—instead of having their nest egg of about $750,000—because of the scandals in that Enron Corporation, and because those pensioners were not protected, they had less than $20,000 of retirement left out of $750,000.

We need a plan that allows workers to hold employers accountable and help workers get their money back. If people responsible for protecting their investments abuse that trust, as we have seen over and over again in the scandals that erupted last fall and that were played out in front of the committees of this Senate—we need to make it easier for workers to claim their company stock in those pension plans and diversify their holdings.

Most importantly, what we need to do is have a serious debate about how best to get our economy moving again. We need to look to the box and look at some fresh ideas such as those presented at last week’s bipartisan economic forum.

What we need to do is get this economy moving again. That is what we need to do. We need to do is focus on the needs of constituents who elected us to serve here in this Chamber and to make decisions for them, and to protect them in these many ways that I have tried to enumerate in these remarks. What we need to focus our attention and our resources on the American working family members.

It is a time of partisan politics. We are just before an election. I guess my only disappointment in Washington in this job that I dearly love—I love the work, I love the people. I love these Senators, and they know I do. It is with a spring in my step that I come to work every day. My only disappointment is that this place gets too excessively partisan, and it gets too excessively ideologically rigid and extreme.

So when the time comes, as the Good Book says, “Come, let us reason together,” there is a poisoned atmosphere and there is a rigidity and extremism so that it is hard to reach out and bring people together.

In a slumping economy, you have to be able to reach out and bring people together. You have to be able to have Senators not insist that it is their way or the highway. They have to recognize there are many people in this vast, broad, beautiful, complicated, and very diverse country who need to be represented instead of just that particular Senator’s point of view. That is why our title is United States Senator—to represent the entire country and to represent all the people.

I hope as we wind down in the closing days of this session, as we address some of these major economic problems, that we will consider it in the spirit of building a consensus to solve these problems.

Thank you, Madam President, for the privilege of addressing the Senate.

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

Mr. NELSON of Florida. I certainly yield to a good friend, my colleague, my wonderful companion as a freshman, the Senator from Minnesota.

Mr. DAYTON. I thank the Senator from Florida.

I want to be sure I heard the Senator correctly.

First, I heard the Senator say earlier that the stock market dropped by 35 percent from January of 2001 to the present time. Is that correct? I was doing some mathematics here. Someone had holdings of $50,000 in January of 2001, and those holdings are now worth only $32,500; $17,500 of that would be completely wiped out.

Does the Senate recall the tax package which I opposed as being skewed unfairly to the rich and giving a few hundred dollars in rebates to the average taxpayer? I was thinking to myself: Whatever that amount is, to lose $17,500 out of a $50,000 retirement savings in a 401(k) or an IRA, it seems to me, is a pretty bad economic deal for most Americans.

Does the Senator concur or is my math that bad?

Mr. NELSON of Florida. The Senator is absolutely right. And if you just put it in round terms of someone with a nest egg of $100,000 a year and two-thirds ago, in January of 2001, that is only worth $65,000 today. They have lost $35,000 of value in their retirement portfolio, mirroring the stock market wealth, the total stock market wealth dropped 35 percent between January of 2001 and September of 2002. It is a sad commentary.

Mr. DAYTON. Will the Senator yield for another question?

Mr. NELSON of Florida. I am happy to yield to the Senator.

Mr. DAYTON. I appreciate the Senator going back to that point in time when the two of us and the Presiding Officer were sworn in here. I recall, for myself, the excitement I felt back then of the opportunities we had because the surpluses projected for the next decade, at that time, were $5.4 trillion.

I wonder if the Senator recalls, as I can, the anticipation of all the good things we could do on behalf of the people of Minnesota, Florida, and the rest of the country.

In my campaign, I made a promise of prescription drug coverage for every senior in Minnesota and sent busloads of seniors at the time up to Canada where they could get prescription drugs for half or less than half the cost of those same drugs in the United States.

I recall saying back then the solution was not to bus every senior from Minnesota to Canada—and I think that would have been more problematic to travel from Florida to Canada—but the solution was to provide the kind of coverage here from our Government that the Canadian Government provides.

I wonder if the Senator from Florida recalls other instances of the kinds of hopes and dreams we shared back then as a freshmen group of Senators as to what we could do for this country, and if you can think, as I can, back to the days when we were talking about surpluses for 10 years or more than deficits.

Mr. NELSON of Florida. We had hopes and dreams. Indeed, we had realistic plans, if we had been conservative in our approach, if we had been balanced for our approach with that projected surplus.

First of all, we said: Those economic projections for a surplus are way too
Mr. DAYTON. The Senator brought up earlier today, along with the Senator from West Virginia, this terrible dilemma we face in the Senate, that we cannot get a conference agreement with the House on concurrent receipt for our veterans, for those who have suffered injuries, disabilities, and the like.

I believe the Senator was referring—maybe he could refresh my memory—to the conference committee gathering this afternoon; we both serve on the Armed Services Committee. I could not attend, but the Senator, as I understood correctly, said the House conferees did not even attend the gathering.

They did pass in the House by over 400 votes support for the Senate position. But the White House, if I recall correctly, has now said the President will veto the Defense authorization bill because it includes concurrent receipt because it can money. Back when this $2 trillion tax cut was being discussed, this Senator does not recall any real concern being expressed that we could not afford it, and I hear now, over and over again, we cannot make money on it, or we can. We cannot even do Medicare reimbursement equalization. We cannot do concurrent receipt for our veterans. We cannot afford to do anything for benefits for people, such as extending unemployment insurance. As the Senator pointed out, because we don’t have the money. But back when it was tax cuts for the wealthy, we seemed to have all the money we needed.

Mr. NELSON of Florida. The Senator is correct. It is a sad commentary all these things that were promised to veterans—that everybody was so eager, elbowing one another aside to get to the front of the line to support—through such things as concurrent receipt, to support a prescription drug benefit for Medicare seniors—have all been cast aside. Yet I cannot believe what I am seeing on the television when I go home. I see all these TV advertisements about how all these people who have blocked a prescription drug benefit to modernize Medicare say they have voted for one. Well, they voted for one. They voted for a version that was a subsidy from the Federal Government to insurance companies supposed to provide prescription drug benefits. But in every State where a similar law has been passed to get insurance companies to provide a prescription drug benefit, the insurance companies will not do it because they cannot make money on it. And therefore, the senior citizens are the ones who suffer because they do not get the prescription drug benefit.

So isn’t it interesting they always want to run to the front of the line and talk about how they are for all of these things, but when it comes to doing it, where are the votes, particularly in a body such as the Senate, in which in order to pass anything you have to get 60 of 100 Senators because of our rules to cut off debate?

Mr. DAYTON. If I may indulge the Senator for just another minute, the Senator from Florida, being a former insurance commissioner having such a large senior population, I wonder if he could explain the point he just made about how the insurance companies themselves don’t want to provide the kind of coverage that some of our colleagues claim would be the solution to the problem.

Mr. NELSON of Florida. Since our colleague from Nevada has joined us, I will use his State as an example. About 4 years ago, the State of Nevada passed a prescription drug benefit that was very similar to the one that has been sponsored by the White House and that, in fact, has passed the House of Representatives. It is a subsidy to insurance companies to provide a prescription drug benefit.

In the case of the bill here, it is a Federal subsidy. In the case of Nevada, it was a State subsidy. But the fact is, not one insurance company stepped forward in Nevada, after the passage of that law, to offer a prescription drug benefit, because they realize the companies want to make money. They realized they could not make money.

Sure, we are having a problem with escalating costs of prescription drugs, and we should deal with that, too. The Senate is asking: Are we going to fulfill our promise to provide a legitimate and workable prescription drug benefit to senior citizens on Medicare? We have offered that, and we have only gotten 52 votes here. We have to get to 60 to cut off debate. We need eight more Senators, and then that thing will pass and pass overwhelmingly.

But you see what is being blocked right now. And then people back home claim credit for voting for a version that really is not a workable version, as experienced in the laboratories that we see out in our States.

Mr. DAYTON. The people who watch us debate must wonder about the mathematics of the Congress. The Senator from Nevada, who is a champion of the concurrent receipts legislation, sees it passed by the Senate and then by over 400 votes in the House. And then it does seem strange that these matters just can’t quite make it through the rest of the process to become law.

This Senator holds out hope that the administration, which is going to be visiting my home State of Minnesota—we have not seen such an interest by an administration in my State, in my own recollection—will come in and seize the opportunity to support two things that would be of great benefit to my State. One would be disaster assistance for our farmers who have now suffered the second or third in a row, and another would be the Senate concurrent receipt for our veterans. It would seem a fitting way to recognize the kind of suffering some are still going through.
and also the kind of contributions that have been made, once again, to see that there would be the same enthusiasm for fitting within this budget framework some of the benefits we would like to provide for our citizens, the same kind of upside for the very wealthiest corporate executives who seem to be doing very well despite the difficult economic times.

I thank the Senator from Florida for bringing these matters to the Senate this evening. It was an excellent discussion. And I would say to our continuing it again soon.

Mr. NELSON of Florida. I thank my distinguished colleague. It is always a pleasure to hear from him. I appreciate his undergirding of my comments this evening. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

UNANIMOUS CONSENT AGREEMENT—H. J. RES. 123

Mr. REID. Madam President, I ask unanimous consent that when the Senate receives a continuing resolution from the House, provided it is identical to H. J. Res. 123, the Senate proceed to consider the resolution, that it be read three times and passed, and the motion to reconsider be laid upon the table, all without intervening action or debate.

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

Mr. REID. I now ask unanimous consent that a copy of the resolution be printed in the RECORD upon the granting of this consent.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

H. J. RES. 123

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107-229 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof “November 22, 2002”.

Mr. DAISCHLE. Mr. President, as we all know, Congress has not yet completed action on 11 appropriations bills. These bills fund such important domestic programs as Social Security, education, and veterans medical care.

In order to keep these important functions of Government up and running, we have already worked with the House to pass two continuing resolutions, the last of which expires on Friday.

The House of Representatives has just passed and sent to the Senate a third continuing resolution. House Republicans are now proposing that we leave town and let the Government run on autopilot until November 22.

Why November 22? By picking a Friday before Thanksgiving, House Republicans have made it clear they are not serious about completing the appropriations bills in November either. It will be extraordinarily difficult, in the several days before Thanksgiving, for us to get all the parties together to settle all the issues that have been insoluble for the past several months.

The House Republican proposal seems designed to be an auto-pilot until next year, a recipe for a CR that starves basic Government programs essential to the health and well-being of millions of Americans. Indeed, several leading Republicans have indicated this is really their preference.

Senators should not be under any illusion: a long-term CR will do just that. It will starve functions of Government. And you don’t have to take my word for it. According to Representative BILL YOUNG, the Republican chairman of the House Appropriations Committee, a long-term CR would have a “devastating impact” on the war on terror, homeland security, and other important Government responsibilities.”

Chairman YOUNG wrote that sentence in a memo he sent to Speaker HASTERT. The memo went even further, detailing the impact of a CR on a host of important domestic programs. Here is a sampling of what Chairman YOUNG said will be cut: FBI, funding to hire additional agents to fight terrorism and to continue information technology upgrades would be denied; bio-terrorism, no funding for President’s $800 million initiative to increase funding for new basic bioterror research, to develop and test a new improved anthrax vaccine, and to assist universities and research institutions; first responders, no funding for President’s $3.5 billion initiative to provide assistance to local law enforcement, fire departments, and emergency response teams; SEC/corporate responsibility, no funding to support current staffing requirements let alone significant staff increases needed to monitor corporate behavior; veterans medical care, long-term CR would leave veterans medical health care system at least $2.5 billion short of expected requirements; firefighting, $1.5 billion taken from other Interior Department programs to pay for firefighting costs will not be replaced; Pell grants, a freeze in this program will result in a shortfall of over $900 million; Medicare, no funding for President’s $143 million increase to ensure that the growing number of claims are processed in a timely manner; Special Supplemen tal Feeding Program for WIC, funding would be reduced by $114 million below current levels, meaning less will be available for families that depend on this program; Social Security claims, no funding for the President’s initiative to process hundreds of thousands of Social Security recipients.

In addition to the program cuts listed by Chairman YOUNG, the House CR omits assistance for thousands of farmers all over this country who are confronting the worst drought in more than 50 years.

This is the wrong way to do business. We should be completing our work on the bipartisan appropriations bills, not cutting education, veterans affairs, homeland security and other important priorities.

Each of these bills properly funds key priorities. And, most importantly, each enjoyed the unanimous support of the Democrats and the Republicans on the Committee.

There is no reason why the full Senate cannot do the same. Passage of these bills would fund Government for a year, with no need for any more stop-gap, starvation diet CRs.

Regrettably, 10 Republican colleagues in the House have refused all year to consider appropriate funding levels for crucial functions of Government, even though all Senators on the Senate Appropriations Committee, Democrats and Republicans, were able to agree on all 13 bills.

The difference between the aggregate total of spending for the bipartisan Senate bills and the aggregate total proposed by the House Republican budget resolution is roughly $9 billion in budget authority. That’s a tiny fraction of the $5.6 trillion 10-year surplus that’s been squandered since the current administration came to office.

To hold up funding for all the non-defense areas of Government in order to claim credit for fiscal responsibility over such a tiny proportion of overall spending is the height of irresponsibility.

Unfortunately, it is crystal clear that is precisely what our Republican colleagues would like to see happen. They want to run the Government on a starvation diet into next year. Because the House resolution is now the only way to keep the Government operating, it will be passed by voice vote, to agree to it.

Mr. REID. Madam President, basically what we have just done is pass a continuing resolution until November 22. This is done with some trepidation and really with the complete understanding that this is not the right way to run Government. It would have been so much better had we been able to pass our appropriations bills. We have not been able to do that. We have 13 appropriations bills we should pass every year. I don’t have the exact number, but I think following the passage of the Defense appropriations bill, we have
passed four bills, maybe only three, leaving tremendous work that should have been done in committee.

We have tried on a number of occasions to offer consent resolutions that we could pass the appropriations bills. Senate Majority Leader Reid insisted to unanimous consent that we pass them all at once. They passed the Appropriations Committee unanimously; that is, Democrats and Republicans approved these bills. So it is just a shame.

In my capacity as chairman of the House Appropriations Committee, a Republican, I sent a resolution to Speaker Hastert, which has been around. Other people have seen it. It is not very private. It is one of those things here in Washington that is about as private as going to Tysons Corner shopping—not very private. It is a memo to the Speaker from the chairman of the Appropriations Committee.

Among other things, he says:

A long-term continuing resolution (CR) that funds government operations at FY02 levels would have a disastrous impact on the war on terrorism, homeland security, and other important government responsibilities.

He sets out, in a four-page memorandum, all the things that would be hurt. He does list those, including Social Security, Pell grants, Medicare claims, a large number of items. And he leaves out a number of them that I personally believe and many Democrats believe are as important as those he lists in this memorandum that should be passed.

Having a budget come before the Senate and there had been a rollover call, there is no question that a significant number of Democrats would have voted in opposition. That is the way things worked out. We could not be responsible for shutting down Government, because that is what it would have amounted to.

We are doing this reluctantly. I hope that when we come back, Chairman Young prevails and at that time we can sit down and work on the appropriations bills. It is important to every State in the Union that we do this.

There is a tremendous need to do things such as Government setup, such as pass the yearly appropriations bills. This is not the right way to fund Government.

Some have said, including Senator Pat Moynihan, that this is a plan. These programs that they want to hurt, they can’t do it head on, they can do it indirectly, so they do it indi- rectly.

I am glad that Government is going to be funded. We went through the Gingrich years where he and his compatriots shut down the Government. We ask them to do that. We are going to act responsibly. That is why we allowed this measure to go forward. But we do it with concern, reservation, and, as I have indicated, with trepida
tion.

I ask unanimous consent to print in the RECORD the memorandum from Chairman Young and Speaker Hastert to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM
To: Speaker Hastert.
From: Chairman C.W. Bill Young.

Date: October 3, 2002.

Pursuant to my October 1st correspondence regarding the state of the appropriations process, I refer to you further analysis of the potential impacts of a long-term continuing resolution (CR). These projections assume a continuing-_rate CR excluding one time expenditures that extend through February or March.

A long-term continuing resolution (CR) that funds government operations at FY02 levels would have disastrous impacts on the war on terrorism, homeland security, and other important government responsibilities. It would also be fiscally irresponsible. It would fund low-priority programs the President has proposed to eliminate.

Homeland Security—The President has proposed to increase fiscal 2003 homeland security in his FY03 budget. None of these funds would be provided under a long-term CR. Assuming Congress completes work on creating the new Department of Homeland Security, a long-term CR would leave this new agency with very little resources to carry out its new mission.

Projects—A long-term CR ensures that no Member of Congress would receive a single project. The Committee has received tens of thousands of requests for billions of dollars from almost everyone, including the FBI, long-term CR would leave this new agency with very little resources to carry out its new mission.

HOMELAND SECURITY IMPACTS OF LONG-TERM CR

FBI—We would not have sufficient funding to hire additional agents to fight terrorism. We would continue to control that will help the FBI “connect the dots” through data mining proposals and other information infrastructure enhancements.

TSA—The “ACE” aviation, maritime and land security would be seriously curtailed. Port, cargo, and trucking security would seriously deteriorate. If emergency funds are not provided in a continuing resolution (which is historically the case), TSA would be under an annual rate of $1.5 billion for the life of a long-term CR. This would be $76% of their FY03 order request ($5.3 billion). At this level, it is unlikely TSA could maintain their current workforce of 32,000 screeners as well as air marshals. TSA would likely be forced to furlough workers. No port, cargo, or trucking security would not be able to meet the deadlines for security improvements established by Congress last December.

Coast Guard—The Coast Guard is request- ing a large ($500 million) budget increase in FY03, and much of this is to hire additional security personnel, such as Maritime Safety and Security Teams to patrol harbors and respond to suspicious activity. It also includes funds to expand the sea marshal program, which escorts DoD and high-risk commercial commercial flights in and out of the United States. For the FY02 level, these additional security expenses would be deferred, or would require diversion of funds from other critical missions such as drug interdiction or search and rescue. This office would not be funded.

INS’ Entry Exit System—A program designed to facilitate the necessary infrastructure improvements and expansions so that they are prepared to respond to bio-terrorism emergencies.

First Responders—The President has proposed to eliminate $4.1 billion in, a long-term CR would leave this new agency with very little resources to carry out its new mission.

PROGRAMMATIC IMPACTS OF LONG-TERM CR

SEC/Corporate Responsibility—We would not be able to fund current staffing requirements, let alone support significant staff in-flight corporate fraud and protect investors.

Veterans—The veterans medical care system will be reduced by $2.5 billion short of expected requirements. Veterans would be deprived of significant increases in medical care provided by the President and the House budget resolution.

Firefighting—We would not be able to scale-up significantly Federal support for bio-preparedness research and development as proposed by the President. Anthrax vaccine research and development funds would be eliminated. We would forgo the nearly $4 billion proposed for the National Institutes of Health which is consistent with Congress commitment to increase funding for NIH over a set period of time.

Foreign Operations—Afghanistan recon- struction, including the famous Presidential $10 million request for DOD, would be cut. This would do us absolutely nothing to increase our chances that unrest and killings would resume there as the Iraqi matter comes to a head. It will severely cut the U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria and reduce by 30% funds for Plan Colombia.

Firefighting—Interior has already spent $100 million on firefighting abatement that provided in FY02. This has come at the expense of other programs including Member
projects. These bills would not be paid under a long-term CR.

Pay—All agencies would have to absorb Federal employee pay increases due in January. This would much more likely permit for agencies to operate under a current rate and result in widespread layoffs and furloughs.

Pell Grants—A freeze in the Pell program will result in the accumulation of a significant shortfall. There will be a shortfall of over $30 million, even when factoring in the $1 billion supplemental appropriation provided to the program in fiscal year 2002.

DEA—We would be unable to hire new agents and drug traffickers, which shifted 400 FBI drug agents to counter-terrorism. We have proposed to hire hundreds of new agents to fight the war on drugs and narcotics, a major Counters corps building, and the US mission to the UN in New York. Projects would become more expensive due to inflation.

Campaign Finance Reform—No funding for implementation of the Bipartisan Campaign Reform Act making it difficult for the Federal Elections Commission to implement the reforms signed into law by the President.

Federal Prisons—Insufficient activation funds to four Federal prisons that are scheduled to open in FY 2003, exacerbating the alreadily overcrowded conditions in the Federal prison system.

Medicare claims—We would not be able to provide additional funding, as proposed by the President, to handle the increased Medicare claims volume in a timely manner. The President proposed a $143 million increase to adequately process the growing number of claims. A long term CR would significantly slow down the claims process and unecessarily inconvenience Medicare beneficiaries who depend on Medicare.

Yucca Mountain—A CR at the FY2002 enacted $20 million a year and by ensuring that DOE’s nuclear waste repository project is $200 million. This would cause real delays in the scheduled opening of the facility.

The Special Supplemental Feeding Program for Women, Infants, and Children (WIC) would be reduced $114 million from current levels. This would result in less assistance being available for families who depend on this important program, especially in uncertain economic times.

The Food and Drug Administration would be reduced by $338 million which would result in immediate furloughs and RIFs among newly hired employees responsible for enforcement of a single new agents and drug agents and for increased food safety activities (primarily surveillance of imported food products, an area of vulnerability).

Social Security—The President also asked for a significant increase in funds to process and pay benefits to the millions of Social Security beneficiaries.

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

The PRESIDING OFFICER (Mr. Dayton). Without objection, it is so ordered.

Mr. REID. Mr. President, my understanding is we are in a period of morning business. Is that right?

The PRESIDING OFFICER. The Senator is correct.

MISSING CHILDREN'S ASSISTANCE ACT

Mr. BIDEN. Mr. President, I rise today as an original co-sponsor of the Missing Children’s Assistance Act and to urge its prompt consideration by this body.

The Justice Department recently reported that in 1999, 797,500 children were reported missing to police or to missing children's agencies. That is equivalent to a startling 11.4 children per 1,000 in the U.S. population. There were 58,200 children who were victims of a non-family abduction in 1999. One hundred fifteen of these children were taken in a manner that we would think of as a stereotypical kidnapping, and tragically, in half of these cases, the child victim was sexually assaulted by the perpetrator. These statistics are unacceptable. As a Nation we should strive every day to eliminate the scourge of abducted children.

That's exactly what the National Center for Missing and Exploited Children (NCMEC) is all about. Since it was established in 1984, the Center has served as a resource to parents, children, law enforcement, schools, and the community to assist in the recovery of America’s abducted children. It has worked on over 73,000 cases of missing and exploited children and successfully returned more than 48,000 of these children to their families. The Center is constantly striving to raise the Nation's awareness of preventative measures that can be taken to keep our children safe from sexual exploitation, and molestation. These notable endeavors have contributed to a substantial increase in nation's recovery rate of missing children from a dismal 61 percent in the 1980s to 91 percent today.

For these reasons, I rise today with the Senator from Utah and the Senator from Vermont to introduce the Missing Children’s Assistance Act. This act will expand the ability of the National Center for Missing and Exploited Children to protect our children by doubling the Federal contribution to the Center to $20 million a year and by ensuring that Congress will continue to support the Center’s noteworthy efforts through FY 2006. The President’s proposal to create a CyberTipline. As technology continues to transform and modernize our lives, we must make provisions to insure that our children will be safe from perpetrators who prey on children through the Internet. The CyberTipline will allow law enforcement officials to contribute tips and suspicious of Internet-related and other types of sexual impropriety directed towards minors to the authorities. It will allow those wary of contacting law enforcement a safe place to do so, while making it possible for law enforcement and missing children agencies to send email alerts to thousands of individuals simultaneously.

In the end, I believe that this act will make the Nation a safer place for our children. The National Center for Missing and Exploited Children has done a tremendous job of raising the nation’s awareness of child abduction, and this act will make it possible for the Center to continue with these endeavors. I urge support for the Missing Children’s Assistance Act. It is fundamental that our children’s safety remain at forefront of our national agenda.

BANKRUPTCY CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of S. 3074 or any other legislation creating new bankruptcy judge'ships. I believe that these changes should be enacted as part of the comprehensive bankruptcy reform conference report. Majority Leader DASCHLE has indicated that there will be a lame duck session, and he has indicated that the bankruptcy conference report will be taken up and passed. So I urge my colleagues in the House and Senate to pass the comprehensive bankruptcy reform conference report.

CONFLICT DIAMONDS

Mr. LEAHY. Mr. President, recently, the Prosecutor for the Special Court for Sierra Leone briefed the staff of the Foreign Operations Subcommittee. He spoke about his efforts to prosecute those responsible for the horrific crimes that were committed there and to help this nation emerge from a tragic episode in its history.

Whenever something like this occurs, the question that first comes to mind is why did it happen? Was it a political struggle? Was it because of religious extremism or ethnic hatred? Unlike Yugoslavia or Rwanda, most experts believe that the driving force behind this brutal conflict was control of resource, especially precious diamonds.

The problems associated with conflict diamonds in Sierra Leone are not confined to West Africa. They also have an impact in the United States. According to the Washington Post, al Qaeda reaped millions of dollars from the illicit sale of diamonds, and law enforcement officials have said that in order to cut off al Qaeda funds, you have to cut off the diamond pipeline.

With all that is happening in the world, it may be understandable that these kind of conflict diamonds is not front page news. However, we are starting to make some progress on this important issue.
The Administration has been working to help create an international regime aimed at stopping the trade in conflict diamonds. Initiated by a group of African nations, the Kimberly process has the support of a diverse group of non-governmental organizations and the diamond industry.

In March 2002, the last full session of the Kimberly process was completed and has now reached a point where the individual countries involved need to pass implementing legislation. In the United States, some modest legislation may be enacted before the end of this year.

While I am glad that Congress may pass something on conflict diamonds this year, there must be a serious effort next year to get stronger legislation signed into law.

Senator DURBIN has introduced important implementing legislation, and he is working with the administration, a bipartisan group of Senators, including Senators DeWINE and BINGAMAN, and a range of non-governmental organizations such as Oxfam and Catholic Relief Services to come up with effective legislation that we can all support.

I am encouraged that the administration and Congress, working with and has named Ambassador Bindenagle, a career diplomat with experience in complex negotiations, to lead this effort.

But, there must be more than an exchange of views on this issue. The administration must also seriously consider Congressional proposals to move beyond the Kimberly process.

For example, a major flaw in the Kimberly process is that it does not cover polished diamonds. This is important for two reasons. Polished diamonds contribute significantly to the problems associated with the illicit trade in diamonds, and the United States is far and away the world’s largest market for these types of diamonds. Clearly, an area where the United States needs to show leadership.

As chairman of the Foreign Operations Subcommittee, I will do what I can to ensure that resources are available for developing countries that want to enhance their capacity to implement Kimberly.

I look forward to working with the administration to make substantial progress on this issue next year. It will not be easy, but it can be done.

DRIVER’S LICENSE FRAUD PREVENTION ACT

Mr. mccain. Mr. President, I am pleased to have joined Senator DURBIN in introducing the Driver’s License Fraud Prevention Act.

Today’s patchwork of State laws, regulations, and procedures for the issuance of driver’s licenses makes it all too easy for problem drivers and criminals to obtain multiple licenses to hide traffic convictions and other criminal activity. The extent of the problem became painfully clear following the terrorist attacks of September 11, 2001, when we learned that a number of the terrorists had obtained State-issued driver’s licenses or identification cards using fraudulent documents.

Almost half the States have taken action since the terrorist attacks to tighten licensing procedures and I am encouraged that the National Governors Association has formed a homeland security task force that, among other things, will be working to determine the best way for States to strengthen their driver’s license standards and authority. However, Senator DURBIN and I believe there is a legitimate role for the Federal Government to play in leading and coordinating State efforts to improve driver’s license security. In addition, because of the estimated costs and coordination required to improve driver’s license security, the States cannot resolve the issue on their own.

The proposal we introduced would require the Department of Transportation, DOT, to work in consultation with the States to establish minimum standards for proof of identity by driver’s licenses. Currently, personnel in departments of motor vehicles are called upon to perform the difficult task of verifying numerous different types of birth certificates, licenses from other States, proof of residency, and other documents. Only 18 States verify an applicant’s social security number with the Social Security Administration and there is no system today to verify the validity of a driver’s license being surrendered to obtain a license in another State.

This legislation would also require DOT, in consultation with the States, to establish minimum standards for the license itself to make it more tamper-proof and less susceptible to counterfeits.

The idea is to direct DOT to complete a study of the feasibility, costs, benefits and impact on personal privacy of using a biometric identifier on driver’s licenses. The intent is not to create a national driver’s license or identification card, but to improve the security of State-issued licenses through the use of digital photographs, holograms and other devices.

In addition, the bill would use the existing database for commercial motor vehicle drivers for creating a driver record information system on all licensed drivers. The new system, like the current one, would be a pointer system to State records, rather than a national database of information on drivers. It is this new system that would help States verify the validity of licenses previously held, determine whether an individual holds more than one license, and provide information on the individual’s driving record. Further, the bill would prohibit the issuance of an individual’s social security number of a driver’s license, increase criminal penalties for fraudulently issuing, obtaining or facilitating the issuance of fraudulent licenses, and call for the timely posting of convictions incurred in any State on the driver’s license.

Driver’s licenses are used by minors to purchase alcohol and cigarettes, by convicts involved in identity theft, and for many other illegal purposes. Improving the security of the license is a matter of common sense.

I am confident that this legislation will prove meaningful and lively debate will follow how to approach driver’s license security. It may not be possible, given the press of other business, for the bill to be passed this year. Nevertheless, this proposal will provide a foundation for discussion and deliberations next year as we work to reauthorize the Transportation Equity Act for the 21st Century, TEA-21.

REMEMBERING CHARLES GUGGENHEIM

Mr. HOLLINGS. Mr. President. Let me first ask unanimous consent to have printed in the RECORD “The Filmmaker Who Told America’s Story” by Phil McCombs that appeared in the Washington Post this week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


THE FILMMAKER WHO TOLD AMERICA’S STORY

(Phil McCombs)

He raced against death, and won. Oh, how Charles Guggenheim would have not liked putting it so directly!

The great film documentarian, who died at Georgetown University Hospital yesterday of pancreatic cancer at 78, left a life’s work of subtle, passionate cinematic hymns to what he called, in a last message to friends, “the essential American journey.”

His final film, finished just weeks ago, limns a shocking episode of that journey—the “selection” by Nazis of 300 U.S. troops who died in the Battle of the Bulge in 1944 for deportation to a concentration camp because they were Jews or “looked Jewish.”

Guggenheim, the son of a well-to-do German-Jewish furniture dealer in Cincinnati, easily might have been one of them. His unit was decimated in the battle, but he’d been left behind in the States with a life-threatening infection.

For more than half a century, as hints and incomplete versions of the story surfaced, it gnawed at him. A few years ago, he began searching for survivors—and found them.

Early this year, just as Guggenheim was working on the “death march” sequence, his cancer was diagnosed.

Over the next six months, he’d work all week on the film, have chemotherapy on Friday, sleep through the weekend and be back on the job Monday.

A few weeks ago, as he and his daughter, Grace—producer of this and many of his films—were “mixing” the final version, he began suffering painful attacks. The cancer had invaded his stomach.

“He’d have to lie on the couch while we worked,” Grace Guggenheim recalled.

His father, also called Bob, not unlike his former comrades after they were liberated by U.S. forces following months of slave labor in a satellite camp of Buchenwald.

“Does it occur to you,” Guggenheim’s old friend, historian David McCullough, asked

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him in an interview last month, “that maybe you were spared to make this film!”

“Well,” Guggenheim answered, “I felt a deep obligation more after I met the [survivors] than I said to them, so I gave them something.” Thoughts of his old comrades’ courage, he added, were a “source of strength for me” as he persevered in his battle with the film.

Just as “Berga: Soldiers of Another War” was done, Guggenheim’s strength evaporated. He began staying home, sleeping most of the days to show what they’d accomplished; his client list amounted to a veritable Who’s Who of America—a feat matched only by Walt Disney.

Yet acclaim never sullied this modest, friendly man who lived a quiet family life in Washington. Though many of his friends were rich, he did not think much of wealth. “You can sort of take it or leave it,” as former Missouri representative Jim Simington once said. “He’s an artist.”

The master's voice:

“I cry when I hear that,” Guggenheim once confided.

And these, from the liberation sequence in “Berga”:

Sanford Lubsinsky: “It got quiet. And then we heard that firing start up again.”

Edward Slotkin: “And we look out the front.

Leo Zaccaria: “And up the road comes this tank. American tank.”

Lubsinsky: “When I saw that American flag coming down, there was nothing looked beautiful in our all born days. That American flag, our flag, sure looked beautiful. It’s a very beautiful thing when you haven’t seen it for a long while.”

The narrations Guggenheim wrote in support of the voices were spare, existential.

“The sea was welcoming,” narrates a sleep-voiced McCullough in the D-Day film, “as if it were paying its respects to the men who had fallen, who out of a nation of millions had been selected, for reasons known only to God, to represent that day.”

Guggenheim had a second hat, too. He was a founding father of the televised political campaign commercial. As a young independent filmmaker in St. Louis in 1956, he’d accepted an offer to run presidential candidate Adlai Stevenson’s TV campaign—Guggenheim needed the money—and then gone on to work for other candidates.

His client list amounted to a veritable political lexicon, including Kennedy, Gore Sr., Davis and Jonathan, both in film work. “I feel compelled to say something, if you play a piano in a house of ill repute,” he told PBS’s “NewsHour With Jim Lehrer” a few years ago, “it doesn’t make any difference how well you play the piano.”

By the late 1980s, he’d turned full time to his beloved documentaries.

“Why have you stayed with this . . . art form long enough?” a San Francisco Chronicle reporter asked in the interview last month. “What makes you want to get up out of bed in the morning?”

“I just feel compelled to say something, if I feel strongly about it,” Guggenheim replied. “And I think it was . . . [director] David Lean [who said] that the greatest moment in making films, and probably the most satisfying moment in film, is getting a story you’re in love with.”

“So you search for those things,”

Last week, as Guggenheim, laying dyIng, “Berga” was screened for the board of the Foundation for the National Archives, a non-profit advisory and fund-raising group of which Guggenheim was president. For many of his films, the archives was a primary source.

Grace Guggenheim read a message to the group dictated by her dad from the hospital. “Many people know about the Constitution and the Declaration of Independence,” he’d said, “but few know that the treasures held in the millions of feet of film, in the countless maps and pictures and letters . . . “Story after story is revealed from the war that is accomplished every day at the archives—the incomparable truths, all telling and retelling what is the essential American journey.”

Then old photos of the survivors appeared on the screen, the camera panning slowly across it—fresh-faced American GIs of World War II, in formation.

Then the narrator’s voice—clear, strong:

This picture was taken over 50 years ago. World War II. My company. I’m in there someplace, I can remember their faces just like yesterday. And they went overseas, and I didn’t, and some of them didn’t come back. “And I’ve been thinking about it for 50 years, wondering why it didn’t happen to me.”

“Why’s that to my father’s voice.”

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The final shot: a joyful GI, the camera panning down to his smiling little girl sitting on a tricycle.

And Guggenheim's clear voice-over: "These are just a few of the faces in my story, but there are millions of faces, and millions of stories.

'That have never been told. And deserve to be.

'You should remember that.'"

Mr. HOLLINGS. The great advantage of serving in the U.S. Senate is the exposure to your colleagues in the Senate, all who are talented, and the exposure to various individuals in Washington involved in the issues. The principal issue for one serving in the U.S. Senate is re-election. That's how I met Charles Guggenheim.

It was 30 years ago. Charles had the reputation of producing the best candid films and after handling me, remarkably, he retained that reputation. My staff had just contacted him when they came back to me and surprised me with a big gift. Charles wanted to follow me when I went home that weekend. I said let's wait, it's too early for filming. The answer was no, it's not for filming. Mr. Guggenheim wants to travel with you to see if he likes you. I said let's wait to see if I like him. I will never forget that weekend, after reciting the Pledge of Allegiance at the Rotary Club, the Realtors, the tobacco barn, the Democratic Party rally, and nine other times, I thought I may lose Charles. But he stuck with me and returned to love from there.

There are two kinds of geniuses in this world: the intellectual and the sensitive. The intellectual is the type who goes through a magazine just turning the pages and catching up in the back part with the story, remembering it all. Or the type that reads a book in a couple of evenings. But then there is the sentimental genius. They feel the words. You tell me that a friend is sick and I feel sorry for him. You tell me your friend is sick act and you start feeling bad. No one could read people better. He would have me do one take over and over and just to make sure the light was right, or the sound was exact, very sensitive to the environment and feelings of those around him. No doubt this made him an Oscar winner four times and a nominee twelve times. But this search for the authentic also made him give up on us politicians 20 years ago. The political store was no more the positive attributes of the candidate depicting his record in a colorful way, but the framing of the opponent with a half-truth, with a negative spin that meets the poll. Outrageous hypocrisy. Charles would have none of it and he turned exclusively to documentaries.

Charles' brilliance was in telling the story so that you were there in the historic moment. I watched him in work. We would meet at 6:30 in the morning two or three times a week at Ali Rosenberg's St. Alban's for tennis. Ali didn't let us start until just before 7:00 so the three of us would chat about the events of the day. Charles had the keenest wit about the political happenings in Washington and, talking along, I realized his genius. It wasn't just the sensitivity, but the historian. For the D-Day film he searched the Pentagon archives for 2 years finding things that the military historians had no idea of. Then, to give life to the depiction, he searched to identify the exact outfit, down to the platoon or squad. Then he found a member of that platoon or squad still living to narrate the story. He looked for Jewish POWs for his most recent film. He was mainly concerned about his own outfit from which he was separated. They were captured in the Battle of the Bulge: the Jews, the prisoners separated and inflicted with torture and death. He wanted to tell this story of the POW Holocaust that had never been told. He was tickled that the weather was just, right for his takes at the prison camps in Germany. He smiled at his luck. And then the cancer hit. He struggled this year to finish the course. Amazing Grace, his beautiful daughter, worked with him to complete the film. In this story of families split apart, the Guggenheims have shone as a star of cohesion. Jonathan worked as a Senate Page and now produces on the West coast. Davis has just completed a cameo production on education. And Guggenheim himself says that this research for Ronald Reagan's 1981 tax cuts and defense buildup. In 1983, PHIL GRAMM displayed the courage of his convictions by resigning from the Democratic party to run as a Republican. His resignation was a success, and not only the first Republican in the history of the 6th District of Texas, but the only member of Congress in the 20th Century to resign from Congress and successfully seek re-election as a member of another party.

When John Tower announced his retirement from the Senate in 1984, Senator GRAMM seizes the opportunity, and won an overwhelming victory in Texas. When he first served in the US Congress, Senator GRAMM quickly developed a reputation as a conservative Democrat who was committed to fiscal responsibility. Through his position on the Budget Committee, Senator GRAMM helped to craft bipartisan legislation which laid the foundation for Ronald Reagan's 1981 tax cuts and defense buildup. In 1983, PHIL GRAMM displayed the courage of his convictions by resigning from the Democratic party to run as a Republican. His resignation was a success, and not only the first Republican in the history of the 6th District of Texas, but the only member of Congress in the 20th Century to resign from Congress and successfully seek re-election as a member of another party.

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S10563

separated banks from investment banking and commercial firms. Through a lot of hard work, dogged tenacity and a little compromise, Senator Gramm shepherded the bill through the committee and out of the Senate. The result was that in 1998 financial reform became law. 

Senator Gramm has the ability to do something that not many people can do. He can take complex issues and break them down into their most basic elements, so that just about anyone can understand them. The intricacies of the budget process, the solvency of Social Security, the implications of national health care, are all brought down to kitchen table common sense. This is an amazing gift, and a formidable one for anyone who stands on the other side of an issue from him. There is simply no rhetoric to hide behind with Senator Gramm. He is not afraid to fight or to lose, and so rarely loses.

Senator Gramm's absence from the U.S. Senate will truly leave a substantial void. I will certainly miss his expert participation on the Senate Banking Committee and the broad policy experience that he brings to every debate. I would like to extend my sincere best wishes to Senator Gramm on his retirement from the Senate and wish him luck in his new career.

ONE YEAR ANNIVERSARY OF ENRON SCANDAL

Mr. LEVINE. Mr. President, one year ago today, the public first began to learn of the accounting frauds that led to the collapse of Enron Corporation. For the first time, investors learned of special purpose entities used to make Enron's financial condition look better than it was and of partnerships run by Enron's chief financial officer. One year ago today, the press first reported the $1 billion loss in Enron's shareholder equity and a $700 million loss in earnings. Less than 2 months later, Enron's reputation as a well-run company and a good investment morphed into that of a bankrupt operation with billions in unpaid debt.

As the scandal unfolded, Enron's employees lost their jobs and their pensions. It shook Wall Street and their clients. Its accounting firm lost its credibility and its ability to operate as an auditor. About the only ones to walk away from Enron's fall intact were a number of executives who pocketed millions of dollars in compensation despite the company's collapse. Other executives are now beginning to pay the piper for their misdeeds.

Of course, Enron was only the beginning. Within 6 months, the press was inundated with reports of multibillion-dollar accounting frauds at other major publicly traded corporations in the United States. We learned that Worldcom had misreported $3 billion in expenses, a figure which has since doubled to more than $7 billion. We learned that Adelphia had made billions of dollars in unsecured loans to corporate insiders, especially members of the Rigas family. We learned that Tyco had made not only unreported loans to executives and directors, but its CEO appears to have cheated on his taxes. The list of companies associated with accounting frauds or other corporate misconduct kept increasing, shaking not only Wall Street, but more than half of U.S. households are directly or indirectly invested in the stock market.

The result is that, today, investor confidence in U.S. financial statements and the U.S. accounting profession lies in tatters. The stock market itself has compiled its worst record in years. The breadth and depth of this corporate misconduct galvanized Congress. Over the past year, we conducted multiple investigations into what happened. We subpoenaed documents. We held hearings. We issued reports. And during the summer, we enacted into law the Sarbanes-Oxley Act, a corporate reform law which calls for a dramatic overhaul of the way U.S. business operates, including overhauling accounting oversight, restoring auditor integrity, and strengthening investor protections. This legislation was a strong response to the corporate scandals, but the work is far from over.

Enron's 1-year anniversary is a good time to recall what still needs to be done.

First, the SEC needs to implement the Sarbanes-Oxley Act. The most important next step here is naming the members of the new Public Company Accounting Oversight Board. This Board is charged with strengthening auditor ethics, disciplinary proceedings, and conflict of interest prohibitions in the U.S. accounting profession. This work will require a frank acknowledgment of past problems, a fresh examination of what works and what has failed, and a willingness to break from past practice to increase investor protections.

Some impressive candidates have stepped forward to express their willingness to serve on this board. One terrific candidate is John H. Biggs who is about to retire from his post as chairman and CEO of TIAA-CREF. Mr. Biggs has the stature, expertise, and backbone needed to lead this board. He is the right man at the right moment to restore integrity to U.S. financial statements and the U.S. accounting profession, and the SEC ought to immediately accept his offer to serve the public as a member of this important new board.

The SEC also has a host of important regulations to issue over the coming year—a task that will require continued congressional oversight. One of the most important is the requirement that companies disclose all material off-the-books transactions, arrangements, obligations and relationships. While the Financial Accounting Standards Board, or FASB, has issued a proposal to strengthen accounting rules regarding special purpose entities, that addresses only a portion of the problem and the SEC can and must do much more.

The SEC must also set up the policies and procedures necessary to identify and administratively bar those persons who are substantially unfit to serve as officers or directors of public companies. Too many officers and directors have turned their eyes away from misconduct, failed to ask tough questions, or allowed fraudulent or questionable activities to continue unchecked at the companies that are now the subject of legal proceedings. We need stronger leadership in corporate America and to eliminate those unwilling or able to act as fiduciaries for investors.

These are just two of the many pressing regulatory issues facing the SEC in the coming year. Congress and the SEC must together reform the law. But it will take more than Sarbanes-Oxley to end corporate misconduct and restore investor confidence in U.S. markets. The list of unfinished business includes at least the following:

First, Congress needs to recognize that the SEC is outgunned and outspent and give the SEC the resources it needs to police financial statements and detect and punish corporate misconduct.

Second, we need to give the SEC new civil enforcement authority to impose administrative fines on company officers, directors, auditors, lawyers, and others who violate federal securities laws. Right now, the only wrongdoers the SEC can fine in administrative proceedings are broker-dealers and investment advisers. My amendment to broaden its authority to fine other violators of the securities laws never received a vote during the consideration of the Sarbanes-Oxley Act. I intend to keep trying until that vote takes place.

Another festering problem involves stock options. Stock option abuses have not stopped, and dishonest accounting of stock option expenses continues. That means that Congress still needs to set a deadline for FASB to take appropriate action on the issue of expensing stock options. Over 120 publicly traded companies have announced their intention—on a voluntary basis—to begin expensing options. That is a huge and welcome change from past practice. But many other public companies have indicated they have no intention of expensing options until required to do so. It is time to level the playing field in favor of honest accounting of stock options.

Still another continuing problem involves so-called corporate inversions, when U.S. companies pretend to move their headquarters to an offshore tax haven in order to avoid paying their fair share of taxes. These offshore shell companies are not only unpatriotic, they are unfair to the taxpayers who have to
pick up the slack and pay for this country’s military, security, law enforcement, and other needs, many of which benefit the companies avoiding their fair share of taxes. I plan to spend a significant amount of time over the next year looking at issues related to offshore tax evasion and corporate non-payment of tax.

A few years ago, this country had billions of dollars in surplus and a growing economy. But that is over. One contributing cause is the corporate scandals over the last year. Those arguing for tepid reforms or the status quo will not provide the leadership needed to end the corporate misconduct and investor fears now plaguing U.S. markets. We need not only to complete the implementation of the Sarbanes-Oxley law, but also to move ahead with additional measures needed to restore investor faith in U.S. business. The one-year anniversary of the Enron scandal is a good time to renew the call for that unfinished business.

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 September 15, 2001 in San Francisco, CA. Two men, Robin Clarke and Sean Fernandez, were brutally attacked by a man who thought Fernandez was an Arab. The assailant passed the two men on the street, called Fernandez a “dirty Arab,” then punched both men and stabbed Clarke in the chest. The assailant escaped in a blue Mustang coupe after the 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.

BURMA

Mr. LEAHY. Mr. President, I want to add my voice to the growing chorus in Washington condemning the State Peace and Development Council’s brutal and inhumane treatment of the people of Burma—including refugees and internally displaced persons.

We recently heard from the senior Senator from Kentucky, Senator McCONNELL, who has been a consistent, strong voice for human rights and democracy in Burma. He spoke of many attributes of the SPDC and his concerns that the SPDC’s pro-claimed interest for reconciliation with the legitimate leaders of Burma—led by Daw Aung San Suu Kyi and the National League for Democracy—ring hollow.

I am in complete agreement with his assessment.

It is past time for the SPDC and its armed forces to respect the human rights and dignity of the people of Burma and to punish those in the military who are responsible for killing and injuring innocent men, women and children.

I was appalled to learn this week that Burma Army Column Commander Khin Mau Kyi, who is reportedly responsible for burning churches and villages and torturing pastors and Buddhist monks, said, “I don’t respect any religion, my religion is the trigger of my gun.”

Mr. President, Khin Mau Kyi’s so-called “religion” is, according to information I have received, responsible for the murder of the following people at Htee Law Belh on April 28, 2002: Saw Hi Paw, Naw Hte Htoo, Naw Bie Po, 5 years old, Daw Htwe Ye, Naw Mu Tha, Mu Pwat Pwat, 7 year old, Saw Ka Pru Moo, Naw Plah, 5 years old, Naw Dah Baw 2 years old, and Naw Pi Lay and her infant.

The State Department should publicly condemn the SPDC for these atrocities, and call on the SPDC to investigate these crimes and bring those responsible to justice. Unfortunately, there is no reason to believe the SPDC will act against its own officers.

We and the international community should do our utmost to provide assistance to the SPDC’s victims. In the days to come, I will confer with my friend from Kentucky on appropriate actions we can take to help refugees and internally displaced persons in Burma, including engagement with Thailand to ensure that Burmese fleeing SPDC abuses can enter into Thai-land, that international journalists are given full and unfettered access to refuge camps and ethnic minorities, and the UN High Commissioner For Refugees is allowed to provide a safe haven for those fleeing SPDC oppression.

THE TUSKEGEE AIRMEN 17TH ANNUAL SALUTE

Mr. LEVIN. Mr. President, this weekend hundreds of individuals from throughout the Nation will be gathering in my hometown of Detroit, MI, to honor, remember, and pay tribute to one of the most illustrious and feared U.S. Army units in the Second World War, the Tuskegee Airmen. These individuals will be gathering for the Tuskegee Airmen National Historical Museum’s 17th Annual Salute Reception and Dinner.

The story of the Tuskegee Airmen is unique in many ways but starts with similarities to the story of so many members of the “Greatest Generation” who fought in the Second World War. It is a story of young men who answered the call of duty and fought to defend our Nation with courage, pride, and zeal against the forces of tyranny and oppression. These men have earned our Nation’s enduring respect for their actions and deeds in defense of the United States.

But of course their story is also unique. In addition to being one of the most successful air combat units in the Second World War, the Tuskegee Airmen, whose pilots trained at the Tuskegee Army Air Field in Tuskegee, AL, overcame a pattern of rigid segregation and prejudice that questioned their ability to fight, and prevented them from training and working with their white counterparts.

Led by the recently departed General Benjamin O. Davis, the first black general in the Air Force, the Tuskegee Airmen flew over 15,500 sorties, completed over 1,500 combat missions, and downed over 260 enemy aircraft. They even sunk an enemy destroyer. Amazingly, no bomber escorted by the Tuskegee Airmen was ever downed. But General Davis did make the supreme sacrifice for our Nation and another 32 were taken as prisoners of war. Collectively, these actions won the Tuskegee Airmen 3 Presidential Citations, 95 distinguished Flying Crosses, 8 Purple Hearts and 14 Bronze Stars.

Upon returning home from war, these Airmen found a society still deeply segregated. The Tuskegee Airmen themselves remained segregated from the larger military and were unable to provide their skills and aptitude to other units that were in dire need of qualified airmen. It was not until President Truman issued Executive Order 9581 that segregation was ended in the United States Armed Services. This Executive Order played a vital role in the subsequent integration of our Nation. The valor and dedication of the Tuskegee Airmen played a vital role in changing our Nation’s attitude toward integration and racial diversity.

In recent years, our Nation has rightly sought to honor those who served in the Second World War and to recognize the challenges faced and overcome by the Tuskegee Airmen. I know my Senate colleagues join me in commending the Tuskegee Airmen for their willingness, to paraphrase Philip Handleman, an aviation historian from Oakland County, MI, to fight two wars at the same time: one war against the forces of totalitarianism abroad and the other against the forces of intolerance and prejudice at home, and to have the determination to win them both.

THE ALL-CALIFORNIA WORLD SERIES

Mrs. FEINSTEIN. Mr. President, I rise today to commend and congratulate the two teams from California who will compete for the Major League Baseball Championship: the National League Champion San Francisco Giants, and the American League Champion Anaheim Angels.
This will be the fourth All-California World Series—following the 1974 and 1988 Los Angeles Dodgers-Oakland Athletics match-ups and the 1989 “Bay Bridge Series” between the Giants and the Athletics—and I am confident it will go down in history as one of the best.

Both teams have beaten the odds and overcome huge obstacles to advance to the fall classic. In fact, this will be the first World Series between two wildcard teams.

My hometown team, the Giants, won the National League Wild Card with a 95 and 66 record, edging another California team, the Los Angeles Dodgers, by 3 1/2 games. They then defeated the heavily favored Atlanta Braves in the National League Division Series 3 games to 2, before finishing off a tough and determined St. Louis Cardinals team 4 games to 1, to win their third National League Pennant since moving to San Francisco in 1958.

The California Angels overcame a 6 and 14 start to win the American League Wild Card with a 99 and 63 record, just 4 games behind yet another California team, the Oakland Athletics. They upset the New York Yankees in the American League Divisional Series 3 games to 1 and defeated the Minnesota Twins 4 games to 1, to win the first American League Pennant in the 42-year history of the Angels organization. I only wish Gene Autry had lived to see the beloved team succeed with such brilliance.

The Giants and Angels epitomize the word “team.” Each has its share of All-Stars, but they have advanced to the final round because of the dedication and hard work of each player.

Everyone knows the Giants are led by four-time National League Most Valuable Player, newest member of the 600 Home Run club and 2002 National League Batting Champion, Barry Bonds. But who would be the first to say that the Giants would not be where they are without the contributions of players such as National League Championship Series Most Valuable Player Benito Santiago, David Bell, Jeff Kent, J.T. Snow, and pitchers Russ Ortiz, Jason Schmidt, Kirk Rueter and Rob Nenn. The list goes on.

And, what Giants fan will ever forget Kenny Lofton, a center-fielder acquired in a mid-season trade, who drove in the winning run in game 5 of the National League Championship Series.

THE ROMA

Mr. LEAHY. Mr. President, I rise to discuss the situation of the Roma people in Serbia and Montenegro, which together make up the Federal Republic of Yugoslavia, FRY. I am among those who believe that the United States should continue to strongly support the development of democratic institutions and reconciliation among ethnic groups throughout the FRY and Senator MCONNELL and I have tried to do that in the fiscal year 2003 Foreign Operations spending bill.

As in the past, we have provided funds to support democratic reformers in the FRY, as they continue to work to overcome the hatred and destruction caused by the Iron Curtain. The United States is dedicated to ensuring that Serbia develops a solid commitment to peace, the rule of law, and to protecting the rights and well-being of its minority communities. That is why the funding level for Serbia and Montenegro for 2003 is $315 million, distributed as follows: $100 million for democratic institutions, $145 million for economic reform, $30 million for human rights, and $30 million for the rule of law.

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Europe, policies have resulted in separating Romani children from their parents so they could be raised by non-Roma families.

The last decade has been no kinder to the Roma. During the Balkan wars of the 1990s, the Roma were severely victimized. And the abuse of the Roma continues now during peace time.

The FRY has officially registered the Roma as a minority group, and has mandated that more Romani language programs appear on state television. These are important steps and are to be commended.

Much progress toward equitable and lawful treatment of the Roma, however, is yet to be made by the FRY, where the Roma are reportedly subject to frequent police brutality.

They often live in illegal settlements on the outskirts of towns, without electricity, running water, or sanitation.

International nongovernmental organizations willing to assist the Roma in constructing more permanent housing have been forced to cancel their projects, because the FRY and local authorities denied them the necessary land.

Roma in the FRY are also the targets of humiliating social discrimination. They are frequently denied access to privately owned restaurants and sports facilities. Roma do not receive adequate education, health care, or equitable access to public goods and services. In many FRY communities they are treated as a public nuisance.

Very little effort is made by state prosecutors to pursue cases of discrimination against Roma in the courts, partially due to widespread apathy for the Roma and partially because of weak legislation protecting the rights of minorities.

The Roma experience is one of suffering. Their’s is a life of waiting, and one of hope lost as the tide of history threatens to sweep them aside.

As with its cooperation with the Hague Tribunal, the FRY’s respect for the rights of the Roma must be closely monitored and verified. The President’s certification to the Committee on Appropriations concerning funds appropriated for the FRY should address both issues.

Continuing progress by the FRY in ensuring the safety and dignity of all its citizens, including the Roma, is the intent of our law and essential to the future stability of the former Yugoslavia.

TRIBUTE TO RANDY ATCHER

Mr. RUNNING. Mr. President, I rise today among my fellow colleagues to honor and pay tribute to one of Kentucky’s finest individuals. Last Wednesday, at the age of 83, Randy Atcher passed away in his bed at the Audubon Hospital in Louisville, KY. He had been suffering from cancer for many years. He will be missed and mourned by all.

Randy Atcher was born in Tip Top, KY in 1918 and from very early on, people could see that he was headed for big things. Randy grew up in a family of entertainers and musicians. His father played the fiddle, his mother the piano, his brother Bob the mandolin, his brother Raymond the bass and finally his brother Francis played the guitar. At age 13, Randy and his brother Bob hit the road running, showcasing their musical talents all across the Commonwealth. However, this seemingly endless road adventure came to an abrupt halt when, in 1941, the Japanese maliciously and without warning bombed Pearl Harbor. Shortly thereafter, Randy joined the Air Corps, serving in such places as Australia, the Philippines and Okinawa. While in the South Pacific, Randy purchased a guitar and played his tunes for his fellow soldiers, bringing a little happiness and laughter into a very dark and frightening time and place.

After the war ended, Randy picked up right where he left off in 1941. He traveled around the country and worked for radio stations in places like Chicago. In 1946, Randy purchased a jukebox and remained there for the rest of his days.

Randy Atcher’s big break came in 1950 when his old friends at WHAS came to him with an idea for a daily light listening show. The show, T-Bar-V, was an instant success and was on the air from March 28, 1950 until June 26, 1970. Many Kentucky children grew up watching this show and learning from the lessons it taught. In many ways, Randy Atcher became an integral part of many Kentucky families. He taught the children to save their money and to respect their elders. His warmth and sincerity were felt by all that tuned in. Throughout its 20 years on television, T–Bar-V celebrated 153,000 children’s birthdays. When the show ended, many children felt as if they had lost their best friend.

Even after the show ended however, Randy couldn’t keep the performer in him quiet. He sang his songs and entertained children at schools and the elderly at nursing homes. He was on the board of the Muscular Dystrophy Association and the Dream Factory, a group that grants the wishes of gravely ill children. He also recorded books on tape for the blind.

I ask that my fellow colleagues join me in honoring Randy Atcher. He devoted his entire life to bringing happiness to the lives of others. He represented a code of morality that seems almost lost today. I believe we all can learn from his example of caring for and serving others.

TRIBUTE TO THE HON. JOHN S. MARTINEZ

Mr. LIEBERMAN. Mr. President, I rise today with great sadness to pay tribute to the late State Representative John S. Martinez, Deputy Majority Leader of the Connecticut General Assembly, who lost his life on October 10 in a tragic automobile accident. Mr. Martinez served New Haven’s 96th Assembly District where he served on the
The lives of countless people have been enormously enhanced by Robert’s skilled reporting. His achievements have to our great state and the people who make it work.

Let me again say congratulations to my colleague and also to the University for recognizing someone so deserving of the distinguished Alumni Award. CRAIG is being honored not only because of what he did at UW, but for his continued forceful advocacy for the University here in Washington. The benefits of his labor on their behalf can be seen everywhere around campus.

Mr. JOHNSON. Mr. President, I rise today to recognize and honor Robert Pore on the occasion of his extraordinary reporting career at the Huron Daily Plainsman in Huron, SD.

Robert graduated from Northwest Missouri State University in Maryville, MO in December 1978. Before coming to Huron, Robert worked a variety of positions for several newspapers. He was a regional editor for the McCook Daily Gazette in McCook, NE for three years; managing editor for the Hope, Arkansas newspaper; regional director editor of the Le Mars Daily Sentinel in Le Mars, IA; and publisher of the Hillsboro Banner in Hillsboro, ND. He will be ending his South Dakota career on Friday, October 18 after 10 years as the lead agriculture reporter for the Huron Daily Plainsman.

Robert earned the respect and admiration of all those who had the opportunity to work with him. His love for South Dakota and passion for agriculture set him apart from other outstanding agriculture reporters in the state. Robert’s friendly demeanor and wealth of knowledge helped him develop close relationships with various agriculture groups and state and federal officials. These relationships allowed Robert unique insight and access to news affecting South Dakota’s agriculture community.

Robert and his wife Bette, a former editor at the Huron Daily Plainsman, will be greatly missed by the people of Huron for their years of valuable community service. On the occasion of his retirement, I want to congratulate Robert Pore for his tireless dedication to the Huron Daily Plainsman and commitment to quality journalism. These relationships and contributions have been enormously enhanced by Robert’s skilled reporting. His achievements will serve as a model for other talented
IN RECOGNITION OF ERICA AND SAMUEL BRASHER

Mr. SHELBY. Mr. President, I rise today to pay special recognition to two young Alabamians who made the journey to Washington D.C. this summer to learn about and celebrate America's heritage. Erica Brasher, who is 15, and Samuel Brasher, who is 12, spent 2 weeks in Washington and Northern Virginia traveling to the many historical sites located throughout the area. Most importantly, they were chosen for the honor of raising the flag at Mount Vernon on the Fourth of July. For this distinction, they received special citations which commemorated the annual celebration. Erica and Samuel Brasher's trip also included visits to Williamsburg, Harper's Ferry, and the many museums and monuments located in Washington, D.C. Upon their return home, a terrific account of Erica and Samuel's trip was written in their local newspaper, the Shelby County Reporter. Erica and Samuel Brasher are both grandchildren of Howard and Pattie Brasher of Shelby County, Samuel is also the grandson of Tom and Chestine Cardin of Columbiana. Erica is also the granddaughter of Corrine Williams and the late Bob Williams of Shelby and the daughter of the late Martha Williams-Brasher. I had the chance to meet these two wonderful children when they visited, and I was proud to see young Alabamians so interested in American history.

WORLD POPULATION AWARENESS WEEK

Mr. EDWARDS. Mr. President, Governor Mike Easley of my State of North Carolina has issued a proclamation designating the week of October 20–26, 2002 as "World Population Awareness Week." This proclamation highlights the need to better understand the environmental and social consequences of rapid population growth, particularly those issues surrounding the education and health of youth and adolescents around the world. I join Governor Easley in his recognition of the education and health of youth and particularly those issues surrounding sequences of rapid population growth, the environmental and social consequences, and the need to better understand these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property or interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the United States market and financial system.

George W. Bush.


PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA THAT WAS DECLARED IN EXECUTIVE ORDER 12978 OF OCTOBER 21, 1995—PM 117

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. 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 sundry nominations which were referred to the appropriate committees.

(REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH THE RESPECT TO THE SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—PM 116

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report that my Administration has prepared on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

George W. Bush.


MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 11, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill joint resolution:

H.R. 5351. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.
POM-355. A resolution adopted by the House of Representatives and to each member of Congress of the Commonwealth of Pennsylvania, the Vice President of the United States Senate, the Speaker of the United States House of Representatives, the President pro tempore of the Senate, the President pro tempore of the House of Representatives, the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Agriculture, and the Secretary of the Treasury, each with the concurrence of the Senate:

That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and to each member of Congress from Pennsylvania.

H.J. Res. 122. A joint resolution making and providing for the enforcement of United States Code, to provide for the enforcement of United States and the Food and Drug Administration to provide for the enforcement of and the impact of the drugs in question. Citizens as well as health consumers must be investigated thoroughly to ensure that all standards of ingredients, preparation, and packaging are met. We must do all we can to ensure the highest standards for all prescription medications. Most important, there can be no doubt that the review of generic medications is completely unaffected by criteria other than scientific evidence and the impact of the drugs in question. Citizens as well as health care providers must have faith in the independence and reliability of all tests and determinations; Now, therefore, be it

Resolved, that the House of Representatives of the Commonwealth of Pennsylvania urge the Congress to permanently eliminate the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

Resolved, that the House of Representatives urge the President to support the Congress in eliminating the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

Resolved, that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and to each member of Congress from Pennsylvania.

H.J. Res. 114. A joint resolution to authorize the use of United States Armed Forces against Iraq.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4575. An act to improve the national instant criminal background check system, and for other purposes.

H.R. 4967. An act to establish new non-immigrant classes for border commuter students.

H.R. 5590. An act to amend title 10, United States Code, to provide for the enforcement of civil rights protections for American veterans, and for other purposes.

H.R. 5599. An act to establish a program to address military personnel and their families who are separated from their loved ones due to deployment in support of the Global War on Terrorism, and for other purposes.

At 8:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIA veterans, and for other purposes.

S. 2538. An act to amend the Public Health Services Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

H.R. 5200. An act to establish wilderness and recreational areas and to authorize the enforcement of United States Code, to provide for the enforcement of and the impact of the drugs in question. Citizens as well as health consumers must be investigated thoroughly to ensure that all standards of ingredients, preparation, and packaging are met. We must do all we can to ensure the highest standards for all prescription medications. Most important, there can be no doubt that the review of generic medications is completely unaffected by criteria other than scientific evidence and the impact of the drugs in question. Citizens as well as health care providers must have faith in the independence and reliability of all tests and determinations; Now, therefore, be it

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Resolved, that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and to each member of Congress from Pennsylvania.

H.J. Res. 355. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania relative to Medicare home health benefits and home health providers; to the Committee on Finance.

H.J. Res. 113. A joint resolution recognizing the contributions of Patsy Takemoto Mink.

At 8:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 5200. An act to establish wilderness and recreational areas and to authorize the enforcement of United States Code, to provide for the enforcement of and the impact of the drugs in question. Citizens as well as health consumers must be investigated thoroughly to ensure that all standards of ingredients, preparation, and packaging are met. We must do all we can to ensure the highest standards for all prescription medications. Most important, there can be no doubt that the review of generic medications is completely unaffected by criteria other than scientific evidence and the impact of the drugs in question. Citizens as well as health care providers must have faith in the independence and reliability of all tests and determinations; Now, therefore, be it

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Resolved, that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and to each member of Congress from Pennsylvania.

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Resolved, that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and to each member of Congress from Pennsylvania.

H.J. Res. 355. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania relative to Medicare home health benefits and home health providers; to the Committee on Finance. Under the authority of the order of the Senate of January 3, 2001, the enrolled bill and joint resolution were signed by the President pro tempore (Mr. BYRD) on October 11, 2002.

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2001, the enrolled joint resolution was signed by the President pro tempore (Mr. BYRD) on October 11, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 114. A joint resolution to authorize the use of United States Armed Forces against Iraq.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4575. An act to improve the national instant criminal background check system, and for other purposes.

H.R. 4967. An act to establish new non-immigrant classes for border commuter students.

H.R. 5590. An act to amend title 10, United States Code, to provide for the enforcement of civil rights protections for American veterans, and for other purposes.

H.R. 5599. An act to establish a program to address military personnel and their families who are separated from their loved ones due to deployment in support of the Global War on Terrorism, and for other purposes.

At 8:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIA veterans, and for other purposes.

S. 2538. An act to amend the Public Health Services Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

H.J. Res. 113. A joint resolution recognizing the contributions of Patsy Takemoto Mink.

At 8:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 5200. An act to establish wilderness and recreational areas and to authorize the enforcement of United States Code, to provide for the enforcement of and the impact of the drugs in question. Citizens as well as health consumers must be investigated thoroughly to ensure that all standards of ingredients, preparation, and packaging are met. We must do all we can to ensure the highest standards for all prescription medications. Most important, there can be no doubt that the review of generic medications is completely unaffected by criteria other than scientific evidence and the impact of the drugs in question. Citizens as well as health care providers must have faith in the independence and reliability of all tests and determinations; Now, therefore, be it

Resolved, that the House of Representatives of the Commonwealth of Pennsylvania urge the Congress to permanently eliminate the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

Resolved, that the House of Representatives urge the President to support the Congress in eliminating the 15% cut in the Medicare home health benefit and extend the 10% rural add-on to Medicare home health providers; and be it further

Resolved, that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and to each member of Congress from Pennsylvania.

POM-355. A joint resolution adopted by the General Assembly of the State of California relative to home health care; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 49

Whereas, the California’s home health care industry has suffered a loss of over one-third of licensed home health agencies since 1998; and
Whereas, the Medicare home health care benefit started in 1966 and has provided Medicare home health care insurance coverage to hundreds of thousands of homebound elderly or disabled recipients who cannot care for themselves without a prior hospitalization and by eliminating visit limits; and
Whereas, Medicare home health care users are older, sicker, poorer, and more disabled than the population generally, with 26 percent over 85 years of age; and
Whereas, in 1980, Congress changed the home health care benefit by expanding access to care for beneficiaries without a prior hospitalization and by eliminating visit limits; and
Whereas, in 1981 restrictive administrative interpretations of part-time or intermittent care limited spending by denying access to this medically fragile population. As a result of these restrictions, the average home health care provider, as a consequence of the 1988 ruling that overturned the restrictions, Duggan v. Bowen (D.C. 1988) 691 F. Supp. 1467. As a result, utilization of home health care services grew; and
Whereas, the growth continued until Congress passed the 1997 Balanced Budget Act to restrict spending; and
Whereas, for such a prospective payment system (IPS) was implemented in fiscal years 1998–2000 to immediately control spending; and
Whereas, the IPS system dramatically reduced payments, which resulted in new 1993 payment limits and resulted in 241 closures of California home health care agencies during 1998–99; and
Whereas, under the system, the prospective payment system (PPS), was implemented to cease the IPS unprecedented reductions in payments; and
Whereas, PPS could not correct the 49 percent cut in home health care outlays with further declines expected through 2002; and
Whereas, the implementation of PPS, IPS, and PHS, Sais Na Liheslatuan Guahan does hereby, on behalf of the people of Guam, call upon the U.S. Congress to consider and act on an amendment to the Constitution of the United States which would more clearly define and state the limitation on the power of the Judicial Branch of the Federal Government to levy or increase taxes, a power clearly reserved and limited to the Legislative Branch; and
Whereas, the only resolution to this threat to the integrity and implementation of the Separation of Powers Doctrine, must emanate from the U.S. Congress in the form of a Constitutional amendment. Wherefore, be it
RESOLVED, That Mina’Bente Sais Na Liheslatuan Guahan does hereby, on behalf of the people of Guam, call upon the U.S. Congress to consider and act on an amendment to the Constitution of the United States which would make clear the states’ right to limit the Federal Government to levy or increase taxes in any manner, means or form; and be it further
RESOLVED, That Mina’Bente Sais Na Liheslatuan Guahan does hereby, on behalf of the people of Guam, call upon the U.S. Congress to consider and act on an amendment to the Constitution of the United States which would make clear the states’ right to limit the Federal Government to levy or increase taxes in any manner, means or form; and be it further
RESOLVED, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, to the President’s commission to eliminate the pending additional restrictions: on its powers to levy or increase taxes scheduled for October 1, 2002.
RESOLUTION No. 6 (LS)
Whereas, concerns among state legislators across the Nation have been raised relative to the Federal Decision to impose an additional restriction on its powers to levy or increase taxes, a power clearly reserved and limited to the Legislative Branch; and
Whereas, the implementation of the Federal Decision would result in reduced utilization and home health care benefits by expanding access to care for medically fragile Californians; and
Whereas, the 1997 Balanced Budget Act has already reduced utilization and home health care services to beneficiaries who quintupled savings that were anticipated due to that act; and
Whereas, the Congressional Budget Office projected home health care expenditure reductions of $16.2 billion over five years (fiscal year 1998 to fiscal year 2002), actual reductions from fiscal year 1998 to fiscal year 2000 were $35.8 billion, and current projected reductions from fiscal year 1998 to fiscal year 2002), actual reductions from fiscal year 1998 to fiscal year 2002, were $35.8 billion, and current projected reductions from fiscal years 2001 and 2002 are an anticipated $20 billion budget deficit, which could result in Medi-Cal reducing current reimbursement rates to 2000 levels, resulting in a double rate reduction guaranteed to devastate the 629 Medicare certified home health care agencies operating California; and
Whereas, the proposed 15 percent cut in home health care reimbursement rates will negatively affect access to care, and leave thousands of home health care agencies that can service their medical needs: Now, therefore, be it
Resolved by the Assembly and Senate of the State of Guam to the President of the United States of America, to the President and Vice President of the United States, to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Honorable Carl T.C. Gutierrez, I Maga’alen Guahan.
REPORTS OF COMMITTEES
The following reports of committees were submitted:
By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:
S. 486: A bill to reduce the risk that innocent persons may be executed, and for other purposes. (Rept. No. 107–315).

By Mr. JEFF FORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:
S. 1866: A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes. (Rept. No. 107–316).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:
H.R. 2733: A bill to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and adoption for electronic enterprise integration. (Rept. No. 107–319).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:
S. 2674: A bill to amend chapter 35 of title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements.

EXECUTIVE REPORTS OF COMMITTEES
The following executive reports of committees were submitted:
By Mr. GRAHAM for the Select Committee on Intelligence.
*Scott W. Muller, of Maryland, to be General Counsel of the Central Intelligence Agency.*

By Mr. LEVIN for the Committee on Armed Services.
*Thomas E. B, of Georgia, to be a Member of the Board of Regents of the Uniformed Services University for the Health Sciences for a term expiring June 30, 2003.*

Air Force nominations beginning Colonel Chris T. Anzalone and ending Colonel Thomas P. McCaffrey from the Senate were received by the Senate and appeared in the Congressional Record on March 21, 2002.
CONGRESSIONAL RECORD — SENATE

October 16, 2002

Air Force nomination of Col. Frederick P. Roggero.
Army nomination of Lt. Gen. Burwell B. Bell III.
Army nomination of Brigadier General George A. Buskirk, Jr.
Army nomination of Brig. Gen. David C. Harris.
Navy nomination of Rear Adm. Lowell E. Jacoby.
Navy nomination of Rear Adm. David L. Brewer III.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

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

Air Force nomination of James M. Knauf.
Air Force nomination of Gary P. Endersby.
Air Force nomination of Mark A. Jeffries.
Air Force nomination of John P. Regan.
Air Force nomination of John S. McFadden.
Air Force nomination of Larry B. Largent.
Air Force nomination of Frank W. Palmsano.
Air Force nominations beginning David S. Brenton and ending Brenda K. Roberts, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 2002.
Air Force nominations beginning Cynthia A. Jones and ending Jeffrey F. Jones, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 2002.
Air Force nomination of Mario G. Correia.
Air Force nomination of Michael L. Martin.
Air Force nominations beginning Xiao Li Ren and ending Jeffrey H. * Sedgewick, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 2002.
Air Force nominations beginning Thomas A. Augustine III and ending Charles E. * Pyke, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 2002.
Army nomination of Scott T. Williams.
Army nomination of Erik A. Dahl.
Navy nomination of Ralph M. Gambone.
Army nominations beginning Dana H. Born and ending James L. Cook, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 2002.
Army nomination of James R. Kimmelman.
Army nomination of John E. Johnston.
Army nominations beginning Janet L. Bargen and ending Douglas R. Winters, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 2002.

Army nominations beginning Glenn E. Ballard and ending Marion J. Tester, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 2002.
Army nomination of Robert D. Boldock.
Army nomination of Dermot M. Cotter.
Army nomination of Connie R. Kalk.
Army nomination of Michael J. Hoilien.
Army nomination of N. D. Kig.
Navy nominations beginning Thomas E. Parsha.
Navy nominations beginning Judy A. Abbott and ending M. Britain, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 2002.
Navy nominations beginning Jose Almocarrasquillo and ending Matthew L. Zimor, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 2002.
Army nominations beginning Arthur L. Arnold, Jr. and ending Mark S. Vajcovec, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 2002.
Army nominations beginning Adrine S. Adams and ending Maryellen Yacka, which nominations were received by the Senate and appeared in the Congressional Record on October 10, 2002.

NOMINATION WAS REPORTED WITH RECOMMENDATION THAT IT BE CONFIRMED SUBJECT TO THE CONSENUS OF THE COMMITTEE TO RECEIVE AND RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DUTY CONSTITUTED COMMITTEE OF THE SENATE.

(THE FOLLOWING NOMINATIONS WERE REPORTED WITH THE RECOMMENDATION THAT THEY BE CONFIRMED.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred, as indicated:

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Ms. COLLINS):
S. 3114. A bill to provide that public safety officers who suffer a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officers’ benefits; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. ALLARD, and Ms. CANTWELL):
S. 3118. A bill to permanently eliminate a voucher system for the purchase of commercial broadcast airtime for political advertising, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. NELSON of Florida, Mr. LIBERMAN, Mr. MURkowski, Mr. SESSIONS, and Mr. MILLEH):
S. 3125. A bill to designate “God Bless America” as the national song of the United States; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. SANTORUM, and Ms. FITZGERALD):
S. 3126. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. BREAUX, Mr. KOHL, Mr. LOTT, Mr. FINKGOLD, and Mr. REID):
S. Res. 342. A resolution commemorating the life and work of Stephen E. Ambrose; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. LOTT):
S. Res. 343. A resolution to authorize representatives of the Senate Legal Counsel in Newdov v. Eagen, et al.; considered and agreed to.
By Mr. DASCHLE (for himself and Mr. LOTTY)
S. Res. 344. A resolution to authorize representation by the Senate Legal Counsel in Maneshard v. Federal Judicial Qualifications Committee, et al; considered and agreed to.

ADDITIONAL COSPONSORS
S. 582
At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children’s health insurance program.

S. 992
At the request of Mr. BIDEN, his name was added as a cosponsor of S. 992, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1291
At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1291, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents.

S. 1617
At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1712
At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1712, a bill to amend the procedures for conservatorship of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2006
At the request of Mr. GRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2062
At the request of Mr. REID, the name of the Senator from Vermont (Mr. FERRS) was added as a cosponsor of S. 2062, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2384
At the request of Mr. ALLARD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2384, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Govern-
ment, including the downpayment assistance initiative under the HOME Investment Partnerships Act, and for other purposes.

S. 2613
At the request of Mrs. MURRAY, her name 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. 2667
At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBAZENES) was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

S. 282
At the request of Mrs. CARNANAH, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 282, a bill to amend the Older Americans Act of 1965 to authorize appropriations for demonstration projects to provide supportive services to older individuals who reside in naturally occurring retirement communities.

S. 2848
At the request of Mrs. COLLINS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2848, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

S. 2869
At the request of Mr. KERRY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Mr. SARBENAZ), the Senator from Virginia (Mr. WARNER) and the Senator from Maine (Ms. SNOWE) 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. 2869
At the request of Mr. BENNETT, his name was added as a cosponsor of S. 2869, supra.

S. 2969
At the request of Mr. MURRAY, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. DODD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2969, a bill to amend part A of title IV of the Social Security Act to promote secure and healthy families under the temporary assistance to needy families program, and for other purposes.

S. 2969
At the request of Mr. SARBENAZ, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 3009
At the request of Mr. WELLSTONE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3009, a bill to provide economic security for America’s workers.

S. 3094
At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3094, 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.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 3018, supra.

S. 3094
At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3094, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies.

S. RES. 338
At the request of Mr. MCCAIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Missouri (Mr. BOND), the Senator from Illinois (Mr. DURBAKE) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 338, a resolution designating the month of October, 2002, as ‘‘Children’s Internet Safety Month.’’

S. RES. 339
At the request of Mrs. MURRAY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 339, a resolution designating November 2002, as ‘‘National Runaway Prevention Month.’’

S. CON. RES. 3
At the request of Mr. FEINGOLD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. CON. RES. 138
At the request of Mr. REID, the name of the Senator from New York (Mr.
SCHUMER) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care group benefits of individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142

At the request of Mr. Smith of Oregon, the name of the Senator from Minnesota (Mr. Wellstone) was added as a cosponsor 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. LEAHY (for himself, Mr. JEFFORDS, and Ms. COLLINS):

S. 3114. A bill to ensure that a public safety officer suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today with Senators JEFFORDS and COLLINS to introduce the Hometown Heroes Survivors Benefits Act of 2002. Our bipartisan legislation will improve the Department of Justice’s Public Safety Officers’ Benefits, PSOB, Program by allowing families of public safety officers who suffer fatal heart attacks or strokes to qualify for Federal survivor benefits.

Public safety officers are among our most brave and dedicated public servants. I applaud the efforts of all members of fire, law enforcement, and rescue organizations nationwide who are the first to respond to more than 1.6 million emergency calls annually, whether those calls involve a crime, fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident, without reservation. They act with an unwavering commitment to the safety and protection of their fellow citizens, and are forever willing to selflessly sacrifice their own lives to provide safe and reliable emergency services to their communities. Sadly, this dedication to service can result in tragedy, as was evidenced by the bravery displayed on September 11th.

In the days and months since September 11th, I have been particularly touched by the stories of unselfish sacrifices made by scores of New York City first responders who bravely entered the World Trade Center that day with the singular goal of saving lives. More than one hundred firefighters in America lose their lives every year and thousands are injured in the line of duty. While PSOB benefits can never be a substitute for the loss of a loved one, the families of all our fallen heroes deserve to collect these funds.

The PSOB Program provides a one-time financial benefit to the eligible survivors of federal, state, and local public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. Last year, Congress improved the PSOB Program by streamlining the process for determination of public safety officers killed or injured in connection with prevention, investigation, rescue or recovery efforts related to a terrorist attack. We also retroactively increased the total benefits available by $100,000 as part of the USA PATRIOT Act. The PSOB Program now provides approximately $250,000 in benefits to the families of law enforcement officers, firemen, emergency response squad members, and ambulance crew members who lose their lives in the line of duty. Unfortunately, the issue of including heart attack and stroke victims in the PSOB Program was not addressed at that time.

The PSOB Program does not cover deaths resulting from occupational illness or pulmonary or heart disease unless a traumatic injury is a substantial factor to the death. However, if toxicology reports demonstrate a carbon monoxide level of 10 percent or greater, 15 percent or more for a smoker, at the onset of a heart attack benefits are paid. The PSOB Program has developed a formula that addresses oxygen therapy provided to the victim prior to the death.

Heart attack and cardiac related deaths account for almost half of all firefighter fatalities, between 45–50 deaths, and an average of 13 police officer deaths each year. Yet the families of these fallen heroes are rarely eligible for PSOB benefits. In January 1978, special Deputy Sheriff Bernard Demag of the Chittenango County Sheriff’s Office suffered a fatal heart attack within two hours of his chase and apprehension of an escaped juvenile whom he had been transporting. Mr. Demag’s family spent nearly two decades fighting in court for workers’ compensation death benefits all to no avail. Clearly, we should be treating surviving family members with more decency and care.

Public safety is dangerous, exhausting, and stressful work. A first responder’s chances of suffering a heart attack or stroke greatly increase when he or she puts on heavy equipment and rushes into a burning building to fight a fire and save lives. The families of these brave public servants deserve to participate in the PSOB Program if their loved ones die of a heart attack or other cardiac related ailments while selflessly protecting us from harm.

First responders across the country now face a new series of challenges as they respond to over 1.6 million emergency calls this year, from responding to fires and hazardous material spills to providing emergency medical services to reacting to weapons of mass destruction. They do this with an unwavering commitment to the safety of their fellow citizens, and are forever willing to selflessly sacrifice their own lives to protect the lives and property of their fellow citizens. It is time for Congress to show its support and appreciation for these extraordinarily brave and heroic public safety officers. We should quickly work to pass the Hometown Heroes Survivors Benefit Act.

Mr. JEFFORDS. Mr. President, I am pleased to join with Senators LEAHY and COLLINS in introducing the Senate counterpart of the Hometown Heroes Survivors Benefits Act of 2002. This legislation closes a gap in the survivor benefits the Federal Government provides to the families of public safety officers who die in the line of duty.

These public safety officers are the people that keep our streets safe, help to fight fires, and respond to emergency calls. The Federal Government has rightfully created a one-time financial benefit for the families of public safety officers who die in the line of duty to recognize the sacrifice and importance of public safety officers in our society.

Unfortunately, due to a technicality in the law some families of public safety officers that die of a heart attack or stroke are being denied this important financial benefit. This is unacceptable and we need to make sure that we enact this legislation to ensure that the families of these public safety officers are covered.

Many years ago I was a volunteer firefighter in my small town of Shrewsbury, VT. It was a very demanding, stressful, and exhausting job. Every year almost half the firefighter fatalities in the United States are from heart attack or cardiac related reasons. Not all of these deaths occur while fighting the fire, but are related to their unselfish dedication to the task at hand.

This legislation would provide that a public safety officer who dies as the result of a heart attack or stroke suffered while on duty or within 24 hours after participating in a training exercise or responding to an emergency situation shall be presumed to have died as the direct and proximate result of a traumatic injury sustained in the line of duty for purposes of survivor benefits. These public safety officers are out there everyday ensuring our safety; Congress needs to ensure that the surviving families receive this important financial benefit.

I encourage my colleagues to join me in recognizing the heroism and sacrifice of public safety officers by co-sponsoring this important legislation.

By Mr. CORZINE: S. 3116. A bill to permanently eliminate a procedure under which the Bureau of alcohol, Tobacco, and Firearms...
can waive prohibitions on the possession of firearms and explosives by convicted felons, drug offenders, and other disqualified individuals; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today to introduce important gun control legislation that would shut down permanently the guns for felons program.

For too many years the Federal Government spent millions of dollars a year to restore the gun privileges of convicted felons. Fortunately, for the last ten years, Congress has seen fit to defund this program, through annual funding restrictions.

Congress was right to defund a program that, according to the Violence Policy Center, restored gun privileges for thousands of convicted felons, at a cost of millions of dollars to the taxpayer each year. Indeed, it is past time we demonstrated, a number of these felons went on to commit violent crimes. I believe strongly that we must do all we can to keep guns out of criminals’ hands. I am pleased that every year Congress has renewed the funding ban, which prohibits ATF from processing firearms applications from convicted felons. Indeed, by introducing this legislation today, I do not in any way intend to imply that the annual funding bans are not sufficient to shut down the guns for felons program.

Today the Court is hearing arguments in a case that could jeopardize our efforts to ensure that convicted felons do not have access to guns by possibly giving Federal judges the power to rearm those felons regardless of the Congressional funding ban. I have been active in pushing for the funding ban. Indeed, I am not my intention, nor do I believe it was anyone else’s intention, to give judges power to unilaterally give felons their firearm privileges back. It is hard enough for ATF, after conducting an intensive investigation, to make judgments about the individual felon; for a court to do it on its own is completely inappropriate. To put it simply, courts will lack the resources to make an informed judgment in this regard. In any case, Congress’ intent, and the appropriate rule, is that felons should be prohibited from possessing guns period. Enacting my legislation will eliminate the guns for felons program permanently and prevent the need for Congress to revisit this issue every year.

By Mr. BURNS:

S. 3117. A bill to extend the cooling off period in the labor dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURNS. Mr. President, last year our Nation’s economy was briefly held hostage by an attack on American soil. We have overcome that challenge and are now charging ahead in the right direction. It is this kind of American resolve that has built this Nation into the thriving world power it is today.

However, recent developments on the West Coast have created a different kind of crisis, no less damaging to America’s economy.

On Sunday, September 29, the Pacific Maritime Association, PMA, locked out workers in twenty-nine West Coast ports for more than a week in response to a reported slowdown by members of the International Longshore and Warehouse Union, ILWU.

Last week, President Bush invoked the Taft-Hartley Act that ended the lock out allowing workers to go back to work. Negotiators are working through these problems over the course of an 80-day cooling-off period.

I applaud the President’s action. However, I am concerned about conflicting messages being sent by the ILWU and the PMA. More importantly, I am concerned about the lack of interest either party, management or labor, has regarding the economic fate of America’s workers and America’s agricultural economy.

The economic impact of this labor dispute has temporarily crippled our Nation’s economy. This dispute has threatened America’s national health and safety. In many economic sectors, jobs were lost, workers were sent home and Americans will temporarily pay higher prices for consumer goods.

However, once the President made his intention known to invoke Taft-Hartley, the AFL-CIO issued an Oct. 7 press release charging the President’s action: “preempts the collective bargaining process and undermines the rights of workers with union representation to negotiate on equal footing with their employers’.

Neither side in a collective bargaining negotiating process should be able to leverage the nation’s economy in an attempt to control the debate. Doing so is entirely selfish acting. And criticizing the President for his action is a very shortsighted approach to these negotiations.

The ILWU claims they want to go back to work. Due to the only recourse available on behalf of the American economy, they are, today, back at work.

I question the AFL-CIO’s interest in the American economy. Does the AFL-CIO not recognize the impact this labor dispute has on the nation’s economy? At stake are thousands of jobs and millions of dollars in commerce. Let me clarify that impact and put a Montana stamp on it.

Exports are critical to the American economy. American exporters ship their products overseas, including agriculture products such as wheat, corn, soybeans, and pork products, and manufactured goods of all shapes and sizes. West Coast ports are crucial to U.S. trade, handling over $300 billion in trade each year. These ports handle more than half of all containerized imports and exports.

West Coast ports handle 25 percent of all U.S. grain exports, 40 percent of all wheat, 14 percent of all corn, and seven percent of all soybeans exports.

Sixty-five percent of all U.S. containerized food trade moved through these ports in 2001. During the lockout, the dispute was estimated to have cost the America’s economy $2 billion a day.

Trade with Asia is particularly affected. Japan, Korea, Taiwan, Hong Kong, China, Indonesia, Thailand, the Philippines, India, and Malaysia are the top 10 destinations for containerized U.S. agriculture products. Together, these nations receive 85 percent of all agricultural shipments from the West Coast.

If these countries cannot count on U.S. exports, they will turn to our competitors. Our farmers and ranchers will spend precious resources on market development activities. It’s very frustrating to lose shares of those markets solely because a small group of labor and management representatives cannot agree on a resolution.

Again, I applaud President Bush’s decision last week. I encouraged his action and stand by him now. Invoking Taft-Hartley was the only short-term remedy for the dispute that temporarily closed the West Coast ports.

Furthermore, during the cooling off period, I urge the President to use his powers to judicially enforce productivity is not purposely restricted.

I do not stand here today in support of the PMA’s position, nor do I stand here today in support of the ILWU’s position. Rather, I stand here today in support of the Nation’s economy.

Opening West Coast ports is crucial to U.S. trade. Reopening the ports, even if only for 80 days, will benefit the economy. The parties will be given time to settle the dispute. Manufacturers and retailers will be given additional time to adjust and prepare.

Invoking Taft-Hartley was the right thing to do. It was the appropriate action to take to protect our economy, to protect American workers, to ensure we have a healthy and happy holiday season.

The 80-day cooling-off period will allow both parties to re-evaluate their respective positions. Furthermore, it will give the ports an opportunity to clear up a mounting backlog that has
paralyzed much of our West Coast export and import commerce. And finally, it will allow the ILWU workers to go back to work earning a living for their families.

Today, I would like to introduce a bill that would extend the cooling-off period thirty days until the end of January. At present the 80 day cooling off period will end between Christmas Day and New Years Day.

This is a move that will not impact the negotiations between the two parties. It will allow the cooling-off period to end at the end of January rather than the end of December and between Christmas and New Years.

Extending the deadline beyond the holiday season will help to unsnarl the mess created by this dispute; give the ports another thirty days to clear up the backlog. Finally, it will give Congress and the American people an ability to approach the end of this cooling-off period fully aware of the importance of resolution and uninterrupted by the holiday season.

If negotiators are able to work out a resolution, we have lost nothing. However, if in the case, there is no resolution by the end of the cooling-off period, we could save thousands of American jobs and millions of dollars in economic losses.

I encourage my colleagues to join me in this effort.

By Mr. ENSIGN (for himself, Mr. ALLARD, and Ms. CANTWELL):

S. 3118. A bill to strengthen enforcement of provisions of the Animal Welfare Act relating to animal fighting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENSIGN. Mr. President, I am pleased to be joined by Senators ALLARD and CANTWELL to introduce the Animal Fighting Enforcement Act. I would like to thank my colleagues for their support in this endeavor to protect the welfare of animals. This legislation targets the troubling, widespread and sometimes underground activities of dogfighting and cockfighting where dogs and birds are bred and trained to fight to the death. This is done for the sheer enjoyment and illegal wagering of the animals’ handlers and spectators.

These activities are reprehensible and despicable. Our States’ laws reflect this sentiment. All 50 States have prohibited dogfighting. It is considered a felony in 46 States. Cockfighting is illegal in 47 States, and it is a felony in 26 States. In my home State of Nevada, both dogfighting and cockfighting are considered felonies. In fact, it is a felony to even attend a dogfighting or cockfighting match.

Unfortunately, in spite of public opposition to extreme animal suffering, these animal fighting industries thrive. There are numerous publications, and several above-ground cockfighting magazines. These magazines advertise and sell animals and the materials associated with animal fighting. They also seek to legitimize this shocking practice.

During the consideration of the Farm Bill, a provision was included that closed loopholes in Section 26 of the Animal Welfare Act. Before the House and the Senate increased the maximum jail time for individuals who violate any provision of Section 26 of the Animal Welfare Act from one year to two years, making any violation a Federal felony. However, during the conference, the jail time was removed.

The legislation that I am introducing today seeks to do three things. First, it restores the jail time increase to treat the violations as a felony. I am informed by U.S. Attorneys that they are hesitant to pursue animal fighting cases with merely a misdemeanor penalty. To illustrate this, it is important to note that only three cases since 1976 have advanced, even though the USDA has received innumerable tips from informants, as well as arrests with state and local prosecutions. Increased penalties will provide a greater incentive for federal authorities to pursue animal fighting cases.

Second, the bill prohibits the interstate shipment of cockfighting implements, such as razor-sharp knives and gaffs. The specific knives are commonly known as ‘slashers.” The slashers and ice-pick-like gaffs are attached to the legs of birds to make the cockfights more violent and to induce feeding of the animals. These weapons are used only in cockfights. Since Congress has restricted shipment of birds for fighting, it should also restrict implements designed specifically for fights.

Finally, the bill updates language regarding the procedures that enforcement agents follow when they seize the animals. This regards the proper care and transportation of the animals that are seized. It also states that the court may order the convicted person to pay for the costs incurred in the housing, care, feeding, and treatment of the animals.

I appreciate the support of both Senators ALLARD and CANTWELL in this effort, and look forward to the overwhelming support of my other colleagues in the Senate. I also wish to recognize Representative ROBERT ANDREWS for his leadership on the House version of this bill. Surely, this is an issue that must be addressed as soon as possible. We cannot allow this barbaric practice to continue in our civilized society.

By Mr. GRAHAM (for himself and Mr. FITZGERALD):

S. 3119. A bill to amend the Public Health Service Act to ensure the guaranteed renewability of individual health insurance coverage regardless of the health status-related factors of an individual; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRAHAM. Mr. President, I am pleased to introduce the “Health Insurance Fairness Act of 2002.”

The need for this legislation was brought to my attention by an excellent April 9, 2002 article in the Wall Street Journal that documented the impact of reunderwriting on a married couple from Florida.

Shaneen Wahls of Port Charlotte, FL was diagnosed with breast cancer in 1996. At that time, she and her husband Tom were paying $412 a month for health insurance. In addition to coping with cancer, the Wahls began to face rapidly increasing premiums, and by August 2000 their insurer informed them that their new rate would be $1,881 a month. This premium increase wasn’t due to non-payment of premiums or any other action of the Wahls. It was the result of reunderwriting conducted by the Wahls’ insurance company.

Reunderwriting at renewal is a practice that forces people who have become ill to pay substantial premium increases or lose their health insurance. While most insurers evaluate an individual’s medical history only at the outset, some have adopted the practice of reviewing customers’ health status annually. The purpose of this review is to determine if the individual has developed a medical condition or high filed claims cost. If a determination is made, the company raises the individual’s premium. This practice contributes enormously to the instability of health insurance by making it difficult, if not impossible, for people who have paid insurance premiums for years to continue that health insurance at the very time they need it the most.

How does it work? Carriers reunderwrite at renewal to set substantially higher renewal premiums to policyholders who have been diagnosed with an illness or had medical claims than they charge other policyholders. The carriers do this by transferring a policyholder to a higher risk class than the policyholder was in when the policy was issued or in some cases by manually adjusting the policyholder’s rate based on his or her medical claims. In either case, the individual’s premium is based on claims incurred or health status during the policy year. For example, in another case from Florida, Bruce and Wanda Chambers of St. Augustine saw their rates increase from $300 per month to $780 per month in just one year. That was because Wanda was diagnosed with diabetes.

Consumers purchase insurance so that they will have access to health care should they become ill, as in the example of Wanda Chambers. If carriers are allowed to adjust premiums based on health status at renewal, consumers face a choice between the very two outcomes they had
planned to avoid by purchasing insurance in the first place: they can drop the insurance policy and thus likely forgo access to health care in times of illness, or they can pay the grossly inflated premiums and thus face financial ruin.

The practice of reunderwriting at renewal violates the spirit of health insurance guaranteed renewability required under state and federal law. In the 1990’s, the National Association of Insurance Commissioners, NAIC, developed model laws to prohibit insurance companies from canceling policies once an individual became sick. The Health Insurance Portability and Accountability Act, HIPAA, applied this requirement to all health insurance policies subject to HIPAA. As a result, carriers can no longer cancel individuals because of their medical claims.

Reunderwriting is a way to circumvent these requirements, and has been justified as a means of holding down the healthy. However, a July 17, 2002 memo to all NAIC Members from Steven B. Larsen, Chair of the Health Insurance & Managed Care (B) Committee clarifies that the practice of reunderwriting is illegal under NAIC Model Laws:

The committee also noted that the practice is contrary to adopted NAIC policy, and is illegal under NAIC Model Laws governing the individual market. The Small Employer and Individual Health Insurance Availability Model Act (Model #35) provides for adjusted community rating, and health status is not one of the factors that can be used to set rates. The Individual Health Insurance Portability Model Act (Model #37) provides for the use of rating characteristics, and health status is not one of the listed characteristics. More specifically that model also provides that changes in health status after issue, and durational rating, are not to be used in setting premiums for individual policies.

Insurance companies should not be allowed to manage health-care costs by targeting individuals for premium increases because an individual was diagnosed with an illness or has had medical claims. Doubling or tripling premiums for only the individuals who have been diagnosed with an illness forces those individuals to drop their policies and is functionally the same as not renewing coverage.

Not only is reunderwriting bad for consumers, but it creates a competitive disadvantage to the many reputable insurance companies that agree that this practice is contrary to the public interest and undermines the theory behind insurance. Faced with the practice being used by some companies, the Wall Street Journal has reported that other carriers are "closely watching" this practice intending to adopt a similar practice either to avoid a competitive disadvantage or to improve their bottom line. While selective targeting improves the profitability of the underwriter, it shifts the responsibility for higher risk people to other insurers or employers or local and state governments.

The legislation we are introducing today would make health insurance more secure. The legislation would clarify that guaranteed renewal of health insurance means that insurers cannot target individuals for premium increases because the have had claims or a new disease diagnosis. The bill would provide that premiums will not be priced out of the market for health insurance at the very time that they need it most.

The goals of this legislation are simple: 1. To strengthen HIPAA’s promise of guaranteed renewable coverage and make private health insurance more secure for millions of Americans, and 2. to hold all insurers accountable to a level playing field of reasonable standards so they can compete fairly without dumping customers when they get sick.

The "Health Insurance Fairness Act" would help the many millions of people who rely on the individual health insurance market: those that are self-employed, those employed by small businesses unable to get group coverage, early retirees who rely disproportionately on individual insurance if their COBRA runs out before Medicare begins, and others whose employers don’t provide health benefits.

I urge my colleagues to cosponsor the "Health Insurance Fairness Act" and I thank the Chair.
corporate expatriation abuse, but also the abusers who seek big government contracts while skirting their U.S. tax obligations. I intend to pursue this issue throughout the remainder of this Congress and into the next.

I also wish to consult 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. 3120

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 “Reclaiming Expatriated Contracts and Profits Act”.

SEC. 2. RESTRICTIONS ON FEDERAL CONTRACTS WITH CERTAIN INVERTED ENTITIES.

(a) Restrictions.—

(1) BAN ON CERTAIN INVERTED ENTITIES.—Notwithstanding any other provision of law—

(A) no officer or employee of the United States may enter into, extend, or modify a contract with a foreign incorporated entity treated as a domestic corporation under subsection (c) during the restriction period for the entity, and

(B) any officer or employee of the United States entering into a contract after the date of the enactment of this Act shall include in the contract a prohibition on the subcontracting of any portion of the contract to any foreign incorporated entity treated as an inverted domestic corporation under subsection (c) during the restriction period for the entity.

(2) BAN ON CERTAIN INVERTED DOMESTIC CORPORATIONS.—For purposes of this section—

(1) In general.—A foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan or (a series of related transactions)—

(A) the entity completes after the date of the enactment of this Act the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(B) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(C) the expanded affiliated group which after the acquisition holds the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(2) RULES FOR APPLICATION OF SUBSECTION.—In applying this subsection, the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of paragraph (1)(B)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in paragraph (1)(A) to which such subsection applies.

(B) AGREEMENT RULES.—Any agreement which bears a relationship described in section 267(b) or 707(b) of the Internal Revenue Code of 1986 to an acquired entity shall be treated as an acquired entity with respect to the acquisition described in subparagraph (A).

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of property or liabilities (including any contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) RELATED PARTNERSHIPS.—For purposes of applying this subsection to the acquisition of a domestic partnership, except as provided in regulations, any partnership which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary of the Treasury shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(3) ACQUIRED ENTITY.—For purposes of this section—

(A) IN GENERAL.—The term ‘acquired entity’ means the domestic corporation or partnership substantially all of the properties of which are directly or indirectly acquired in an acquisition described in subsection (c)(1)(A) to which such subsection applies.

(B) AGGREGATION RULES.—Any entity which bears a relationship described in section 267(b) or 707(b) of the Internal Revenue Code of 1986 to an acquired entity shall be treated as an acquired entity with respect to the acquisition described in subparagraph (A).

(C) DEFINITIONS.—For purposes of this section—

(1) EXPANDED AFFILIATED GROUP.—The term ‘expanded affiliated group’ means an affiliated group as defined in section 1564(a) of the Internal Revenue Code of 1986 (without regard to section 1564(b)(3) of such Code), except that section 1564(a) of such Code shall be applied by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears.

(2) FOREIGN INCORPORATED ENTITY.—The term ‘foreign incorporated entity’ means any entity which is treated as a foreign corporation for purposes of such Code.

(3) RELATED PERSON.—The term ‘related person’ means, with respect to any entity, a person which—

(A) bears a relationship to such entity described in section 267(b) or 707(b) of such Code, or

(B) is under the same common control (within the meaning of section 482 of such Code) as such entity.

(4) RESTRICTION PERIOD.—A foreign incorporated entity which bears a relationship to an acquired entity under paragraph (4)(B) of such Code shall be subject to the restrictions described in such Code unless the entity ceases to bear such relationship to such entity after the period described in such Code.
(i) beginning on the date substantially all of the properties to be acquired as part of the acquisition described in subsection (c)(1)(A) are acquired, and

(ii) the extent provided by the Secretary of the Treasury, ending on the date the income and gain from such properties is subject to United States taxation in the same manner as if such properties were held by a United States person.

(B) SPECIAL RULES FOR ACQUIRED ENTITIES.—

(i) 10-YEAR LIMIT.—In the case of an acquired entity to which subsection (a)(2) applies, the restriction period shall end no later than the date which is 10 years from the date described in subparagraph (A)(i) (or, if later, the date of the enactment of this Act).

(ii) SUBSEQUENT ACQUISITIONS BY UNRELATED DOMESTIC CORPORATIONS.—

(I) IN GENERAL.—Subject to such conditions, limitations, and exceptions as the Secretary of the Treasury may prescribe, if, after an acquisition described in subsection (c)(1)(A) to which subsection (a)(2) applies, a domestic corporation the stock of which is traded on an established securities market acquires directly any properties of one or more acquired entities, then the restriction period for any such acquired entity with respect to which the requirements of clause (i) are met shall immediately after such acquisition.

(II) REQUIREMENTS.—The requirements of this subclause are met with respect to a transaction involving any acquisition described in subclause (I) if—

(aa) before such transaction the domestic corporation did not have a relationship described in section 7701(a)(10) or 7701(b) of such Code, and was not under common control (within the meaning of section 482 of such Code), with the acquired entity, or any member of an expanded affiliated group including such entity, and

(bb) after such transaction, such acquired entity is a member of the same expanded affiliated group which includes the domestic corporation or has such a relationship or is under such common control with any member of such group, and is not a member of, and does not have a relationship with, any other group of which the expanded affiliated group which before such acquisition included such entity.

(5) OTHER DEFINITIONS.—The terms "person", "domestic", and "foreign" have the same meanings given such terms by section 7701(a) of such Code.

(f) ASSISTANCE.—The Secretary of the Treasury or his delegate shall assist officers and employees of the United States in carrying out the provisions of this section, including providing assistance in identifying entities to which this section applies.

Mr. BAUCUS. Mr. President, I join the Ranking Republican Member of the Finance Committee, Senator GRAVELY, in introducing bipartisan legislation to further address the increasing problem of U.S. corporations reincorporating to tax haven countries to avoid taxes, a practice also known as a corporate inversion. I am pleased to sponsor the Reclaiming Expatriated Contracts and Profits, RECAP, Act which prohibits the most egregious inverted corporations from receiving Federal Government contracts.

Senator GRAVELY and I announced our intention to introduce legislation to curb the proliferation of U.S. corporations changing their Arti- cles of Incorporation to become a corporation of a foreign tax haven country. On April 11, 2002, we introduced legislation to address this problem. S. 2119, the Reversing the Expatriation of Profits Offshore, REPO, Act, was designed to put the brakes on the potential relocations of executive headquarters to tax haven countries. On June 18, 2002, the Senate Finance Committee sent a strong message to corporate America by passing S. 2119 by unanimous vote. The legislation we introduced today will prevent the most egregious of these inverted corporations from receiving any U.S. government contracts. These companies have placed tax avoidance as their first priority and their U.S. identity as their second priority. The reduction in taxes for inverted corporations allows them to underbid those corporations that choose to remain U.S. corporations. This is wrong.

WELLSTONE. The legislation we introduced today will prevent the most egregious of these inverted corporations from receiving any U.S. government contracts. These companies have placed tax avoidance as their first priority and their U.S. identity as their second priority. The reduction in taxes for inverted corporations allows them to underbid those corporations that choose to remain U.S. corporations. This is wrong.

I welcome the opportunity to support RECAP and I urge Congress to act quickly on this legislation, as it will go a long way toward restoring public confidence in corporate America.

By Mr. RIDEN (for himself, Mr. LUGAR, Mr. DOMENICI, Mrs. CLINTON, Mr. GREGG, and Mr. SCHUMER):

S. 3121. A bill to authorize the Secretary of State to undertake measures in support of international programs to detect and prevent acts of nuclear or radiological terrorism, to authorize appropriations to the Department of State to carry out those measures, and for other purposes; to the Committee on Foreign Relations.

Mr. RIDEN. Mr. President, today I am introducing the “Nuclear and Radiological Terrorism Threat Reduction Act of 2002.” This is a bill to strengthen the efforts of the world community to gain control over the vast amounts of radiological materials that, left uncontrolled, could cause economic disruption and sow terror in American cities.

In the Senate, Foreign Relations Committee hearing on March 6 of this year, experts testified that an amount of ground up radioactive cobalt-60 the size of the ball in your ball point pen could contaminate an area of Manhattan greater than the footprint of the World Trade Center. The damage and risk would be so great that buildings in the affected area might have to be abandoned, destroyed, and trucked away as radioactive waste.

We learned that if a terrorist discovered another source of radioactive material, the resulting public panic could make much of downtown Washington, DC uninhabitable without a difficult and expensive clean-up. De-contamination is a poorly understood problem because many of the radioactive isotopes a terrorist might choose would bind chemically to construction materials such as marble and stone used in our most precious buildings.

One curie of radioactive cesium-137, strontium-90, cobalt-60 or iridium-192 poses a significant risk. But sources as large as several hundred curies are used every day in world-wide commerce. They serve to estimate the oil in oil wells, to provide a compact and convenient source of X-rays to check the quality of welds in the field, and to provide pencil beams of radiation to measure the amount of soda or beer in an aluminum can.

These rolling radioactive sources move primarily in poorer countries, but also in the United States, use cesium-137 or cobalt-60 sources as strong as several thousand curies to provide radiation therapy in cancer treatment. Some of these sources are used in mobile treatment centers mounted in trucks. The rolling radioactive sources move on the highways and through the streets of our country and perhaps of other countries, where they are vulnerable to accident or foul play.

Each year many radioactive sources, world wide, are abandoned or stolen and leak out of the existing control system. They become “orphan” sources, unwanted and with nobody to care for them or keep them out of trouble. Sometimes industrial sources are abandoned in place when their owners go out of business. They can then find their way into the scrap metal pool, and may arrive on the doorstep of a steel mill.

That happened shortly before our March 6 hearing. A 2-curie cesium-137 source turned up on the conveyor belt of the Nucor Steel Mill in Hertford, NC. Caught just before it would have gone into the furnace, it was removed, and taken into safe custody by the North Carolina radiation protection authorities. Where did it come from? A bankrupt chemical company in the Baltimore area whose equipment was sold for scrap. But when the records were traced it was found that the company had bought not one, but four, such sources. Fortunately, two more were traced and recovered, but one of those “gauge sources” still is missing.

A source found at Nucor had gone into the molten steel, the clean-up would have cost the company millions of dollars. If it had gotten into the...
That raises the maximum damage that each site uses a 300,000-curie source. Each site uses a 300,000-curie source. A string of 131 arctic sites in the former Soviet Union made hundreds of similar decontaminations, and 111,800 people tested in improvised medical facilities at a local soccer stadium.

And that was an accident. A deliberate attack using the same 20 grams of material could have had far greater consequences, as our witnesses told the Committee.

“Dirty bombs” do not even need to explode. Murders have been committed by merely flinging finely powdered material from a window of a tall building and simply waiting until radiation sickness and death followed. If a terrorist is willing to die, he could break open an abandoned gamma ray cancer treatment machine containing 1,400 curies of Cesium-137. Inside they found about 2/3 of an ounce of smoking, glowing powder. Several people were delighted at the idea of glowing in the dark and they rubbed the powder on their bodies. They contaminated not only themselves, but their homes and families. The toll: 5 people dead, 21 requiring intensive care, 49 requiring some hospitalization, 249 contamined, and 111,800 people tested in improvised medical facilities at a local soccer stadium.

Finally, I worry that other terrorist groups, not just Al Qaeda, could make a radiological dispersion device. Radioactive material is out there for the taking, especially in the former Soviet Union.

In January of this year, three hunters gathering firewood in a forest in the former Soviet republic of Georgia found two abandoned cans of strontium-90, each containing 40,000 curies of material. Because the heat from these sources melted the snow for yards around, the hunters were delighted to find free warmth for their tent. They picked up and carried off the sources in their backpacks. All three woodsmen were critically injured, but since they did not break open the two cans, environmental contamination was limited.

A team from the government of Georgia, working with the International Atomic Energy Agency, recovered the sources, but several more are apparently missing and unaccounted for. The nuclear industry of the former Soviet Union made hundreds of similar decontamination sites.

In fact, 40,000 curies of strontium-90 represents a small source by Soviet standards. A string of 131 arctic sites in Russia is powered by radioisotope thermal generators—portable power plants that draw energy from the heat liberated by the decay of radioactive nuclei. Each site uses a 300,000-curie source. That raises the maximum damage that a terrorist dirty bomb could do by a factor of ten beyond anything the Committee heard at our March hearing.

There once were 136 sites in this chain, but the Norwegian government replaced five with solar-powered installations. The remaining 131 should be replaced as soon as possible so as to remove a potential source of truly destructive dirty bombs. We must, and we can, raise significant and sensible barriers to protect against terrorists who would use the power of the atom to do us harm. To that end, Senators LUGAR, DOMENICI, CLINTON, GREGG and SCHUMER join me today in introducing the “Nuclear and Radiological Terrorism Threat Reduction Act of 2002.”

The bill’s principal cosponsors, Senators LUGAR and DOMENICI, have been among the Senate’s long-time leaders in the causes of non-proliferation, threat reduction and counter-terrorism, and I welcome their support. Senator GREGG’s position on the Appropriations Committee sensitized him to the need to protect our embassies. And both of the Senators from New York, Mr. SCHUMER and Mrs. CLINTON, attended the Foreign Relations Committee’s classified session where we’ve been discussing techniques regarding the threat of nuclear and radiological terrorism.

Our bill takes the initiative in several significant areas:

One, it initiates a large program to establish a network of five regional shelters around the globe to provide secure, temporary storage of unwanted, unused, obsolete and orphaned radioactive sources. The bill authorizes $5 million to get started in Fiscal Year 2003, and up to $20 million a year for construction and operation of the facilities in the future. We envision accomplishing our goals through bilateral negotiations with the host nations or, when advantageous to the United States, international agreements. To date, we have negotiated agreements with the International Atomic Energy Agency, the IAEA. Regional storage facilities can remove some of the most dangerous material from circulation.

Two, to round up the sources to be stored in the regional facilities, we propose an accelerated program—in cooperation with the IAEA—to discover, inventory, and recover unwanted radioactive material from around the world. This would be similar to the Department of Energy’s Off-Site Source Recovery Program, but aimed at material outside our borders. This bill will make a modest start by authorizing $5 million a year in special voluntary contributions to the IAEA.

Three, recognizing the threat posed by the very intense radioactive sources packaged by the former Soviet Union to provide electric power to very remote locations, such as lighthouses, weather stations, communications nets, and other measuring equipment, the bill authorizes $5 million a year in special voluntary contributions to replace that equipment with non-nuclear technologies. We believe that $10 million a year over the next three years should not merely make a dent in this problem; it should largely solve it.

Four, other bills this year have provided funding to train American first responders to handle a radiological emergency. The bill we introduce today authorizes $5 million a year in the next three years to train responders abroad. This is a matter of self-protection for the United States: we have diplomatic missions at risk around the world, and we will be funding the construction and operation of temporary storage sites for radioactive material. Should accidents or incidents occur, we would like to be able to rely upon competent responses by our host countries.

Five, this bill requires the Secretary of State to conduct a global assessment of the radiological threat to U.S. missions overseas and to provide the results to the appropriate committees of the Congress in an unclassified form, but with a classified annex giving details if he deems necessary. We hope the Secretary will take into account the locations of the interim storage facilities and also the results of this threat assessment in choosing where first to provide the overseas first responder training authorized by this bill.

Six, the Customs Service is charged with preventing illicit shipments of radioactive material and fissile material from reaching our shores. Inspection of tens of thousands of containers for fissile material, in particular, is a technologically challenging task, one performed most safely and easily before the containers are loaded aboard ship. Customs has agreements to permit U.S. inspectors to do their jobs in ports of embarkation. In order to assist the Service, the Nuclear and Radiological Threat Prevention Act establishes a special representative with the rank of ambassador within the State Department for negotiation of international agreements to inspect cargoes of nuclear material at ports of embarkation. This special representative will work in close cooperation with the Customs Service to make certain that the agreements meet the Service’s needs.

Seven, we could diminish the threat of Dirty bombs by reducing use of radioactive material where other technologies could be substituted. This bill mandates a study by the National Academy of Sciences to tell us how and where safe sources of radiation can replace dangerous ones. Some substitutions are well known: for many applications, X-ray machines powered by the electric grid are almost as convenient as the gamma ray “cameras” that use intense iridium-178 sources. Powered radiation sources can replace radioactive sources in some oil well logging work. Linear accelerators are replacing radioactive cobalt and cesium in cancer therapy. All of the substitute technologies have one thing in common: a switch. When that switch is turned “off,” the radiation source is safe. There may be many more applications
threat where it will most likely first appear: in foreign countries.

The “Nuclear and Radiological Terrorism Threat Reduction Act” gives us a good start at doing just that.

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. 321

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 “Nuclear and Radiological Terrorism Threat Reduction Act of 2002”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) It is feasible for terrorists to obtain and to disseminate radioactive material using a radiological dispersion device (RDD), or by emplacing discrete radioactive sources in major public places.

(2) It is not difficult for terrorists to improvise a nuclear explosive device of significant yield once they have acquired the fissile material, highly enriched uranium, or plutonium, to fuel the event.

(3) An attack by terrorists using a radiological dispersion device, lumped radioactive sources, an improvised nuclear device (IND), or a stolen nuclear weapon is a plausible event.

(4) Such an attack could cause catastrophic economic and social damage and could kill large numbers of Americans.

(5) The first line of defense against both nuclear and radiological terrorism is preventing the acquisition of radioactive sources, special nuclear material, or nuclear weapons by terrorists.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) BYPRODUCT MATERIAL.—The term “byproduct material” has the same meaning given that term in section 11 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(3) IAEA.—The term “IAEA” means the International Atomic Energy Agency.

(4) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term “independent states of the former Soviet Union” has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5901).

(5) NUCLEAR EXPLOSIVE DEVICE.—The term “nuclear explosive device” means any device, whether assembled or disassembled, that is designed to cause instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) RADIOLOGICAL DISPERSION DEVICE.—The term “radiological dispersion device” is any device meant to spread or disperse radioactive material by the use of explosives or otherwise.

(7) RADIOACTIVE MATERIAL.—The term “radioactive material” means:

(A) source material and special nuclear material, but does not include natural or depleted uranium;

(B) nuclear research, production, and test material; and

(C) material made radioactive by bombardment in an accelerator; and

(D) all refined isotopes of radium.

(8) RADIOACTIVE SOURCE.—The term “radioactive source” means radioactive material that is permanently sealed in a capsule or other container and is designed to produce a material released if the source is leaking or stolen, but does not include any material within the nuclear fuel cycle of a research or power reactor.

(9) RADIOISOTOPE THERMAL GENERATOR.—The term “radioisotope thermal generator” or “RTG” means an electrical generator which derives its power from the radioactive material produced by the decay of a radioactive source by the emission of alpha, beta, or gamma radiation. The term does not include nuclear reprocessing as an energy source from the fission or fusion of atomic nuclei.

(10) SECRETARY.—The term “Secretary” means the Secretary of State.

(11) SOURCE MATERIAL.—The term “source material” has the meaning given that term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 5801(aa)).

SEC. 4. INTERNATIONAL REPOSITORIES.

(a) AUTHORITY.—The Secretary, acting through the United States Permanent Representatives to the IAEA, is authorized to propose that the IAEA conclude agreements with up to five countries under which each country would provide temporary storage for orphaned, unused, surplus, or other radioactive sources other than special nuclear material, nuclear fuel, or spent nuclear fuel.

(b) VOLUNTARY CONTRIBUTIONS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make a voluntary contribution to the IAEA to fund the United States share of the program authorized by subsection (a) if the IAEA agrees to protect sources under the standards of the United States or IAEA code of conduct, whichever is stricter.

(2) FISCAL YEAR 2003.—The United States share of the costs of the program described in subsection (a) is authorized to be $5,000,000 for each of the fiscal years 2003 and 2004.

(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide the IAEA, through contracts with the Department of Energy or independent sources, technical assistance to carry out the program described in subsection (a).

(d) NONAPPLICABILITY OF NEPA.—The National Environmental Policy Act shall not apply to any activity conducted under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the Department of State $5,000,000 for fiscal year 2003 and $20,000,000 for each fiscal year thereafter to carry out subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to be used for the purposes described in subsection (a).

(a) AUTHORITY.—The Secretary is authorized to make United States voluntary contributions to the IAEA to support a program to promote radioactive source discovery, inventory, and recovery.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the IAEA for fiscal year 2003 to carry out subsection (a) $2,000,000.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to be used for the purposes described in subsection (a).
SEC. 6. RADIOISOTOPE THERMAL GENERATOR-POWERED FACILITIES IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) RTG POWER UNITS.—The Secretary is authorized to assist the Government of the Russian Federation to substitute solar or other non-nuclear power sources to replace RTG power units operated by the Russian Federation and other independent states of the former Soviet Union in applications such as lighting stations in the Arctic, remote weather stations, unattended sensors, and for providing electricity in remote locations. Any replacement or maximization of maximum practicable, be based upon tested technologies that have operated for at least one full year in the environment where the replacement will be having.

(b) ALLOCATION OF FUNDS.—Of the funds made available to carry out this section, the Secretary may use not more than 20 percent of the funds in any fiscal year to replace dangerous RTG facilities that are similar to those described in subsection (a) in countries other than the independent states of the former Soviet Union.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of State $10,000,000 for fiscal years 2003, 2004, and 2005 to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 7. FOREIGN FIRST RESPONDERS.

(a) IN GENERAL.—The Secretary is authorized to conclude an agreement with a foreign country participating in the United States Permanent Representative to the IAEA, to propose that the IAEA conclude an agreement with that country, under which that country will carry out a program to train first responders to—

(1) detect, identify, and characterize radioactive material; and

(2) understand the hazards posed by radioactive contamination; 

(3) understand the risks encountered at various dose rates; and

(4) evacuate persons within a contaminated area.

(b) UNITED STATES PARTICIPATION.—The Department of State is hereby designated as the lead Federal entity for cooperation with the IAEA in carrying out such agreements with the United States.

SEC. 8. THREAT ASSESSMENT REPORT.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2551a) is amended by adding at the end the following new subsection:

“(h) SPECIAL REPRESENTATIVE FOR INSPECTIONS OF NUCLEAR AND RADIOLOGICAL MATERIALS.—

(1) ESTABLISHMENT OF POSITION.—There shall be within the Bureau of the Department of State primarily responsible for non-proliferation matters a Special Representative for Inspections of Nuclear and Radio- logical Materials (in this subsection referred to as the ‘Special Representative’), who shall be appointed by the President, by and with the advice and consent of the Senate. The Special Representative shall have the rank and status of ambassador.

(2) RESPONSIBILITIES.—The Special Representative shall have the primary responsibility within the Department of State for assisting the Secretary of State in negotiating international agreements that ensure inspection of cargoes of nuclear and radiological materials destined for the United States at ports of embarkation, and such other agreements as may control radioactive materials.

(3) COOPERATION WITH UNITED STATES CUSTOMS SERVICE.—In carrying out the negotiations described in paragraph (2), the Special Representative shall cooperate with, and accept the assistance and participation of, appropriate officials of the United States Customs Service.”.

SEC. 10. RESEARCH AND DEVELOPMENT GRANTS.

(a) IN GENERAL.—Subject to the availability of appropriations, there is established a program under which the Director of the National Science Foundation shall award grants for university-based research into the detection, identification of radioactive isotopes in real time, the protection of sites from attack by radiological dispersion device, mitigation of contamination, and associated attribution of materials used in attacks by radiological dispersion device or by improvised nuclear devices. Such grants shall be available only to non-profit organizations and to investigators at baccalaureate and doctoral degree granting academic institutions. In carrying out the program, the Director of the National Science Foundation shall consult about this program with the Secretary of Energy in order to minimize duplication and increase synergies. The consultation shall also include consideration of the use of existing materials. With this restriction, the Department of Energy should be authorized to make to minimize risks of nuclear and radiological risks to our citizens. The current bill focuses on the contributions that the Department of State should make in that same arena. And in both cases, there is careful recognition of the importance of a tight partnership between those two Departments in accomplishing this vital mission.

I'm particularly pleased with this bill's focus on assisting in the creation of a number of international repositories that can be used to store radioactive sources safely, while ensuring that they don't become "orphaned" sources that might fuel a terrorist's dirty bomb. Other provisions to assist the IAEA in promoting source inventory and recovery are also critical.

One important application of this new bill must be to help the Russian Federation address the large number of Radio-isotope Thermal Generators that rely on large quantities of radioactive material to power many remote installations, especially lighthouses. These large radioactive sources, in isolated locations, are very vulnerable to commitments. With this section, we can help other nations, like Norway, in shifting the power for these lighthouses away from radioactive materials to other means of power.

Another important aspect of the bill involves the authorization of the State Department to help other nations in developing their own First Responder program for response to dirty bomb or nuclear threats. In this country, we now have a First Responder program that grows stronger each year. The Tom Daschle-Domenici bill that created the effort. Now we need to share the lessons we have been learning with others.
This new bill is another important contribution to our nation's efforts to ensure that terrorists will never threaten the United States or other nations with radiological or nuclear weapons.

By Mr. BROWNBACK (for himself and Mr. HELMS):

S. 3122. A bill to allow North Korean refugees to apply for refugee status or asylum; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I rise today to introduce legislation that will clarify the status of North Korean refugees.

As a Nation, the United States is the world’s leader in the protection of refugees. The world takes its lead from the United States when reacting to asylum-seekers, and the example we set have far-reaching implications for those who flee persecution. For this reason, we have stood firm against excuses for the denial of basic human rights and life’s basic liberties.

The tenuous status of North Korean refugees in China is well documented. As we all know from news reports, including the news programs that few North Koreans are able to seek asylum and refugee, be it in China or elsewhere. The few that do, however, are functionally barred from seeking asylum in the United States or being admitted to the United States as refugees. As I understand it, the State Department has expressed concerns that the legal hurdle to admitting North Korean refugees is the fact that South Korea automatically conveys its citizenship to any escapee from North Korea who makes it to South Korea. In short, the State Department claims it cannot, as a matter of law, consider any North Korean to be a refugee.

I am not persuaded that this is the case. To assume that to be true, we must stand firm for the proposition that the moral obligation that we have for refugees everywhere seeking basic human liberties should not be laid aside because of that legal technicality and it should not preclude the United States from providing refugee protections to North Korean refugees.

The bill I am introducing today clarifies and fixes that technicality. It says quite simply that, for asylum and refugee purposes, a North Korean is a North Korean. Any bill in no way extracts from the generosity of the South Korean government or the South Korean people. It does not encourage refugees to choose the United States over South Korea as a safe haven. Far from it, since those who escape from North Korea will go there and will be afforded the rights that refugees escaping from persecution rightfully deserve whether under various international conventions or the South Korean Constitution. Instead, this bill recognizes obstacles facing North Korean refugees and removes the technicality that compromises our ability to help them.

The bill I am introducing today has the support of the Lawyers Committee on Human Rights, Amnesty International, the International Rescue Committee, the U.S. Committee on Refugees, Immigration and Refugee Services of America, among others.

By Mr. DeWINE:

S. 3123. A bill to expand certain preferential trade treatment of Haiti; to the Committee on Finance.

Mr. DeWINE. Mr. President, I have many long-standing concerns about the dire situation, political, economic, and humanitarian, in Haiti. As one who has witnessed the unbelievable poverty and despair in that tiny nation, I believe we must pay closer attention to what is happening there. We must be engaged.

That is why I am introducing the “Haiti Economic Recovery Opportunity Act of 2002.” This bill would help improve the economic and political situation in Haiti through an important tool of our foreign policy, and that is trade. I would like to thank Representatives Gilman and others for introducing a similar measure in the House.

The situation in Haiti is bleak. Haiti is the poorest country in our Hemisphere, with approximately 70 percent of its population out of work and 80 percent living in abject poverty. Less than one-half of Haiti's population can read or write. Haiti's infant mortality rate is the highest in our hemisphere. And, one in four children under the age of five are malnourished.

Roughly one in 12 Haitians has HIV/AIDS, and, according to the Centers for Disease Control projections, Haiti will experience up to 44,000 new HIV/AIDS cases this year, that’s 4,000 more than the number expected here in the United States, where our population is 35 times that of Haiti’s. AIDS already has claimed 400,000 Haitian lives, and this number is expected to skyrocket to between 325,000 and 393,000 over the next ten years.

The violence, corruption, and instability caused by the flow of drugs and other narcotics from Haiti is evident in the streets of Caribbean cities. But today, Haitian apparel and fabric accounts for less than one percent of total U.S. apparel imports. This bill would grow modestly over time to 3.5 percent.

The enactment of this legislation would promote employment in Haitian industry by allowing the country to become a garment production center.

The type of assembly carried out in Haiti would have minimal impact on employment in the United States. In fact, it would encourage the emigration of jobs from the Far East back to our hemisphere, including the United States, where most Haitian foreign exchange earnings, unlike in the Far East, are utilized to purchase American products. And, the “Trade and Development Act” already includes strong safeguards against transplanting.

In order for Haiti to be eligible for the trade benefits under the bill, the President must certify that Haiti is making progress on matters like the rule of law. This will not be an easy task for the Haitian government. However, I believe that because of the incentives provided in the bill, it would be more and more apparent to them that it is in their interest to reform.
During my most recent trip to Haiti, I met with President Aristide and raised many concerns. I explained that it is essential that he call for peace and domestic order, and that he take the necessary measures to bring an end to the political impasse. I explained the need for the international community, and to work with the Organization of American States, OAS.

I also met with leaders of the opposition and told them that they, too, must be willing to compromise and cooperate. I also made it clear that the OAS Special Mission in Haiti is up and running, but I remain cautious about the prospects for resolving the political crisis. In the meantime, the United States must take responsibility by continuing and increasing our humanitarian and trade efforts in Haiti. This is in our own best interest, and we have a moral obligation to remain committed to the people of Haiti.

Adopting the Haiti Economic Recovery Growth Plan Act of 2002 would be a powerful demonstration of that commitment. I encourage my colleagues to join in support of this legislation.

By Mr. McCaIN (for himself, Mr. FeINGOLD, and Mr. DURBIN): S. 3124. A bill to amend the Communications Act of 1934 to revise and expand the lowest unit cost provision applicable to political campaign broadcast stations to establish commercial broadcast station minimum airtime requirements for candidate-centered and issue-centered programming before primary and general elections, to establish a voucher system for the purchase of commercial broadcast audience time for political advertisements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCaIN. Mr. President, today we begin another chapter in the effort to reform our political campaign system. I am joined by another longtime colleague, Mr. Russ Feingold, my longtime colleague on campaign finance reform, and Senator Richard Durbin, in introducing the Political Campaign Broadcast Activity Improvements Act.

The bill establishes a program to provide candidates and national committees of political parties, with vouchers that they may use for political advertisements on radio and television broadcast stations. An annual spectrum and advertising fee paid by broadcasters would fund the voucher system. In addition, the bill requires broadcast television and radio stations to provide candidates and parties with the lowest rate provided to any other advertiser in the previous 120 days, and in most cases, would prohibit stations from preempting advertisements purchased by candidates or parties. Finally, the bill requires these stations to air a minimum of two hours per week of candidate-centered or issue-centered programming by a primary or general federal election.

This legislation builds on the long history of requiring broadcasters to serve the public interest in exchange for the privilege of obtaining an exclusive license to use a scarce public resource: the electromagnetic spectrum. The burden imposed on broadcasters pales in comparison to the enormous value of this spectrum, which recent estimates suggest is worth as much as $367 billion.

The purpose of the legislation is to increase the flow of political information in broadcast media and to reduce the cost to candidates of reaching voters. It is our hope that the bill will not be constrained by the 1976 Congress. We look forward, however, to hearing how we might improve the approach when we reintroduce it in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3124

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

SEC. 1. SHORT TITLE. This Act may be cited as the “Political Campaign Broadcast Activity Improvements Act.”

SEC. 2. MEDIA RATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking “to such office” in paragraph (1) and inserting “to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign,”; and

(2) by inserting “(at any time during the 120-day period preceding the date of the use)” in subparagraph (A) of paragraph (1) after “charge”.

(b) PREEMPTION; AUDITS.—

(1) IN GENERAL.—Section 315 of such Act (47 U.S.C. 315) is amended—

(A) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively and moving them to follow the existing subsections (a) and (b); and

(B) by redesignating the existing subsection (e) as subsection (c); and

(C) by inserting after subsection (c) the following:

“(d) PREEMPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a license shall not preempt the use of a broadcasting station by an eligible candidate or political committee of a political party who has purchased and paid for such use.

“(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or advertising spot scheduled to be broadcast during that program may also be preempted.

“(c) AUDITS.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that a broadcasting station to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312 (a) of the Communications Act of 1934.

(2) CONFORMING AMENDMENT.—Section 504 of the Bipartisan Campaign Reform Act of 2002 is amended by striking “(315), as amended by this Act,” and inserting “(315) is amended by this Act,”

(3) by striking “For purposes of this section—” in subsection (e), as redesignated by subsection (a)(4), and inserting “DEFINITIONS.—In this section—:

(4) by striking “in paragraph (2) of that subsection and inserting “LICENSER; LICENSE.”

(5) by striking “in section (f), as so redesignated, before “The Commission”

SEC. 3. MINIMUM TIME REQUIREMENTS FOR CANDIDATE-CENTERED OR ISSUE-CENTERED BROADCASTS BY BROADCAST STATIONS.

(a) IN GENERAL.—

(1) PROGRAM CONTENT REQUIREMENTS.—In the administration of the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Federal Communications Commission may not determine that a broadcasting station has met its obligation to operate in the public interest if the station deviates from the satisfaction of the Commission that—

(A) it broadcast at least 2 hours per week of candidate-centered programming or issue-centered programming during each of the 6 weeks preceding a Federal election, including at least 4 of the weeks immediately preceding a general election; and

(B) not less than 1 hour of such programming was broadcast in each of those weeks during the period beginning at 5:00 p.m. and ending at 11:35 p.m. in the time zone in which the primary broadcast audience for the station is located.

(2) NIGHTWORLD BROADCASTS NOT COUNTED.—For purposes of paragraph (1) any such program broadcast after midnight and 6:00 a.m. in the time zone in which the primary broadcast audience for the station is located shall not be taken into account.

(b) DEFINITIONS.—In this section—

(1) BROADCASTING STATION.—The term “broadcasting station”—

(A) has the meaning given that term by section 315(e)(1) of the Communications Act of 1934.

(2) CANDIDATE-CENTERED PROGRAMMING.—The term “candidate-centered programming”—

(A) includes debates, interviews, candidate statements, and other program formats that provide for a discussion of any ballot measure on which the public interest, the political or campaign activity of a candidate or political committee of a political party has purchased and paid for such use.

(3) ELECTION.—The term “election” has the meaning given that term in section 315a(g)(2) of the Communications Act of 1934.

(4) ISSUE-CENTERED PROGRAMMING.—The term “issue-centered programming”—

(A) includes debates, interviews, statements, and other program formats that provide for a discussion of any ballot measure which appears on a ballot in a forthcoming election; but
(B) does not include paid political advertisements.

SEC. 4. POLITICAL ADVERTISEMENTS VOUCHER PROGRAM.

(a) In General.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following:

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receives vouchers under paragraph (1).

(c) Certifications.—For candidates for nomination for election, or election, to the Office of President—

(i) the term of the agreement includes a primary election (as defined in section 9032(7) of the Internal Revenue Code of 1986 (26 U.S.C. 9027)); and

(ii) in order to be eligible to receive vouchers under this section, the candidate shall execute the agreement described in subparagraph (B)

(3) Certification Process.—In carrying out its duties under paragraph (2), the Federal Election Commission shall—

(A) provide the requested certification, if the individual meets the requirements for certification, within 7 days after it receives the information necessary therefor; and

(B) shall comply with the requirements of chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) and take other appropriate steps to minimize the paperwork burden on candidates seeking certification under this subsection.

(D) Political Parties.—

(1) Disbursement of Vouchers.—In January of each even-numbered year after 2002, the Commission shall disburse vouchers at least once each month for the purchase of airtime on broadcast stations for political advertisements on broadcast stations to each individual certified by the Federal Election Commission under paragraph (2) as an eligible candidate.

(ii) the individual faces opposition by at least 1 other candidate who has received contributions from individuals, not described in subparagraph (A), the committee shall disburse vouchers under paragraph (1) to a political party committee that is affiliated with the individual's political party, committee meets the candidate base requirement of subparagraph (A)(ii), the Commission shall disburse vouchers to an individual certified by the Federal Election Commission under subsection (b)(1) with respect to a Federal election of more than—

(i) $375,000, for a candidate for election to the House of Representatives; or

(ii) $375,000 multiplied by the number of Representatives from the State from which the individual seeks election, for a candidate for election to the Senate.

The Federal Election Commission shall disburse vouchers to a candidate for nomination for election, or election, to the Office of President who receives payments under section 9037 or 9006 of the Internal Revenue Code of 1986 (26 U.S.C. 9037 or 9006), respectively, equal to—

(i) $1 for each dollar received under section 9037 of such Code; and

(ii) 80 cents for each dollar received under section 9006 of such Code.

(3) Per-Committee Amount.—

(A) In General.—The $100,000,000 available to be disbursed to political parties shall be disbursed as follows:

(i) the Commission shall reserve a percentage, determined by the Commission, of the amount available as provided in subparagraph (B) to political party committees described in subsection (C)(2)(B) that have been or will be certified by the Federal Election Commission as eligible political party committees.

(ii) the same amount as the Commission disburse to each political party committee under subparagraph (A)(ii) if the political party with which the political committee is affiliated has—

(A) candidates for election to the House of Representatives certified by the Federal Election Commission under subsection (b)(2) as eligible candidates in 218 or more districts; or

(B) candidates for election to the Senate in at least 5 States who have been certified by the Federal Election Commission under subsection (b)(2) as eligible candidates in at least 22 districts; or

(iv) for election to the Senate in at least 5 States that the committee violated any term of the agreement.

(D) Amounts.—

(1) With Calendar Year 2004 Aggregates.—For calendar year 2004, the Commission shall disburse vouchers in the aggregate amount of not more than $750,000,000, of which—

(A) not more than $650,000,000 shall be available for disbursement to candidates under subsection (b); and

(B) not more than $100,000,000 shall be available for disbursement to political parties under subsection (c).

(2) Per-Candidate Amount.—

(A) In General.—The $100,000,000 available to be disbursed to political parties under subparagraphs (B) and (C), the Commission shall disburse vouchers to an individual candidate under subsection (b)(1) with respect to a Federal election equal, in the aggregate, to $3 multiplied by the contributions received by that individual with respect to that election, not counting any amount in excess of $3250 received from any individual.

(B) Maximum.—Except as provided in subparagraph (C), the Commission may not disburse vouchers to an individual candidate under subsection (b)(1) with respect to a Federal election of more than—

(i) $375,000, for a candidate for election to the House of Representatives; or

(ii) $375,000 multiplied by the number of Representatives from the State from which the individual seeks election, for a candidate for election to the Senate.

(C) Special Rule for Presidential Candidates.—The Commission shall disburse vouchers to a candidate for nomination for election, or election, to the Office of President who receives payments under section 9037 of such Code; and

(i) $1 for each dollar received under section 9037 of such Code; and

(ii) 80 cents for each dollar received under section 9006 of such Code.

(D) Aggregate Amounts.—

(1) General.—Within 30 days after it received the aggregate amount of payments under section 9037 of such Code, the Commission shall distribute the aggregate amount to political party committees described in subsection (C)(2)(B) that have been or will be certified by the Federal Election Commission as eligible political party committees.

(2) Proportionate Amount Determination.—

(A) In General.—No political party committee shall receive an amount under paragraph (1) that is less than the amount that would have been received if the Federal Election Commission had deposited into the Federal Election Campaign Fund an amount equal to—

(i) the same amount as the Commission disbursed to each political party committee under subparagraph (A)(ii) if the political party with which the political committee is affiliated has—

(A) candidates for election to the House of Representatives certified by the Federal Election Commission under subsection (b)(2) as eligible candidates in 218 or more districts; or

(B) candidates for election to the Senate in at least 5 States who have been certified by the Federal Election Commission under subsection (b)(2) as eligible candidates in at least 22 districts; or

(ii) a percentage of such amount, determined under subparagraph (C), if the political party with which the political committee is affiliated does not qualify for the full amount under clause (i).

(B) Proportionate Amount Determination.—The amount the Commission may disburse to any political party committee described in subparagraph (B)(ii) is a percentage of the amount disbursed to a political party committee under paragraph (1) multiplied by the percentage of the contributions to candidates under subsection (b) and
party committee under subparagraph (A)(2) equal to the greater of the following percentages:

(1) a percentage—

(i) the numerator of which is the number of districts in which the party has candidates for election to the Senate certified by the Federal Election Commission under subsection (b)(2) as eligible candidates; and

(ii) the denominator of which is 33 (or 34 in any year in which there are 34 Senators for election).

(2) '2002' shall be substituted for '1974' in paragraph (2) of that section; and

(3) the term 'Federal Election' has the meaning given that term by section 315(e)(1).

"(e) INFLATION ADJUSTMENT.—Each dollar amount in this section shall be adjusted for purposes of those sections; and

(2) acceptance.—The Commission shall accept, for purposes of those sections; and

(3) redemption.—The Commission shall accept, for purposes of those sections; and

(f) USE.—

(A) IN GENERAL.—A candidate who redeems vouchers accepted by broadcasting stations under presents, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system. The Commission shall use amounts in the Political Advertising Voucher Account established under section 309(a)(2) to redeem vouchers presented under this subsection.

(2) EXPLOITATION.—

(A) IN GENERAL.—A candidate who redeems vouchers accepted by broadcasting stations under presents, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system. The Commission shall use amounts in the Political Advertising Voucher Account established under section 309(a)(2) to redeem vouchers presented under this subsection.

(3) VOUCHERS.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with the information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

(4) ACCEPTANCE.—A broadcasting station shall accept, for purposes of those sections; and

(5) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under presents, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system. The Commission shall use amounts in the Political Advertising Voucher Account established under section 309(a)(2) to redeem vouchers presented under this subsection.

Mr. FRINGOLD. Mr. President, I am pleased to join with the Senator from Arizona, Senator MCCAIN, in introducing legislation that we believe will significantly improve media coverage of elections and reduce the negative impact that skyrocketing TV advertising costs are having on the American Electorate found that only 18

Although broadcast advertising is one of the most effective forms of communication in our democracy, it also diminishes the quality of our electoral process in two ways. First, broadcasters often fail to provide adequate coverage to the issues in elections, focusing instead on the horse race, if they cover elections at all. Second, the extraordinarily high cost of advertising time fuels the insatiable need for candidates to spend more and more time fundraising instead of talking with voters. These two problems interact to undermine the great promise that television has for promoting democratic discourse in our society.

It need not be this way. The public owns the airwaves and licenses them to broadcasters. Broadcasters pay nothing for the use of this extraordinary and very valuable public resource. Their only "payment" is a promise to meet public interest standards, a promise that has been ignored too often by the Commission. As an original cosponsor of this bill, I hope that Senators will support this legislation.
percent of gubernatorial, senatorial and congressional debates held in 2000 were televised by network TV and an additional 18 percent were covered by PBS or small independent TV stations. More than 63 percent were not televised at all. This is shocking in a democracy that depends on information and open debate.

The bill we introduce today addresses these problems by requiring broadcast stations to devote a reasonable amount of air time to election programming. It would also direct the FCC to create a voucher system in which candidates and parties would receive vouchers they could use for paid radio or TV advertising time financed by a broadcast spectrum usage fee. Candidates would qualify for vouchers based on a ratio matched to the amount of small dollar donations they raise.

Our proposal would allow candidates to leverage their grassroots fundraising and would provide greater campaign resources without requiring them to become more beholden to special interests. The proposal would also make air time available to political parties, which could be directed to underfunded candidates and challenged candidates hard at work and hard at getting their message out under the current system as the costs of advertising continue to rise.

Senator McCaIN and I remain devoted to improving the way our electoral process functions and reducing the impact of big money on our democracy. This new bill will advance that cause in a very significant and necessary way. We recognize, of course, that little will happen on this bill before the end of this session of Congress. We are introducing it now so that the public and our colleagues can review it and make suggestions on how to improve it. We hope to make significant progress on this legislation next year and look forward to working with our colleagues on campaign finance reform to make this bill even better and then enact it into law.

By Mr. BROWNBACK (for himself, Mr. NELSON of Florida, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. SESSIONS, and Mr. MILLER):

S. 3125. A bill to designate "God Bless America" as the national song of the United States; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I rise today to introduce legislation, with Senators NELSON, LIEBERMAN, MURKOWSKI, SESSIONS and MILLER, to honor one of our Nation's most stirring songs, "God Bless America."

This patriotic masterpiece was written by Irving Berlin, a man whose background as an immigrant to our shores gave him a keen understanding and appreciation of our nation and how important its existence was. The United States has long been a symbol to peoples across the world, of opportunity, freedom, and the rule of law, but at the time of "God Bless America," the US's importance was even more plain. This is because the song was originally written in 1918 during the height of the First World War, and then released for the first time in 1938 as the clouds of war again gathered over Europe.

When Berlin first wrote "God Bless America" in 1918, he intended it to be a solemn paeon to his adopted nation as he looked across the ocean to a war-torn Europe. Unfortunately, its somber and serious tone made it incompatible with the musical revue he was working on at the time. When the drums of war again sounded on distant shores, Berlin realized his song had a purpose, and knew it was time to offer it to an anxious country. After resuming the lyrics to reflect the difference twenty years and one Great War make, he introduced the song on Armistice Day 1938, a simple song of peace, yet one that reminded both Americans and people of all nations that our Nation was a great one.

This song accomplished exactly the author's intent—it so eloquently expressed his love for our country that it has provided for all of us a means to express our feelings. It is why we have sung it so many times over the past year since those terrible events of September 11, and why we will continue to sing it for the years to come. It captures the feelings every citizen shares, of love, of pride, of patriotism, of sacrifice, and of freedom.

An instant sensation since its release, the power of this song to uplift and comfort us particularly in the dark days of this past year is obvious. After resuming the lyrics to reflect the difference between that reason, the time has come to give recognition to "God Bless America." That is why today I propose legislation to designate "God Bless America" as our national "song."

This is not to replace our rousing national anthem, which is an unforgettable salute to our hard-fought and triumphant birth as a Nation, but to offer recognition to "God Bless America." For "God Bless America" is truly the perfect tribute for a Nation rising from the ashes of September 11 to reclaim our firm and unwavering belief in the goodness of man and the universal rights of liberty.

I ask unanimous consent that the text of the bill and the lyrics of the song be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3125

SECTION 1. NATIONAL SONG.

(a) IN GENERAL.—The composition consisting of the words and music known as "God Bless America," is designated as the national song of the United States.

(b) RULE OF CONSTRUCTION.—The designation of a national song shall not be construed as affecting the national anthem.

GOD BLESS AMERICA

Words and lyrics by Irving Berlin—
COPYRIGHT 1939

While the storm clouds gather far across the sea,

Let us all be grateful for a land that's free,

Let us all be grateful for a land so fair,

As we raise our voices in a solemn prayer:

God Bless America,

Land that I love

Stand beside her, and guide her

Thru the night with a light from above,

From the mountain to the prairie,

To the ocean, white with foam,

God bless America,

My home sweet home.

God Bless America,

Land that I love,

Stand beside her,

And guide her,

Through the night,

With the light from above,

From the mountains,

To the prairies.

White with foam.

God bless America,

My home sweet home.

God bless America,

My home sweet home.

By Mr. KERRY (for himself, Mr. SANTORUM, and Mr. SARBANES):

S. 3126. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development purposes, to the Committee on Finance.

Mr. KERRY. Mr. President, owning your own home is the foundation of the American dream. It encourages personal responsibility, provides economic security, and offers a greater stake in the development of our communities. Families who own their home are more civic-minded and more willing to help develop the communities where they live. Communities where homeownership rates are highest have lower crime rates, better schools and provide a better quality of life for families to raise their children. However, too many working families and minorities have not been able to share in the dream of homeownership due to the cost or lack of affordable housing.

That is why I am introducing the Community Development Tax Credit Act, along with Senators RICK SANTORUM and PAUL SARBANES, which will create a new homeownership tax credit program, based on the Low Income Housing Tax Credit program, to encourage the construction and substantial rehabilitation of homes for low and moderate-income families in economically distressed areas. I believe this legislation will increase the supply of affordable homes for sale in inner-cities, rural areas and low and moderate-income neighborhoods across the United States. The tax credit will bridge the gap that exists between the cost of developing affordable housing and the price at which these homes can be sold in many low-income neighborhoods by providing investors with a tax credit of up to 50 percent of the cost of home construction or rehabilitation.

Over the past decade, we have made substantial progress in increasing the homeownership rate in the United States. In 2000, the U.S. homeownership rate reached a record high of 67.1...
percent with some 71 million U.S. households owning their own home. However, too many working families in low- and moderate-income neighborhoods and minorities across our Nation have not been able to share in this piece of the American Dream due to the high cost or lack of affordable housing.

According to Census data for the second quarter of 2002, non-Hispanic whites have a 74.3 percent homeownership rate while minority groups have just a 53.7 percent homeownership rate. African-Americans have only a 48 percent homeownership rate and Hispanics have a mere 47.6 percent homeownership rate in the same study. These numbers are unacceptable.

Many middle-income working families increasingly struggle to either find or afford a median-priced home in our Nation’s cities. Over the past two generations, many families have moved out of cities and into the suburbs, which has had a negative effect on the development of housing in the inner-city. In 1999, the homeownership rate in the central-city areas was 50.4 percent, this is 23.2 percent lower than the suburban homeownership rate of 73.6 percent. Today, developers are unlikely to invest in any new housing development in inner-cities and rural areas that may not be sold for the cost of construction. This is especially true in low-income areas. There is a lack of affordable single-family housing in areas where a majority of residents are minority families. Properties will sit vacant and neighborhoods will remain undeveloped unless the gap between development costs and market prices can be filled.

Working families in this country are increasingly finding themselves unable to afford housing. A person trying to live in Boston would have to make more than $35,000, annually, just to rent an apartment. This means teachers, janitors, social workers, police officers and other full-time workers are having trouble affording even a modest two-bedroom apartment when they should have a chance to buy a home.

The story of Benjamin and Rita Okafor show how working families in Massachusetts have great difficulty obtaining a decent home of their own. For many years, the Okafor’s and their two young children were forced to live in a one-bedroom apartment. Benjamin Okafor, who worked full time as a cab driver in Boston, spent days and months looking for a bigger apartment for his family. However, the lack of affordable housing in the Boston area made it impossible for him to find appropriate housing for his family. When his wife Rita became pregnant with their third child, the Okafor’s knew something had to change in their living situation. Luckily, Ben was accepted into the Habitat for Humanity program and worked for 300 sweat equity hours constructing a house. In August 2000, the Okafor family moved into a new home of their own in Dorchester. Ben says that this new home gives them the hope and stability they need. There are still too many working families living in substandard housing and many more families that desperately need assistance from Habitat for Humanity or from the Federal government to become a homeowner.

Today, our Nation is facing an affordable rental housing crisis. Thousands of low-income families with children, the elderly, and the disabled are finding it difficult to obtain or afford privately owned affordable rental housing units. Recent changes in the housing market have limited the availability of affordable housing across the country, while the growth in our economy in the last decade has dramatically increased the cost of the housing that remains. Moving thousands of working families from apartments to homes each year will help ease our rental housing crisis and help many families now living in substandard housing increase their quality of life.

By facing the mounting challenge of affordable housing we can dramatically assist in the economic development low- and moderate-income communities. Construction of new homes will create millions of jobs in the inner city and rural areas where unemployment has been for too long a fact of life. The production of housing has always been considered a driver of growth in our economy. New housing production can turn many low income communities around and help end the spiral of unemployment and crime which plague too many of our inner cities today.

For these reasons, we need a new tax incentive for developers to build affordable homes in distressed areas to allow working families to buy their first home at a reasonable rate.

The Community Development Tax Credit introduced today, bridges the gap between development costs and market value to enable the development of new or refurbished homes in these areas to blossom. The tax credit would be available to developers or investors that build or substantially rehabilitate homes for sale to low- or moderate-income buyers in low-income areas. The credit would generate equity investment sufficient to cover the gap between the cost of development and the price at which the home can be sold to a low income buyer.

The tax credit volume would be limited to $1.75 per capita for each State and allocated by the States themselves. Credits would be claimed over five years, starting when homes are sold to eligible buyers. They can apply to the State to be awarded a tax credit for developing a property in a low- or moderate-income area. If chosen by the State, investors can start to claim the tax credits as the homes are sold to eligible buyers. They can continue to claim the tax credit over five years. Investors are not subject to recapture. If the home owner sold the residence within five years, the State would determine the percentage of the gain would be recaptured by the Federal Government. In the first two years, 100 percent of the gain and 80, 70 and 60 percent in the third, fourth, and fifth years, respectively would be recaptured.

This legislation is supported by the U.S. Conference of Mayors, Fannie Mae, Freddie Mac, the Enterprise Foundation, Local Initiatives Support Coalition, Mortgage Bankers Association of America, National Association of Home Builders, National Low Income Housing Coalition, National Association of Local Housing Finance Agencies, National Association of Realtors, National Council of La Raza, National Hispanic Housing Conference, Habitat for Humanity International and others.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 342—COMMEMORATING THE LIFE AND WORK OF STEPHEN E. AMBROSE
Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. BREAUX, Mr. KOHL, Mr. LOTT,
Mr. FEINGOLD, and Mr. REID] submitted the following resolution; which was considered and agreed to:
S. RES. 344

Whereas Senators Dianne Feinstein and Barbara Boxer have been named as defendants in the case of Manshardt v. Federal Judicial Qualifications Committee, et al., Case No. 02–4446 AHM, now pending in the United States District Court for the Central District of California; and
Whereas pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, that the Senate—

(1) mourns the death of Stephen E. Ambrose;
(2) salutes the excellence of Stephen Ambrose at capturing the greatness of the American spirit in words; and
(3) salutes the excellence of Stephen Ambrose at capturing the greatness of the American spirit in words; and

TEXT OF AMENDMENTS

SA 4886. Mr. CONRAD (for himself, Mr. DOMENICI, Mr. FEINGOLD, and Mr. GRINGO) proposed an amendment to the bill S. Res. 304, encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002.

SA 4887. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed to the bill H.R. 2826, to amend title 18, United States Code, with respect to consumer product protection.

SA 4889. Mr. KOHL (for himself and Mr. Wyden) proposed an amendment to the bill S. 2182, to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes.

SEC. 1. SHORT TITLE.
This Act may be cited as the “Product Packaging Protection Act of 2002”.

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.
(a) Extension of Supermajority Enforcement.—
(1) In general.—Notwithstanding any provision of the Competitive Student Credit Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate encouragement during the calendar year ending December 31, 2002.
(2) Exception.—Paragraph (1) shall not apply to the enforcement of section 302(c)(2)(B) of the Congressional Budget Act of 1974.

(b) Pay-as-you-go Rule in the Senate.—
(1) In general.—For purposes of Senate enforcement, section 207 of H. Con. Res. 68 (106th Congress, 1st Session) shall be construed as follows:

that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than 1 year, or both.

(2) Notwithstanding the provisions of paragraphs (1) and (2) of subsection (b) of this section, if any person commits a violation of this subsection after a prior conviction under this section becomes final, such person shall be fined under this title, imprisoned for not more than 3 years, or both.

(3) In this subsection, the term 'writing' means any form of representation or communication, including hand-bills, notices, or advertising, that contain letters, words, or pictorial representations.''.

SA 4889. Mr. REID (for Mr. KOHL) proposed an amendment to the bill S. 1235, to provide penalties for certain unauthorized writing with respect to consumer products; as follows:

Strike all after the enacting clause and insert the following:

SECTION 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than 1 year, or both.

"(g) In this subsection, the term 'writing' means any form of representation or communication, including hand-bills, notices, or advertising, that contain letters, words, or pictorial representations.''.

SA 4890. Mr. REID (for Mr. WYDEN (for himself and Mr. ALLEN)) proposed an amendment to an amendment to the bill S. 2182, to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cyber Security Research and Development Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Revolutionary advancements in computing and communications technology have interconnected government, commercial, scientific, and educational infrastructures—including critical infrastructures for electric power, natural gas and petroleum production and distribution, telecommunications, transportation, defense, financial and emergency and government services—in a vast, interdependent physical and electronic network.

(2) There are increasing increases in interconnectivity have facilitated enhanced communications, economic growth, and the delivery of services critical to the public welfare, but have also increased the consequences of temporary or prolonged failure.

(3) A Department of Defense Joint Task Force on Force Posture and Information Warfare, the United States Information warfare exercise that the results clearly demonstrated our lack of preparation for a coordinated cyber and physical attack on our critical military and civilian infrastructures'

(4) Computer security technology and systems implementation lack—

(A) sufficient long term research funding;

(B) adequate coordination across Federal and State government agencies and among government, academia, and industry; and

(C) sufficient numbers of outstanding researchers in the field.

(5) Accordingly, Federal investment in computer and network security research and development must be significantly increased to—

(A) improve vulnerability assessment and technological and systems solutions;

(B) expand and improve the pool of information security professionals, including researchers, in the United States workforce; and

(C) better coordinate information sharing and collaboration among industry, government, and academic research projects.

(6) While non-Americans, Hispanics, and Native Americans constitute 25 percent of the total United States workforce and 30 percent of the college-age population, members of these groups constitute less than 7 percent of the United States computer and information science workforce.

SEC. 3. DEFINITIONS.

In this Act:

(1) Director.—The term "Director" means the Director of the National Science Foundation.

(2) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 4. NATIONAL SCIENCE FOUNDATION RESEARCH.

(a) COMPUTER AND NETWORK SECURITY RESEARCH GRANTS.—

(1) IN GENERAL.—The Director shall award grants for basic research on innovative approaches to the structure of computer and network hardware and software that are aimed at enhancing computer security. Research areas may include—

(A) authentication, cryptography, and other secure data communications technology;

(B) computer forensics and intrusion detection;

(C) reliability of computer and network applications, multimedia systems, control systems, and communications infrastructure;

(D) privacy and confidentiality;

(E) network security architecture, including tools for security administration and analysis;

(F) emerging threats;

(G) vulnerability assessments and techniques for quantifying risk;

(H) remote access and wireless security; and

(I) enhancement of law enforcement ability to detect, investigate, and prosecute cybercrimes, including those that involve piracy of intellectual property.

(2) Merit Review; Competition.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(b) ANNUAL MEETING.—The Director shall convene an annual meeting of the Centers in accordance with subsection (a)(2).

(c) Annual Grants.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $35,000,000 for fiscal year 2003;

(B) $40,000,000 for fiscal year 2004;

(C) $46,000,000 for fiscal year 2005;

(D) $52,000,000 for fiscal year 2006; and

(E) $60,000,000 for fiscal year 2007.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—
SEC. 5. NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY PROGRAMS.

(a) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—

(1) IN GENERAL.—The Director shall establish a program to award grants to institutions of higher education (or consortium thereof) to establish, or improve undergraduate and master's degree programs in computer and network security, in order to increase the number of undergraduate and master's degree programs in computer and network security and to recruit and retain a greater number of students to such programs.

(A) APPLICATION.—An institution of higher education shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require, to establish a program to award grants to institutions of higher education (or consortium thereof) for the purposes of—

(i) a description of the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A);

(ii) the amount of $25,000 per year, or the level of the amount of support to be provided to graduate students receiving traineeships under subparagraph (A); and

(iii) a description of the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A).

(B) SELECTION PROCESS.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will provide high-quality undergraduate and master's degrees in computer and network security, including the installation of testbeds for students use;

(C) PROVIDING OPPORTUNITIES TO UNDERGRADUATE STUDENTS TO PARTICIPATE IN COMPUTER AND NETWORK SECURITY PROGRAMS.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will provide opportunities for undergraduate students to participate in computer and network security research projects;

(D) ACQUIRING EQUIPMENT NEEDED FOR STUDENT INSTRUCTION IN COMPUTER AND NETWORK SECURITY.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will result in increased numbers of students to such programs;

(E) REVISING CURRICULUM TO BETTER PREPARE UNDERGRADUATE AND MASTER'S DEGREE STUDENTS FOR CAREERS IN COMPUTER AND NETWORK SECURITY.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will result in improved education in fields related to computer and network security.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $15,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.

(b) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT SUPPORT.—Computer and network security programs established under this section shall use grant funds for the purpose of—

(1) improving education in fields related to computer and network security;

(2) increasing opportunities for undergraduate students to participate in computer and network security research projects;

(3) acquiring equipment necessary for student instruction in computer and network security, including the installation of testbeds for student use;

(4) providing opportunities for faculty to work with local or Federal Government agencies, private industry, nonprofit research institutions, or other academic institutions to develop new expertise or to formulate new directions in computer and network security;

(5) establishing collaborative programs with other academic institutions and academic departments to establish, expand, enhance programs in computer and network security;

(6) establishing student internships in computer and network security at government agencies or in private industry;

(7) establishing collaborations with other academic institutions to establish or enhance the breadth and quality of computer and network security coursework and laboratory exercises for sharing with other institutions of higher education, including community colleges;

(8) establishing or enhancing bridge programs in computer and network security programs between community colleges and universities; and

(9) any other activities the Director determines will accomplish the goals of this subsection.

(c) SELECTION PROCESS.—

(A) APPLICATION.—An institution of higher education (or consortium thereof) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(i) a description of the applicant's computer and network security research and institutional capacity, and in the case of an application from a consortium of institutions of higher education, a description of the role that each member will play in implementing the program; and

(ii) a comprehensive plan by which the institution or consortium will build institutional capacity in computer and information security.

(B) SELECTION PROCESS.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will provide high-quality undergraduate and master's degrees in computer and network security, including the installation of testbeds for students use; and

(C) PROVIDING OPPORTUNITIES TO UNDERGRADUATE STUDENTS TO PARTICIPATE IN COMPUTER AND NETWORK SECURITY PROGRAMS.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will provide opportunities for undergraduate students to participate in computer and network security research projects;

(D) ACQUIRING EQUIPMENT NEEDED FOR STUDENT INSTRUCTION IN COMPUTER AND NETWORK SECURITY.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will result in increased numbers of students to such programs;

(E) REVISING CURRICULUM TO BETTER PREPARE UNDERGRADUATE AND MASTER'S DEGREE STUDENTS FOR CAREERS IN COMPUTER AND NETWORK SECURITY.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will result in improved education in fields related to computer and network security.

(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $15,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $10,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.

(d) GRADUATE TRAINEE PROGRAMS.—

(A) IN GENERAL.—The Director shall establish a program to award grants to institutions of higher education to establish traineehip programs for graduate students who pursue computer and network security research leading to a doctorate degree by providing funding and other assistance, and by providing graduate students with research opportunities in computer and network security related to the students' computer and network security studies.

(B) SELECTION PROCESS.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will provide high-quality graduate degrees in computer and network security, including the installation of testbeds for students use; and

(C) PROVIDING OPPORTUNITIES TO UNDERGRADUATE STUDENTS TO PARTICIPATE IN COMPUTER AND NETWORK SECURITY PROGRAMS.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will provide opportunities for undergraduate students to participate in computer and network security research projects;

(D) ACQUIRING EQUIPMENT NEEDED FOR STUDENT INSTRUCTION IN COMPUTER AND NETWORK SECURITY.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will result in increased numbers of students to such programs;

(E) REVISING CURRICULUM TO BETTER PREPARE UNDERGRADUATE AND MASTER'S DEGREE STUDENTS FOR CAREERS IN COMPUTER AND NETWORK SECURITY.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will result in improved education in fields related to computer and network security.

(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $15,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.

(6) SELECTION PROCESS.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will provide high-quality graduate degrees in computer and network security, including the installation of testbeds for students use; and

(C) PROVIDING OPPORTUNITIES TO UNDERGRADUATE STUDENTS TO PARTICIPATE IN COMPUTER AND NETWORK SECURITY PROGRAMS.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will provide opportunities for undergraduate students to participate in computer and network security research projects;

(D) ACQUIRING EQUIPMENT NEEDED FOR STUDENT INSTRUCTION IN COMPUTER AND NETWORK SECURITY.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will result in increased numbers of students to such programs;

(E) REVISING CURRICULUM TO BETTER PREPARE UNDERGRADUATE AND MASTER'S DEGREE STUDENTS FOR CAREERS IN COMPUTER AND NETWORK SECURITY.—The Director shall consider, in selecting applications, the extent to which the applicant's computer and network security research and educational programs for students receiving traineeships under subparagraph (A) will result in improved education in fields related to computer and network security.

(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $15,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $10,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.
traineeship programs to enable graduate students to pursue academic careers in cyber security upon completion of doctoral degrees. (2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this section on a merit-reviewed competitive basis. (3) APPLICATION.—Each institution of higher education desiring to receive a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require. (4) FUNDING.—Funds received by an institution of higher education under this paragraph shall— (A) be available to individuals on a merit-reviewed competitive basis and in accordance with the requirements established in paragraph (7); (B) be in an amount that is sufficient to cover annual tuition and fees for doctoral study at an institution of higher education for the duration of the graduate traineeship, and shall include, in addition, an annual living stipend of $25,000; and (C) be provided to individuals for a duration of no more than 5 years, the specific duration of the graduate traineeship to be determined by the institution of higher education, on a case-by-case basis. (5) REIMBURSEMENT.—Each graduate traineeship scholarship shall— (A) subject to paragraph (5)(B), be subject to full reimbursement upon the completion of the degree described in paragraph (1) according to a reimbursement schedule established and administered by the institution of higher education; (B) be forgiven at the rate of 20 percent of the total amount of the graduate traineeship assistance received under this section for each academic year that a recipient is employed as a full-time faculty member at an institution of higher education for a period not to exceed 5 years; and (C) be monitored by the institution of higher education receiving a grant under this subsection to ensure compliance with this subsection. (6) EXCEPTIONS.—The Director may provide for the partial or total waiver or suspension of any service obligation or payment by an individual under this section whenever compliance by the individual is impossible or would involve extreme hardship to the individual; or in order to otherwise promote the administration of such obligation with respect to the individual would be unconscionable. (7) ELIGIBILITY.—To be eligible to receive a graduate traineeship scholarship under this section, an individual shall— (A) be a citizen, national, or lawfully admitted permanent resident alien of the United States; (B) demonstrate a commitment to a career in higher education. (8) INCLUSION.—In making selections for graduate traineeships under this paragraph, an institution receiving a grant under this subsection shall consider, to the extent possible, the qualifications of applicants whose interests are of an interdisciplinary nature, encompassing the social scientific as well as the technical dimensions of cyber security. (9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this paragraph $5,000,000 for each of fiscal years 2012 through 2017. SEC. 6. CONSULTATION. In carrying out sections 4 and 5, the Director shall consult with other Federal agencies. SEC. 7. FOSTERING RESEARCH AND EDUCATION IN COMPUTER AND NETWORK SECURITY. Section 3(b) of the National Science Foundation Act of 1950 (42 U.S.C. 1862a) is amended— (1) by striking “and” at the end of paragraph (6); (2) by striking “Congress.” in paragraph (7) and inserting “Congress; and”; and (3) by adding at the end the following: “(8) to take a leading role in fostering and supporting research and education activities to improve the security of networked information systems.” SEC. 8. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY PROGRAMS. (a) RESEARCH PROGRAM.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended— (1) by moving section 22 to the end of the Act and redesignating it as section 32; (2) by inserting after section 21 the following new section: “SEC. 22. RESEARCH PROGRAM ON SECURITY OF COMPUTER SYSTEMS. (a) ESTABLISHMENT.—The Director shall establish a program of assistance to institutions of higher education that enter into partnerships with for-profit entities to support research to improve the security of computer systems. The partnerships may also include government laboratories and nonprofit research institutions. The program shall— (1) include multidisciplinary, long-term research; (2) include research directed toward addressing needs identified through the activities of the Director and the National Commission on Privacy Advisory Board under section 20(3); and (3) promote the development of a robust research community working at the leading edge of knowledge in subject areas relevant to the security of computer systems by providing support for graduate students, post-doctoral research fellows, and senior researchers. (b) FELLOWSHIPS.— (1) POST-DOCTORAL RESEARCH FELLOWSHIPS.—The Director is authorized to establish a program to award post-doctoral research fellowships to individuals who are citizens, nationals, or lawfully admitted permanent resident aliens of the United States and are seeking research positions at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research goals identified in the Cyber Security Research and Development Act. (2) SENIOR RESEARCH FELLOWSHIPS.—The Director is authorized to establish a program to award senior research fellowships to individuals seeking research positions at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research areas described in section 4(a)(1) of the Cyber Security Research and Development Act. Senior research fellowships shall be made available for established researchers at institutions of higher education who seek to change research fields and pursue studies related to the security of computer systems. (3) ELIGIBILITY.— (A) IN GENERAL.—To be eligible for an award under this subsection, an individual shall— (i) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; (ii) have a doctoral degree in an area described in section 4(a)(1) of the Cyber Security Research and Development Act; (iii) the impact the proposed projects will have on increasing the number of computer security researchers; (iv) the nature of the participation by for-profit entities and the involvement of the proposed projects in the concerns of industry; and (v) other criteria determined by the Director, based on information specified for inclusion in applications under subsection; (c); and (D) monitoring the progress of research projects supported under the program. (4) REPORTS.—The Director shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science annually on the use and reproductiveness of individuals on assignment at the Institute under the Intergovernmental Personnel Act of 1970 who are performing duties under subsection (d).
(e) REVIEW OF PROGRAM.—
(1) Periodic review.—The Director shall periodically review the portfolio of research awards managed by each program manager designated in accordance with subsection (d). In conducting those reviews, the Director shall seek the advice of the Computer System Security and Privacy Advisory Board, established under subsection (a) during the 5th year of the program. Such review shall include an assessment of the scientific quality of the research conducted, the relevance of the research results obtained to the goals of the program established under subsection (d)(3)(A), and the progress of the program in promoting the development of a substantial academic research community working at the leading edge of knowledge in the field. The Director shall submit a report containing the results of the review under this paragraph no later than 6 years after the initiation of the program.

(f) Definitions.—In this section:

(1) Computer system.—The term ‘computer system’ has the meaning given that term in section 20(d)(1).

(2) Institution of higher education.—The term ‘institution of higher education’ has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) Amendment of computer system definition.—Section 20(d)(1)(B)(i) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(1)(B)(i)) is amended to read as follows:

‘‘(B) carry out research associated with improving the securing of real-time computing components while ensuring it maintains desirable security properties;’’.

(4) Agency use requirements.—The development of a checklist under paragraph (1) for a computer hardware or software system does not—

(A) require any Federal agency to select the specific settings or options recommended by the checklist;

(B) establish conditions or prerequisites for Federal agency procurement or deployment of any such system;

(C) render endorsement of any such system by the Director of the National Institute of Standards and Technology; nor

(D) preclude any Federal agency from procuring or deploying computer hardware or software systems for which no such checklist has been developed.

(d) Federal agency information security program requirements.—

(1) In general.—In developing the agency-wide information security program required by section 354(b) of title 44, United States Code, an agency that deploys a computer hardware or software system for which the Director of the National Institute of Standards and Technology has developed a checklist under subsection (c) of this section—

(A) shall include in that program an explanation of how the agency has considered such settings and options for that system; and

(B) may treat the explanation as if it were a portion of the agency’s annual performance plan properly classified under criteria established by Executive Order (within the meaning of section 1115(d) of title 31, United States Code).

(2) Limitation.—Paragraph (1) does not apply to the use or procurement of a software or software and hardware system for which the National Institute of Standards and Technology does not have responsibility under section 20(a)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(3)).

SEC. 9. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION. Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended by adding at the end the following new subsection:

‘‘(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $1,060,000,000 for fiscal year 2003 and $1,090,000,000 for fiscal year 2004 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues, including research needs, related to computer security, privacy, and cryptography, and appropriate, to convene public meetings on those subjects, receive presentation, and publish reports, digests, and summaries for public distribution on those subjects.

SEC. 10. INTRAMURAL SECURITY RESEARCH. Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended by this Act, is further amended by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

‘‘(e) Intramural Security Research.—As part of the research activities conducted in accordance with subsection (b)(4), the Institute shall—

(1) conduct a research program to address emerging technologies associated with assembling a networked computer system from components while ensuring it maintains desirable security properties;

(2) carry out research associated with improving the securing of real-time computing and communications systems for use in process control; and

(3) carry out multidisciplinary, long-term, high-risk research on ways to improve the security of computer systems.’’.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology—

(1) for activities under section 22 of the National Institute of Standards and Technology Act, as added by section 8 of this Act—

(A) $25,000,000 for fiscal year 2003;

(B) $40,000,000 for fiscal year 2004;

(C) $55,000,000 for fiscal year 2005;

(D) $70,000,000 for fiscal year 2006;

(E) $85,000,000 for fiscal year 2007; and

(2) for activities under section 20(f) of the National Institute of Standards and Technology Act, as added by this Act—

(A) $6,000,000 for fiscal year 2003;

(B) $6,200,000 for fiscal year 2004;

(C) $6,400,000 for fiscal year 2005;

(D) $6,600,000 for fiscal year 2006; and

(E) $6,800,000 for fiscal year 2007.

SEC. 12. NATIONAL ACADEMY OF SCIENCES STUDIES ON CYBER SECURITY IN CRITICAL INFRASTRUCTURES. 

(a) study.—Not later than 3 months after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a study of the vulnerabilities of the Nation’s network infrastructure and make recommendations for research priorities and resource requirements.

(b) report.—The National Research Council shall—

(1) review existing studies and associated data on the architectural, hardware, and software vulnerabilities and interdependencies in United States critical infrastructure networks;

(2) identify and assess gaps in technical capability for robust critical infrastructure network security and make recommendations for research priorities and resource requirements; and

(3) review any and all other essential elements of computer and network security, including security of information controls, to be determined in the conduct of the study.

(c) Study of the National Institute of Standards and Technology.—The Director of the National Institute of Standards and Technology shall ensure that no information that is classified is included in any publicly released version of the report required by this section.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology for the purposes of carrying out this section—

SEC. 13. COORDINATION OF FEDERAL CYBER SECURITY RESEARCH AND DEVELOPMENT. The Director of the National Science Foundation and the Director of the National Institute of Standards and Technology shall coordinate the research programs authorized by this Act or pursuant to amendments made by this Act. The Director of the Office of Science and Technology Policy shall work with the Director of the National Science Foundation and the Director of the National Institute of Standards and Technology to ensure that programs authorized by this Act or pursuant to amendments made by this Act are incorporated into any government-wide cyber security research effort.

SEC. 14. OFFICE OF SPACE COMMERCIALIZATION. Section 8(a) of the Technology Administration Act of 1989 (15 U.S.C. 3704) is amended by inserting “and the Technology Administration” after “within”.

""
SECTION 15. TECHNICAL CORRECTION OF NATIONAL CONSTRUCTION SAFETY TEAM ACT.

Section 29(c)(3)(d) of the National Construction Safety Team Act is amended by striking ‘‘section 8;’’ and inserting ‘‘section 7;’’.

SECTION 16. GRANT ELIGIBILITY REQUIREMENTS AND COMPLIANCE WITH IMMIGRATION LAWS.

(a) IMMIGRATION STATUS.—No grant or fellowship may be awarded under this Act, directly or indirectly, to any alien who is in violation of the immigration laws of the United States as a nonimmigrant under section 101(a)(15)(F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)).

(b) ALIENS FROM CERTAIN COUNTRIES.—No grant or fellowship may be awarded under this Act, directly or indirectly, to any alien from a country that is a state sponsor of international terrorism, as defined under section 630(h) of the Antiterrorism and Effective Death Penalty Act of 1996 (18 U.S.C. 2332 note). See section 1202 of the USA Patriot Act of 2001 (8 U.S.C. 1361).

(c) NON-COMPLYING INSTITUTIONS.—No grant or fellowship may be awarded under this Act, directly or indirectly, to any institution of higher education that is not in compliance with the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)), section 611 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1324a), or section 562 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1762).

Within 24 months after the date of enactment of this Act, the Director, in consultation with the Attorney General and the heads of other appropriate agencies, shall submit to Congress a report reviewing this Act to ensure that such alien does not pose a threat to the safety or national security of the United States.

(d) CONSTRUCTION LAW.—No grant or fellowship shall be made under this Act, directly or indirectly, to any individual who is in violation of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)), or section 412 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1324a), or section 562 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1762).

(e) SELECT COMMITTEE ON INTELLIGENCE.—No grant or fellowship shall be made under this Act, directly or indirectly, to any institution of higher education that is not in compliance with the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)), or section 611 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1324a), or section 562 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1762).

(f) SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE.—No grant or fellowship shall be made under this Act, directly or indirectly, to any institution of higher education that is not in compliance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) in order to protect our national security.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, October 16, 2002, at 2:00 p.m. in Executive Session to consider the nomination of Major General Robert T. Clark, USA for appointment to the grade of Lieutenant General, USA, New York, New York.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, 2002, at 10:00 a.m. to hold a hearing on Angola.

AGENDA

Witnesses: Panel 1: The Honorable Walter Kantstein, Assistant Secretary for African Affairs, Department of State, Washington, DC.

Panel 2: Mr. Nicolas de Torrente, Executive Director, Medicines Sans Frontieres—USA, New York, New York.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, 2002, at 2:30 p.m. to hold a nomination hearing.

AGENDA

Nominees: Mr. Collister Johnson, Jr., of Virginia, to be a Member of the Board of Directors ofthe Overseas Private Investment Corporation for a term expiring December 17, 2004.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUYE. 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 16, 2002, at 12:00 p.m. to hold a business meeting.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, October 16, 2002, at 10:00 a.m., to conduct an Oversight Hearing on “Instability in Latin America: U.S. Policy and the Role of the International Community.”

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

PRODUCT PACKAGING PROTECTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 415, H.R. 2621.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2621) to amend title 18, United States Code, with respect to consumer protection.

There being no objection, the Senate proceeded to consider the bill.

Mr. KOHL. Mr. President, today the Senate will pass the Product Packaging Protection Act of 2002. This bill will help prevent and punish a disturbing trend of product tampering—the placement of hate-filled literature into the boxes of cereal or food that millions of Americans bring home from the grocery store every day. I am pleased to have worked on this legislation with Senators HATCH, LEARY, DeWINE, and DURBin, as well as Chairman SENSENBRENNER, Congressman SCOTT, Congresswoman BALDWIN and Congresswoman HART.

Too many Americans have recently opened groceries and found offensive, racist, anti-Semitic, pornographic and hateful leaflets. In the last few years, food manufacturers have received numerous complaints from consumers who report finding such literature. Hundreds more incidents have likely gone unreported. This behavior is outright shameful.

Unfortunately, when consumers or companies turn to the authorities, they cannot be helped. According to the FBI and the Food and Drug Administration’s Office of Criminal Investigations, these actions are not covered by federal product tampering statutes. A loophole in Federal anti-tampering law allows it to go unpunished. And only a couple of state laws are in place. So, the Product Packaging Protection Act of 2002 will close this loophole ion Federal product tampering law and protect consumers.

I am pleased that the Senate will pass this measure today. We hope that the House of Representatives will take it up the legislation in a timely manner.

The consumer will be able to rest a little easier when it comes to the safety of the products they purchase at their local grocery store. The Product Packaging Protection Act is a small
but meaningful thing we can do to make our current laws more effective and to give consumers and companies the help they need.

Mr. REID. Mr. President, I ask unanimous consent that the Kohl substitute amendment at the desk be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon 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 amendment (No. 4888) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Product Packaging Protection Act of 2002”.

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.
Section 1365 of title 18, United States Code, is amended—
(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and
(2) by inserting after subsection (e) the following new subsection (f):

“(f) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned for not more than 3 years, or both.

“(2) As used in paragraph (1) of this subsection, the term ‘writing’ means any form of representation or communication, including handbills, notices, or advertising, that contain letters, words, or pictorial representations.”

SECTION 1. SHORT TITLE.
This Act may be cited as the “Product Packaging Protection Act of 2001”.

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.
Section 1365 of title 18, United States Code, is amended—
(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and
(2) by inserting after subsection (e) the following:

“(f) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned for not more than 3 years, or both.

“(2) As used in paragraph (1) of this subsection, the term ‘writing’ means any form of representation or communication, including handbills, notices, or advertising, that contain letters, words, or pictorial representations.”

Mr. KOHL. Mr. President, today the Senate will pass the Product Packaging Protection Act of 2002. This bill will help prevent and punish a disturbing trend of product tampering—the placement of hate-filled literature into the boxes of cereal or food that millions of Americans bring home from the grocery store every day. I am pleased to have worked on this legislation with Senators HATCH, LEAHY, DeWINE, and DURBIN, as well as Chairman SENSENBRENNER, Congresswoman SCOTT, Congresswoman BALDWIN, and Congresswoman HART.

Too many Americans have recently opened groceries and found offensive, racist, anti-Semitic, pornographic and hateful leaflets. In the last few years, food manufacturers have received numerous complaints from consumers who report finding such literature. Hundreds more incidents have likely gone unreported. This behavior is outright shameful.

Unfortunately, when consumers or companies report incidents to the authorities, they cannot be helped. According to the FBI and the Food and Drug Administration’s Office of Criminal Investigation, these actions are not covered by federal product tampering statutes. A loophole in Federal anti-tampering law allows companies to avoid punishment. And only a few state statutes are in place. So, the Product Packaging Protection Act of 2002 will close this loophole in Federal product tampering law and protect consumers.

I am pleased that the Senate will pass this measure today. We hope that the House of Representatives will take up the legislation in a timely manner. The American people want to see a little easier when it comes to safety of the products they purchase at their local grocery store. The Product Packaging Protection Act is a small but meaningful thing we can do to make our current laws more effective and to give consumers and companies the help they need.

Mr. REID. Mr. President, I ask unanimous consent that the Kohl substitute amendment at the desk be agreed to, the committee substitute amendment be agreed to, as amended, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate and that any statements relating to this matter be printed in the Record.

The PRESIDING OFFICER. Is there objection?
Without objection, it is so ordered.

The amendment (No. 4889) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Product Packaging Protection Act of 2002”.

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.
Section 1365 of title 18, United States Code, is amended—
(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and
(2) by inserting after subsection (e) the following:

“(f) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or in the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned for not more than 3 years, or both.

“(2) As used in paragraph (1) of this subsection, the term ‘writing’ means any form of representation or communication, including handbills, notices, or advertising, that contain letters, words, or pictorial representations.”

Mr. KOHL. Mr. President, today the Senate will pass the Peace Corps Charter for the 21st Century Act.

A bill (S. 2667) to amend the Peace Corps Act to promote global acceptance of the
principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill, as reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[(Strike the part shown in black brackets and insert the part shown in italic)]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Peace Corps Charter for the 21st Century Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of American volunteers abroad.

(2) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(3) The Peace Corps has operated in 135 countries with 165,000 Peace Corps volunteers since its establishment.

(4) The Peace Corps has sought to fulfill these goals, as follows, to help people in developing nations meet basic needs, to promote understanding of America’s values and ideals abroad, and to promote an understanding of other peoples by Americans.

(5) After more than 40 years of operation, the Peace Corps remains the world’s premier international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote world peace, friendship, and grassroot development.

(7) The Peace Corps is an independent agency, and therefore no Peace Corps personnel should have any relationship with any United States intelligence agency or be used to accomplish any other goal than the goals established by the Peace Corps.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to reach the maximum extent of the pool of talent from the returned Peace Corps volunteer community.

(9) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals among many of the world’s peoples, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding of United States values.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service in a fiscal year to 15,000 volunteers in service by the end of fiscal year 2007.


SEC. 3. DEFINITIONS.

[In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE—The term “appropriate congressional committee” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DIRECTOR—The term “Director” means the Director of the Peace Corps.

(3) PEACE CORPS VOLUNTEER—The term “Peace Corps volunteer” means a volunteer or a volunteer leader under the Peace Corps Act.

(4) RETURNED PEACE CORPS VOLUNTEER—The term “returned Peace Corps volunteer” means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 4. RESTATEMENT OF INDEPENDENCE OF THE PEACE CORPS.

(a) CONSULTATIONS AND REPORTS CONCERNING NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended—

(1) by inserting “(a) ANNUAL REPORTS.—The President shall submit at the time of the submission of the annual report for the preceding fiscal year a report to the Congress concerning the activities of the Peace Corps during the preceding fiscal year, including an accounting of the expenditures of the Peace Corps from the appropriation made by this Act, an estimate of any costs that may be incurred as a result of the initiatives that the Peace Corps intends to pursue in order to solicit requests from eligible countries where the Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations and would dispel unfounded suspicion among peoples of diverse cultures and systems of government, including peoples from countries with substantial Muslim populations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

(c) ALLOCATION OF FUNDS.—In addition to amounts authorized to be appropriated to the Peace Corps by section 11 for the fiscal years 2003, 2004, 2005, and 2006, there is authorized to be appropriated for the Peace Corps $5,000,000 each such fiscal year solely for the recruitment, training, and placement of Peace Corps volunteers whose governments are seeking to foster greater understanding by and about their citizens.

SEC. 5. REPORTS TO CONGRESS.

(a) COUNTRY SECURITY REPORTS.—Section 11 of the Peace Corps Act (22 U.S.C. 2510), as amended by subsection (a), is further amended by adding at the end the following:

(c) COUNTRY SECURITY REPORTS.—The Director of the Peace Corps shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report annually on the status of Security programs in any country in which the Peace Corps operates programs or is considering the establishment of such programs. Such report shall include recommen-dations when appropriate as to whether security conditions would be en-hanced by colocating volunteers with international or local nongovernmental organizations, or with the placement of multiple volunteers in one location.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Not later than 30 days after the date of enactment of this Act, the Director of the Peace Corps shall submit to the Committees on Appropriations of the Senate and the Committee on International Relations of the House of Representatives a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service; and

(2) comparing such programs with other Government-sponsored student loan forgiveness programs.

SEC. 6. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BY AND ABOUT THEIR CITIZENS.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit a report to appropriate congressional committees describing the initiatives that the Peace Corps intends to pursue in order to solicit requests from eligible countries where Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations and would dispel unfounded suspicion among peoples of diverse cultures and systems of government, including peoples from countries with substantial Muslim populations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

(c) ALLOCATION OF FUNDS.—In addition to amounts authorized to be appropriated to the Peace Corps by section 11 for the fiscal years 2003, 2004, 2005, and 2006, there is authorized to be appropriated for the Peace Corps $5,000,000 each such fiscal year solely for the recruitment, training, and placement of Peace Corps volunteers whose governments are seeking to foster greater understanding by and about their citizens.

SEC. 7. GLOBAL INFECTIOUS DISEASES INITIATIVE.

(a) IN GENERAL.—The Director, in cooperation with the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization and the Pan American Health Organization, local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—In this section:

(1) AIDS—The term “AIDS” means the acquired immune deficiency syndrome.
[2] HIV.—The term ‘‘HIV’’ means the human immunodeficiency virus, the pathogen that causes AIDS.
[3] HIV/AIDS.—The term ‘‘HIV/AIDS’’ means the virus that causes AIDS and an individual, an individual who is infected with HIV or living with AIDS.

[SEC. 8. PEACE CORPS ADVISORY COUNCIL.]
Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—
(1) by amending subsection (b)(2)(D) to read as follows:
“(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps;”;
(2) in subsection (c)—
(A) by striking paragraph (1);
(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;
(C) in paragraph (1) (as so redesignated)—
(i) by striking ‘‘fifteen’’ and inserting ‘‘seven’’;
(ii) by striking the second sentence and inserting the following: ‘‘All of the members shall be former Peace Corps volunteers, and not more than four shall be members of the same political party.’’;
(3) by amending subparagraph (D) to read as follows:
“(D) the Members of the Council shall be appointed to 2-year terms.”;
(4) by amending subsection (h) to read as follows:
“(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a time to be determined by the Chair of the Council; and
(5) by amending subsection (i) to read as follows:
“(i) REPORT.—Not later than July 30, 2003, and annually thereafter, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council carried out its functions under subsection (b)(2).”;

[SEC. 9. READJUSTMENT ALLOWANCES.]
The Peace Corps Act is amended—
(1) in section 5(c) (22 U.S.C. 2505(c)), by striking “$125” and inserting “$275”;
(2) in section 6(1) (22 U.S.C. 2505(1)), by striking “$125” and inserting “$275”.

[SEC. 10. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.]
(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop programs and projects to promote the objectives of the Peace Corps as set forth in section 2 of the Peace Corps Act.
(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—
(1) IN GENERAL.—Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—
(A) by striking “2002,” and inserting “2002,” and
(B) by inserting before the period the following: ‘‘, $465,000,000 for fiscal year 2004, $500,000,000 for fiscal year 2005, $560,000,000 for fiscal year 2006, and $600,000,000 for fiscal year 2007.”;
(2) INCREASE IN PEACE CORPS VOLUNTEER STRENGTH.—Section 3(c) of the Peace Corps Act (22 U.S.C. 2502(c)) is amended by adding the following new subsection at the end thereof:
“(d) In addition to the amounts authorized to be appropriated under this section, there are authorized to be appropriated such additional sums as may be necessary to achieve a volunteer corps of 15,000 as soon as practicable taking into consideration the diversity of volunteers and the effectiveness of country programs.”

SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘Peace Corps Charter for the 21st Century Act’’.

SEC. 2. FINDINGS.
Congress makes the following findings:
(1) The Peace Corps was established in 1961 to promote world peace and good will among people through the service of American volunteers abroad.
(2) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.
(3) The Peace Corps has operated in 135 countries with 165,000 Peace Corps volunteers since its establishment.
(4) The Peace Corps has sought to fulfill three goals, as follows: to help people in developing nations meet basic needs, to promote understanding of America’s values and ideals abroad, and to promote an understanding of other peoples by Americans.
(5) After more than 40 years of operation, the Peace Corps remains the world’s premier international service organization dedicated to promoting grassroots development.
(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote peace, friendship, and international understanding.
(7) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should be used to accomplish any other goal than the goals established by the Peace Corps Act.
(8) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the talent pool of returned Peace Corps volunteers.
(9) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.
(10) The Peace Corps is currently operating in countries with 7,000 Peace Corps volunteers.
(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.
(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.
(13) Any expansion of the Peace Corps shall not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an increase in field and headquarters support staff.
(14) In order to ensure that proposed expansion of the Peace Corps preserves the integrity of the Peace Corps and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.
(15) A streamlined, bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers and individuals with diverse skills and expertise, can be a source of ideas and suggestions that may be useful to the Director of the
Peace Corps as he discharges his duties and responsibilities as head of the agency.

(2) DIRECTOR.—The term ‘‘Director’’ means the Director of the Peace Corps.

(3) PEACE CORPS VOLUNTEER.—The term ‘‘Peace Corps volunteer’’ means a volunteer or a volunteer leader under the Peace Corps Act.

(4) RETURNED PEACE CORPS VOLUNTEER.—The term ‘‘returned Peace Corps volunteer’’ means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 4. RESTATEMENT OF INDEPENDENCE OF THE PEACE CORPS.

(a) IN GENERAL.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: ‘‘As an independent agency, all recruiting of volunteers shall be undertaken primarily by the Peace Corps.’’

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after ‘‘Provided, That the following shall be Federal law as it stands and does not contradict the standing of Peace Corps volunteers as being independent: Provided further, That’’ the following:

‘‘(3) volunteering with respect to an individual, an individual who

SEC. 5. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by striking the section heading and inserting in its place the text of section 11 and inserting the following:

‘‘SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

‘‘(a) ANNUAL REPORT.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

(1) describing efforts undertaken to improve coordination of Peace Corps activities with international volunteer service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

(A) a description of the purpose and scope of any development project which the Peace Corps undertakes in the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

(2) describing—

(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

(B) the rationale for undertaking such new initiatives;

(C) an estimate of the cost of such initiatives; and

(D) the impact on the safety of volunteers;

(3) describing in detail the Peace Corps’ plans for doubling the number of volunteers from 2002 levels, including a five-year budget plan fiscal year 2003 and beyond.

(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced;

(5) volunteering with international or local nongovernmental organizations; or

(6) the placement of multiple volunteers in one location.

(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps should consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget requests.

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service; and

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applicants from more low and middle income applicants facing high student loan obligations.

SEC. 6. SPECIFIC CENTER RECRUITMENT AND PLACEMENT FOR PROGRAMS WHERE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BETWEEN THEIR CITIZENS AND THE UNITED STATES.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit a report to the appropriate congressional committees describing the initiatives that the Peace Corps intends to pursue with eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding of other peoples on the part of citizens of the United States and commitments for the purpose of enabling returned Peace Corps volunteers to use their knowledge and experience to promote the third purpose of the Peace Corps.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise to serve in Peace Corps programs to which returned Peace Corps volunteers may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 7. GLOBAL INFECTIOUS DISEASES INITIATIVE.

(a) IN GENERAL.—The Director, in cooperation with international public health experts such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials shall encourage and facilitate Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

(b) DEFINITIONS.—In this section:

(1) AIDS.—The term ‘‘AIDS’’ means the acquired immune deficiency syndrome.

(2) HIV.—The term ‘‘HIV’’ means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term ‘‘HIV/AIDS’’ means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term ‘‘infectious diseases’’ means HIV/AIDS, tuberculosis, and malaria.

SEC. 8. PEACE CORPS ADVISORY COUNCIL.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs to promote the third purpose of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a), by promoting a better understanding of other peoples on the part of the American people.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—(1) GRANT AUTHORITY.—To carry out the purpose of this section, and subject to the availability of appropriations, the Chief Executive Officer of the Corporation and the Corporation Service (referred to in this section as the ‘‘Corporation’’) shall award grants on a competitive basis to private nonprofit corporations for the purpose of supporting returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out programs.

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and cultures; and

(C) by striking subparagraphs (B) and (H); and

(d) by redesigning subparagraphs (C), (D), (E), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively.

(ii) by striking the second sentence and inserting—

(5) (b) in section (6)(I) (22 U.S.C. 2505(I)), by striking ‘‘fifteen’’ and inserting ‘‘six’’.

SEC. 9. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(a) in section 5(c) (22 U.S.C. 2504(c)), by striking ‘‘$125’’ and inserting ‘‘$275’’; and

(b) in section 6(1) (22 U.S.C. 2505(1)), by striking ‘‘$125’’ and inserting ‘‘$275’’.

SEC. 10. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the third purpose of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a), by promoting a better understanding of other peoples on the part of the American people.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—(1) GRANT AUTHORITY.—To carry out the purpose of this section, and subject to the availability of appropriations, the Chief Executive Officer of the Corporation and the Corporation Service (referred to in this section as the ‘‘Corporation’’) shall award grants on a competitive basis to private nonprofit corporations for the purpose of supporting returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out programs and projects described in subsection (a).

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and cultures; and
(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY FOR GRANTS.—To be eligible to compete for funds under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers or an individual background in community service, education, or health. The nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to personnel agreement with the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (b)(1) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than $100,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluating, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Corporation on each program or project for which the nonprofit corporation receives a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agent or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000. Such sum shall be in addition to funds made available to the Corporation under Federal law other than this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 3(c)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking “2002,” and inserting “2002, and”;

(2) by inserting before the period the following: ‘‘, $465,000,000 for fiscal year 2004, $590,000,000 for fiscal year 2005, $560,000,000 for fiscal year 2006, and $660,000,000 for fiscal year 2007’’.

Mr. REID. Mr. President, I note that Senator DODD is the sponsor of this legislation. He was in the Peace Corps, so he was in that Ally, and that matter would be sponsored by him as the lead sponsor.

I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 2667), as amended, was read the third time and passed.

ESTABLISHING NEW NON-IMMIGRANT CLASSES FOR BORDER COMMUTER STUDENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4967, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4967) to establish new non-immigrant classes for border commuter students.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 4967) was read the third time and passed.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 343, submitted earlier today by the two leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 343) to authorize representation by the Senate Legal Counsel in Newdow v. Eagen, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution concerns a civil action commenced in the United States District Court for the District of Columbia against Secretary Jeri Thomson, Financial Clerk Timothy Wineman, their counterparts in the House of Representatives, the Congress, and the United States.

The plaintiff in this case, Mr. Michael Newdow, is the individual challenging the constitutionality of the Peace Corps. Mr. Newdow argues that Mr. Newdow alleges in this action that the disbursement of public funds to the offices of the congressional chaplains violates the First and Fifth Amendments to the Constitution, and Article VI.

Both the United States Supreme Court and the United States Court of Appeals for the District of Columbia Circuit have already established the constitutionality of the congressional chaplaincies, which date from 1789. In the landmark Supreme Court decision Marsh v. Chambers, 463 U.S. 783 (1983), the Supreme Court unequivocally rejected a challenge to the constitutionality of Nebraska’s legislative chaplaincies. It stated that given the “unambiguous and unbroken history” of legislative chaplaincies, the “practice of opening legislative sessions with prayer has become part of the fabric of our society” and is not a “government establishment of religion or a step toward establishment; it is simply a tolerable acknowledgement of beliefs widely held among the people of this country.” Id. at 792. Several months later, the United States Court of Appeals for the District of Columbia Circuit, sitting en banc, dismissed a constitutional challenge to the Congressional chaplains. Murray v. Buchanan, 720 F.2d 689 (D.C. Cir. 1983) (en banc). It stated that the Supreme Court “answered the question presented in Marsh with unmistakable clarity: The ‘practice of opening each legislative day with a prayer by chaplain paid by the State [does not] violate[] the Establishment Clause of the First Amendment’” at 690 (altering Marsh, 463 U.S. at 784).

This resolution authorizes the Senate legal counsel to represent Secretary Thomson and Mr. Wineman to seek dismissal of this action.

Mr. REID. Mr. President, I ask unanimous consent the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements in relation there-to be printed in the RECORD.

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

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 343

Whereas, Secretary Jeri Thomson and Financial Clerk Timothy Wineman have been named as defendants in the case of Newdow v. Eagen, et al., Case No. 1:02CV01704, now pending in the United States District Court for the District of Columbia; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288a(a) and 288c(a)(1), the Senate may direct its counsel to represent officers and employees of the Senate in civil actions with respect to their official responsibilities; Now, therefore, be it

Resolved, That the Senate do now authorize the Senate legal counsel to represent Secretary Thomson and Mr. Wineman to seek dismissal of this action.
Resolved, That the Senate Legal Counsel is authorized to represent Secretary Thomson and Mr. Wineman in the case of Newdow v. Eagen, et al.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 344.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk reads as follows:

A resolution (S. Res. 344) to authorize representation by the Senate Legal Counsel in Manshardt v. Federal Judicial Qualifications Committee, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, an unsuccessful applicant for U.S. Attorney in Los Angeles has commenced a civil action in Federal court in California against Senator Feinstein, Senator Boxer, a prominent Republican businessman and political leader in California, and a judicial screening panel set up by these defendants, to challenge the use of this screening panel to identify potential nominees for Federal District Court judgeships in California. Specifically, the plaintiff alleges that the use of informal screening panels to develop lists of potential judicial nominees violates the Federal Advisory Committee Act, the Government in the Sunshine Act, and the separation of powers.

The laws underlying this suit do not apply to the Senate, and the Speech or Debate Clause bars suits against legislators for the performance of their duties under the Constitution. Thus, there is no legal basis for suing Senators for their role in forming, appointing, or relying on judicial screening panels.

Further, the use of informal judicial selection panels to identify potential judicial nominees as a part of the advice and consent function has a long and respected history. Also, the Supreme Court’s holding in Public Citizen v. U.S. Department of Justice that the Federal Advisory Committee Act does not apply to the longstanding practice of soliciting views on prospective judicial nominees from an American Bar Association committee provides ample support for the challenged practice.

This resolution would authorize the Senate legal counsel to represent the Senators sued in this action to protect their role in the advice and consent process by which the President and the Senate share responsibility for the appointment of Federal judges under the Constitution.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to, the motion to reconsider be laid on the table, and that the resolution, with its preamble, read as follows:

S. Res. 344

WHEREAS, Senators Dianne Feinstein and Barbara Boxer have been named as defendants in the case of Manshardt v. Federal Judicial Qualifications Committee, et al., Case No. 02–4494 AHM, now pending in the United States District Court for the Central District of California; and

WHEREAS, pursuant to sections 703(a) and 704(a)(1) of the Sunshine Act, 5 U.S.C. §§ 552b(a) and (a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Dianne Feinstein and Barbara Boxer in the case of Manshardt v. Federal Judicial Qualifications Committee, et al.

Cyber Security Research and Development Act

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to Calendar No. 549, S. 2182.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk reads as follows:

A bill (S. 2182) to authorize funding for the computer and network security research and development and research fellowship programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

CHECKLIST PROVISION—CYBER SECURITY RESEARCH AND DEVELOPMENT ACT, HR 3934

Mr. HOLLINGS. I would like to engage in a brief colloquy with the ranking member of the Science, Technology, and Space Subcommittee of the Commerce Committee, Senator Allen, regarding the provisions of H.R. 3934 that provide for the National Institute of Standards and Technology, NIST, to develop checklists for widely used software products.

Mr. ALLEN. The committee, particularly Senators Wyden and Edwards, working with NIST and industry, have reached agreement on this provision. We recognize that there is no “one-size-fits-all” configuration for any hardware or software systems. We have given NIST flexibility in choosing which checklists to develop and update. We have not required any Federal agency to use the specific settings and options recommended by these checklists.

Mr. HOLLINGS. The ranking member is correct. Our intent with this provision is not to develop separate checklists for every possible Federal configuration. Rather, the checklists would provide agencies with recommendations that will improve the quality and security of the settings and options they select. The use of any checklist should, of course, be consistent with guidance from the Office of Management and Budget.

Mr. ALLEN. I agree with the chairman.

Mr. WYDEN. Mr. President, I would like to say a few words about the Senate’s passage of the Cybersecurity Research and Development Act.

Americans today live in an increasingly networked world. The spread of the Internet creates lots of great new opportunities. But there are downsides: security risks. The Internet connects people not just to friends, potential customers, and useful sources of information, but also to would-be hackers, viruses, and cybercriminals.

In July 2001, after I became chairman of the Senate Committee on Commerce, Science and Transportation, I chose cybersecurity as the topic for my first hearing. The message from that hearing was that cybersecurity risks are mounting. And that was before the horrific attacks of September 11. Hammered home the point that there are determined, organized enemies of this country who wish to wreak as much havoc as they can. The terrorists are looking for vulnerabilities, and they are not technological simpletons.

This legislation is essential to the Nation’s effort to address cybersecurity threats. It is a necessary complement to both the homeland security legislation pending in Congress and to the draft cybersecurity strategy released on September 18 by the administration. Because reorganizing the Federal Government to deal more effectively with security threats is only part of the battle. The same goes for the many of the steps called for in the Administration’s cybersecurity strategy.

In the long run, all Government and private sector cybersecurity efforts depend on people—trained experts with the knowledge and skills to develop innovative solutions and respond creatively and proactively to evolving threats. Without a strong core of cybersecurity experts, no amount of good intentions and no amount of Government reorganizing will be sufficient to keep this country one step ahead of hackers and cyberterrorists.

Therefore, this legislation makes a strong commitment to support basic cybersecurity research, so that the country’s pool of top-flight cybersecurity experts can keep pace with the evolving threats. Specifically, the bill authorizes $978 million over five years to create new cybersecurity research and development programs at the National Science Foundation, NSF, and the National Institute of Standards and Technology, NIST. The NSF program will provide funding for multi-disciplinary academic centers devoted to cybersecurity, and new courses and fellowships to educate the cybersecurity experts of the future. The NIST program likewise will support cutting-edge cybersecurity research, with a specific goal of promoting cooperative efforts between government, industry, and academia.

All of these programs will support advanced cybersecurity research at a

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basic, non-applied level, some of which may not pay off for a number of years. Nonetheless, it is my strong expectation that as this fundamental research yields results, those results will be made available promptly to the private sector. Indeed, the bill will serve as a foundation for a wide range of practical, tangible cybersecurity improvements, products, and solutions. This kind of commercialization of the results of Federal investment in computer and network security research is consistent with long-standing technology transfer policy, and will serve the national interest in enhancing the security and reliability of cyberspace for commercial, academic, and individual users, as well as Federal and state governments.

I should also note that, in addition to the extramural research grants at NSF and NIST, the bill will support NIST’s ongoing cybersecurity research. Americans for Computer Privacy, the Business Software Alliance, the Information Technology Association of America, the Information Technology Industry Council, the Software & Information Industry Association, and the U.S. Chamber of Commerce noted in a recent letter to the technology leaders that NIST’s “job is to improve the security of civilian computer systems through technical standards and cooperation with industry.” This legislation will enable us to support NIST in continuing that work.

There is broad consensus on the need for this legislation. It has already passed the House by an overwhelming bipartisan vote, thanks to the leadership of Congressman SHERRY BOEHLENT. I introduced the Senate version, S. 2182, and the ranking member of the Science and Technology Subcommittee, Senator ALLEN, joined me in shepherding it through the Commerce Committee. We worked closely with Senator EDWARDS on provisions to help Federal Government agencies safeguard the security of their computer systems. And we worked closely with businesses and experts in the cybersecurity field, to ensure widespread support within the high tech industry.

Specifically, I would like to mention a few changes that have been made to the bill since we reported the bill from the Commerce Committee. The most significant is that the bill, as we now stand in working with Senator EDWARDS and cybersecurity businesses and experts to give Federal agencies additional tools to strengthen the security of their computer systems, while at the same time encouraging innovation and allowing agencies the flexibility to adopt a variety of cybersecurity products.

In addition, working with our colleagues on the House Science Committee, we adjusted the list of research areas of basic NSF research grants. No list could ever encompass every computer security technology, and for that reason the list is not exclusive. The intention was simply to give some general examples of broad research areas, without naming specific technologies. But obviously, when individual grants are awarded, they may well focus on particular technologies that are not listed by name in the final version of the bill, and as a result, may not be covered.

Another change is the deletion of a cost-sharing provision added in committee. Instead, the bill language makes it clear that research grants under the NIST cybersecurity research program will be directed to institutions of higher education rather than directly funding industry research.

I thank my Senate colleagues for taking up and approving this timely legislation. The stakes are high, and you can bet that hackers and cyberterrorists won’t stand still. So it is important to launch these new cybersecurity research programs as soon as possible. I believe this legislation needs to be enacted into law this fall, and I urge the House and the President to move swiftly to ensure that happens.

Mr. ALLEN. Mr. President, I rise to thank my colleagues for their unanimous support of S. 2182, the Cyber Security Research & Development Act. I am grateful to my colleague Senator WYDEN for his leadership and continued work on pushing this important measure through the legislative process.

S. 2182 addresses the important issue of cyber security. As our reliance on technology and the Internet have grown over the past decade, our vulnerability to attacks on the Nation’s critical infrastructure and networked systems has also grown exponentially. The high degree of interdependence between information systems exposes America’s network infrastructure to both benign and destructive disruptions. Such cyber attacks can take several forms, including: defacement of web sites; denial of service; virus infection of computer networks; theft or financial fraud; and unauthorized intrusions and sabotage of systems and networks resulting in critical infrastructure outages and corruption of vital data.

Past attacks, such as the Code Red virus, show the dangers of potential disruption cyber attacks can have on our Nation’s infrastructure. The cyber threats before this country are significant and are unfortunately only getting more complicated and sophisticated.

A survey last year by the Computer Security Institute and FBI found that 85 percent of 538 respondents experienced computer intrusions. Carnegie Mellon University’s CERT Coordination Center, which serves as a reporting center for Internet security problems, received 2.437 vulnerability reports in calendar year 2001, almost 6 times the number in 1999. Similarly, the number of specific incidents reported to CERT has increased from 9,589 in 1999 to 52,658 in 2001. What is alarming is that CERT estimates these statistics may only represent 20% of the incidents that actually have occurred.

A recent public opinion survey indicates that over 70 percent of Americans are concerned about computer security and 74 percent are concerned about terrorist using the Internet to launch a cyber-attack against our country’s infrastructure. One survey shows that half of all information technology professionals believe that a major attack will be launched against the Federal Government in the next 12 months.

Indeed, cyber security is essential to both homeland security and national security. The Internet’s security and reliability support the economy, critical infrastructures and national defense. At a time when uncertainty threatens confidence in our nation’s preparedness, the Federal Government needs to make information and cyber security a priority.

Currently, federally funded research on cyber security is less than $60 million per year. Experts believe that fewer than 100 United States research-ers, at the experience and expertise to conduct cutting edge research in cyber security.

The Cyber Security Research and Development Act will play a major role in fostering greater research in methods and technologies, the experience and expertise to design more secure networks. The legislation will harness and link the intellectual power of the National Science Foundation, the National Institute of Science and Technology, our Nation’s universities, and industry to develop new and improved computer cryptography and authentication, firewalls, computer forensics, intrusion detection, wireless security and systems management.

In addition, our bill is designed to draw more college undergraduate and graduate students into the field of cyber security research. It establishes programs to use internships, research opportunities, and better equipment to engage students in this field. America is a leader in the computer hardware and software development. In order to preserve America’s technological edge, we must have a continuous pipeline of new students involved in computer science study and research.

S. 2182 highlights the role the Federal Government will play in helping prepare and prevent cyber attacks, but only if we can ensure the cutting edge research and technology funded in this legislation is made commercially available.

Clearly, there is an urgent need for private sector, academic, and individual users as well as the Federal and State governments to deploy security innovations. I am confident that the cyber security research and technology programs and projects outlined in this legislation will yield significant results to enhance the security and reliability of cyberspace.

I am glad to see the Senate come together and pass this important legislation and again thank my colleague from Oregon for his leadership. I have truly enjoyed working with him for the
successful passage of this positive and constructive legislation that will improve the security of Americans.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn; and on behalf of Senators Wyden and Allen, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill, as amended, be read three times, and the Commerce Committee then be discharged from further consideration of H.R. 3394. The House companion; that all after the enacting clause be stricken, and the text of S. 2182, as amended, be inserted in lieu thereof; that H.R. 3394 be read three times, passed, that any statements relating to this matter be printed in the Record, with no intervening action or debate; and that S. 2182 be returned to the calendar.

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

The committee amendment in the nature of a substitute was withdrawn.

The amendment (No. 4890) was agreed to.

The amendment is printed in today’s Record under “Text of Amendments.”

The bill (S. 2182), as amended, was read the third time.

The bill (H.R. 3394), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the Record.)

INLAND FLOOD FORECASTING AND WARNING SYSTEM ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to calendar No. 698, H.R. 2486.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2486) to authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement, 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 the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the Record.

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

ORDERS FOR THURSDAY, OCTOBER 17, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. Thursday, October 17; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the time until 12 noon under the control of the Republican leader or his designee, and the time from 12 noon to 1 p.m. under the control of Senator Daschle or his designee.

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

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. REID. Mr. President, there is no further business to come before the Senate. Therefore, I ask unanimous consent that we stand in adjournment until Thursday, October 17, 2002, at 11 a.m.

The PRESIDING OFFICER. The Senate is adjourned until 11 a.m. tomorrow.

NOMINATIONS

Executive nominations received by the Senate October 16, 2002:

BROADCASTING BOARD OF GOVERNORS

BLANQUITA WALSH CULLUM, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPiring August 13, 2005, VICE CHERYL P. HARKIN, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

PHELICANO FOTO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING AUGUST 12, 2004, VICE JORGE L. MAS.

DEPARTMENT OF STATE


IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL RICHARD C. COLLINS, 0000
BRIGADIER GENERAL SCOTT A. NICHELSON, 0000
BRIGADIER GENERAL DAVID A. BORDON, 0000
BRIGADIER GENERAL MARK V. KOSZELNIK, 0000
BRIGADIER GENERAL CHARLES R. STEINER, JR., 0000
BRIGADIER GENERAL THOMAS D. TAYLOR, 0000
BRIGADIER GENERAL KATHY R. THOMAS, 0000

To be brigadier general

COLONEL RICARDO APONTE, 0000
COLONEL FRANK J. CASSEGDEN, 0000
COLONEL CHARLES F. FREDRICKSON, 0000
COLONEL THOMAS M. GIRLER, JR., 0000
COLONEL JAMES W. CROWE, 0000
COLONEL JOHN M. HOWLETT, 0000
COLONEL MARTIN M. MAJORS, 0000
COLONEL RAYFORD J. MOEN, JR., 0000
COLONEL JAMES M. MUNDENKAST, 0000
COLONEL JACk W. RAMSAUR II, 0000
COLONEL DAVID N. RENTY, 0000
COLONEL BRADLEY C. YOUNG, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL EMILE P. BATAILLE, 0000
BRIGADIER GENERAL DANIEL D. DEMPSEY, 0000
BRIGADIER GENERAL DANIEL E. LONG, JR., 0000
BRIGADIER GENERAL MICHAEL J. SQUIRE, 0000
BRIGADIER GENERAL ROY M. UMBARGER, 0000
BRIGADIER GENERAL ANTONIO J. VICEENS-GONZALEZ, 0000
BRIGADIER GENERAL WALTER L. WURL, 0000

To be brigadier general

COLONEL NORMAN R. ARFLACK, 0000
COLONEL JERRY G. BROK JR., 0000
COLONEL RAYMOND W. CARPENTER, 0000
COLONEL HERMAN M. DIEREHER, 0000
COLONEL ROBERT F. FRENCH, 0000
COLONEL JOHN T. FURLOW, 0000
COLONEL CHARLES L. GABLE, 0000
COLONEL FRANCIS P. GONZALEZ, 0000
COLONEL DEAN K. JOHNSON, 0000
COLONEL DAVID A. LEWIS, 0000
COLONEL THOMAS D. MILLS, 0000
COLONEL VERN T. MYAGI, 0000
COLONEL ROQUE C. NIDO LANAUSSIE, 0000
COLONEL J. W. NOLEN, 0000
COLONEL THOMAS R. RAGLAND, 0000
COLONEL TERRY L. ROBINSON, 0000
COLONEL CHARLES G. RODRIGUEZ, 0000
COLONEL CHARLES D. SAFILY, 0000
COLONEL RANDALL R. SAYLER, 0000
COLONEL DONALD C. STORM, 0000
COLONEL WILLIAM M. WADDELL, 0000
COLONEL GREGORY L. WYATT, 0000
COLONEL MEREDITH W. YOUNG, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRANFORD J. MCALLISTER, 0000
ALICE SMART, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5131:

To be commander

ROBOWALL R. MCCOY, 0000

To be lieutenant commander

ROGER L. BOUMA, 0000
JAMES T. DENLEY, 0000
JERRY M. DEWITT, III, 0000
KIMBERLY S. FRY, 0000
JEROME A. RINSON, 0000
TAMMY C. JONES, 0000
JOHN T. LEE, 0000
STEVENV N. RESWEBER, 0000
ROBERT D. REED, 0000
LOUIS R. ROSS, 0000
DUANE A. SANCEN, 0000
FRANK W. SHEARIN, III, 0000
JOHN M. SIMOTROU, 0000
RALPH E. SMITH III, 0000
WALTER B. STEELE, 0000
DOUGLAS W. TOLLER, 0000
ROBERT A. WACHTEL, 0000
ALAN K. WILMOT, 0000

BLACK LUNG BENEFIT CONSOLIDATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5542 now at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows: A bill (H.R. 5542) to consolidate all black lung benefit responsibility under a single office 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 the third time, and passed; that the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

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

The bill (H.R. 5542) was read the third time and passed.

(This bill will be printed in a future edition of the Record.)
**Daily Digest**

**HIGHLIGHTS**

- Senate agreed to the conference report on H.R. 3295, Help America Vote Act.
- Senate agreed to the conference report on H.R. 5010, Department of Defense Appropriations Act.

**Senate**

**Chamber Action**

*Routine Proceedings, pages S10483–S10601*

**Measures Introduced:** Thirteen bills and three resolutions were introduced, as follows: S. 3114–3126, and S. Res. 342–344.

**Measures Reported:**

- S. 486, to reduce the risk that innocent persons may be executed, with an amendment in the nature of a substitute. (S. Rept. No. 107–315)
- S. 1850, to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, with an amendment in the nature of a substitute. (S. Rept. No. 107–316)
- S. 630, to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender’s unsolicited commercial electronic mail messages, with an amendment in the nature of a substitute. (S. Rept. No. 107–318)
- H.R. 2733, to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration. (S. Rept. No. 107–319)
- S. 2644, to amend chapter 35 of title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements, with an amendment in the nature of a substitute.  

**Measures Passed:**

- *Commemorating Stephen E. Ambrose:* Senate agreed to S. Res. 342, commemorating the life and work of Stephen E. Ambrose.

**Reporting of Appropriation Bills:** Senate agreed to S. Res. 304, encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002, after agreeing to the following amendment proposed thereto:

**Continuing Appropriations:** Senate passed H.J. Res. 123, making further continuing appropriations for the fiscal year 2003, clearing the measure for the President.

**Consumer Product Protection Act:** Senate passed H.R. 2621, to amend title 18, United States Code, with respect to consumer product protection, after agreeing to the following amendment proposed thereto:

**Product Packaging Protection Act:** Senate passed S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

**Reid (for Kohl) Amendment No. 4888, in the nature of a substitute.**
Peace Corps for the 21st Century Act: Senate passed S. 2667, to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, after agreeing to a committee amendment in the nature of a substitute. Pages S10594–98

Border Commuter Student Act: Senate passed H.R. 4967, to establish new nonimmigrant classes for border commuter students, clearing the measure for the President. Page S10598

Senate Legal Representation: Senate agreed to S. Res. 343, to authorize representation by the Senate Legal Counsel in Newdow v. Eagen, et al. Pages S10598–99

Senate Legal Representation: Senate agreed to S. Res. 344, to authorize representation by the Senate Legal Counsel in Manshardt v. Federal Judicial Qualifications Committee, et al. Pages S10599

Cyber Security Research and Development Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 3394, to authorize funding for computer and network security research and development and research fellowship programs, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2182, Senate companion measure, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto:

Reid (for Wyden/Allen) Amendment No. 4890, in the nature of a substitute.

Subsequently, S. 2182 was returned to the Senate calendar. Page S10601

Inland Flood Forecasting and Warning System Act: Senate passed H.R. 2486, to authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement, clearing the measure for the President. Page S10601

Black Lung Consolidation of Administrative Responsibility Act: Senate passed H.R. 5542, to consolidate all black lung benefit responsibility under a single official, clearing the measure for the President. Page S10601

Help America Vote Act—Conference Report: By 92 yeas to 2 nays (Vote No. 238), Senate agreed to the conference report on H.R. 3295, to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, clearing the measure for the President. Pages S10488–S10516

Defense Appropriations—Conference Report: By 93 yeas to 1 nay (Vote No. 239), Senate agreed to the conference report on H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, clearing the measure for the President. Pages S10516–24

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the report of the continuation of the national emergency with respect to the significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs. (PM–116) Page S10568

Transmitting, pursuant to law, the periodic report on the national emergency with respect to significant narcotics traffickers centered in Columbia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Banking, Housing, and Urban Affairs. (PM–117) Page S10568

Nominations Received: Senate received the following nominations:

Blanquita Walsh Cullum, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2005.

Feliciano Foyo, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring August 12, 2004.

Mary Carlin Yates, of Oregon, to be Ambassador to the Republic of Ghana.

19 Air Force nominations in the rank of general.

30 Army nominations in the rank of general.

Routine lists in the Air Force, Navy. Page S10601

Messages From the House: Pages S10568–69

Petitions and Memorials: Pages S10569–70

Executive Reports of Committees: Pages S10570–71

Additional Cosponsors: Pages S10572–73

Statements on Introduced Bills/Resolutions: Pages S10573–88

Additional Statements: Pages S10566–68

Amendments Submitted: Pages S10588–93

Authority for Committees to Meet: Page S10593

Record Votes: Two record votes were taken today. (Total—239) Pages S10515, S10523–24

Adjournment: Senate met at 10:40 a.m., and adjourned at 9:04 p.m., until 11 a.m., on Thursday,
Committee Meetings

(Committees not listed did not meet)

CORPORATE INVERSION

Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings to examine the appropriateness of U.S. companies reincorporating into offshore tax havens (corporate inversion), and the implications of these transactions on U.S. tax policy and the U.S. economy, after receiving testimony from Pamela Olson, Assistant Secretary of the Treasury for Tax Policy; Connecticut Attorney General Richard Blumenthal, Hartford; Martin A. Regalia, U.S. Chamber of Commerce, Robert S. McIntyre, Citizens for Tax Justice, and William G. Gale, Brookings Institution, all of Washington, D.C.; and Reuven S. Avi-Yonah, University of Michigan, Ann Arbor.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nomination of Otis Webb Brawley, Jr., of Georgia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences, Department of Defense, and 331 military nominations in the Army, Navy, Marine Corps, and Air Force.

NOMINATION

Committee on Armed Services: Committee concluded closed hearings to examine the nomination of Maj. Gen. Robert T. Clark, USA, for appointment to the grade of lieutenant general and to be Commanding General, Fifth United States Army, after the nominee testified and answered questions in his own behalf.

LATIN AMERICA

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Trade and Finance concluded hearings to examine U.S. policy and the role of the international financial community concerning economic instability in Latin America, prospects for economic and productivity growth, and the International Monetary Fund, after receiving testimony from John B. Taylor, Under Secretary of the Treasury for International Affairs; Daniel K. Tarullo, Georgetown University Law Center, Michael Mussa, Institute for International Economics, Scott A. Otterman, National Association of Manufacturers, all of Washington, D.C.

ANGOLA

Committee on Foreign Relations: Committee held hearings to examine U.S. policy options in Angola, focusing on humanitarian needs and improving governance, receiving testimony from Walter H. Kansteiner III, Assistant Secretary of State for African Affairs; Morten Rostrup, Medecins Sans Frontieres, Brussels, Belgium; and David J. Kramer, Baird Holm, Omaha, Nebraska.

Hearings recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Collister Johnson, Jr., of Virginia, and John L. Morrison, of Minnesota, each to be a Member of the Board of Directors of the Overseas Private Investment Corporation, after the nominees testified and answered questions in their own behalf.

NOMINATION

Select Committee on Intelligence: Committee ordered favorably reported the nomination of Scott W. Muller, of Maryland, to be General Counsel of the Central Intelligence Agency.
House of Representatives

**Chamber Action**


Reports Filed: Reports were filed today as follows:

- H.R. 4966, to improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration, amended (H. Rept. 107–759, Pt. 1)
- H.R. 2202, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts, amended (H. Rept. 107–760);
- 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. Rept. 107–761);
- H.R. 5399, to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District (H. Rept. 107–762); and
- Supplemental report on H.R. 3215, to amend title 18, United States Code, to expand and modernize the prohibition against interstate gambling (H. Rept. 107–591 Pt. 2).

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Gutknecht to act as Speaker pro tempore for today.

Journal: Agreed to the Speaker’s approval of the Journal of Wednesday, Oct. 16 by a yea-and-nay vote of 330 yeas to 52 nays with 1 voting “present”, Roll No. 464.

Recess: The House recessed at 12:33 p.m. and reconvened at 2 p.m.

Suspensions: The House agreed to suspend the rules and pass the following measures:

**Sober Borders Act.** Debated on Oct. 15, H.R. 2155, amended, to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry (agreed to by a 2/3 yeay-and-nay vote of 296 yeas to 94 nays, Roll No. 465);

**Health Care Safety Net Amendments:** Considered pursuant to the order of the House of Oct. 15, S. 1533, amended, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured (agreed to by a 2/3 yea-and-nay vote of 392 yeas to 5 nays, Roll No. 466)

Motion to Instruct Conferees—SAFE Act: Representative Eshoo informed the House of her intention to offer a motion to instruct 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, to insist to the extent possible within the scope of the conference, that the conferees reject provisions that would make discretionary the Federal Energy Regulatory Commission’s duty to ensure that wholesale electricity rates are just and reasonable and not unduly discriminatory or preferential.

Recess: The House recessed at 2:51 p.m. and reconvened at 4:40 p.m.

Making Further Continuing Appropriations: The House passed H.J. Res. 123, making further continuing appropriations for the fiscal year 2003 by a recorded vote of 228 ayes to 172 noes, Roll No. 470.

Rejected the Obey motion to recommit the joint resolution to the committee on appropriations with instructions to report it back to the House forthwith with an amendment that strikes “November 22, 2002” and inserts “October 21, 2002” by a yea-and-nay vote of 194 yeas to 210 nays, Roll No. 469.
H. Res. 585, the rule that provided for consideration of the joint resolution was agreed to by a recorded vote of 206 ayes to 193 noes, Roll No. 468. Agreed to order the previous question by a yea-and-nay vote of 209 yeas to 193 nays, Roll No. 467. Pursuant to the rule, House Resolutions 550, 551, and 577 were laid on the table.

Legislative Program: The Majority Leader announced the Legislative Program. Pages H7963–64

Combined Consideration of Measures: The Chair entertained the following combined request under the Speaker’s guidelines as recorded on page 712 of the House rules and manual with assurances that it had been cleared by the bipartisan floor and leadership of all respective committees. The Majority Leader asked unanimous consent and it was subsequently agreed to that the House that it:

1. Be considered to have discharged from committee and passed: H.R. 5647, to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years; S. 1646, to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System—clearing the measure for the President; S. 1270, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the “Wayne Lyman Morse United States Courthouse”—clearing the measure for the President; H.R. 5603, to amend the Internal Revenue Code of 1986 to suspend the tax-exempt status of designated terrorist organizations, H.R. 5651, to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices; H.R. 5640, to amend title 5, United States Code, to ensure that the right of Federal employees to display the flag of the United States not be abridged; and S. 1210, to reauthorize the Native American Housing Assistance and Self-Determination Act—clearing the measure for the President.

2. Be considered to have passed S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York—clearing the measure for the President;

3. Be considered to have discharged from committee and agreed to H. Con. Res. 502, expressing the sense of the Congress in support of Breast Cancer Awareness Month; H. Res. 536, commending the staffs of members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator Daschle’s office; H. Con. Res. 479, expressing the sense of Congress regarding Greece’s contributions to the war against terrorism and its successful efforts against the November 17 terrorist organization; and H. Con. Res. 492, welcoming Her Majesty Queen Sirikit of Thailand upon her arrival in the United States;

4. Be considered to have discharged from committee, amended, and agreed to H. Con. Res. 349, calling for an end to the sexual exploitation of refugees and H. Con. Res. 437, recognizing the Republic of Turkey for its cooperation in the campaign against global terrorism, for its commitment of forces and assistance to Operation Enduring Freedom and subsequent missions in Afghanistan, and for initiating important economic reforms to build a stable and prosperous economy in Turkey in the respective forms placed at the desk;

5. Be considered to have amended and passed H.R. 5200, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, by the committee amendment as further amended by the form placed at the desk;

6. Be considered to have taken from the Speaker’s Table and concurred in the respective Senate amendments to H. R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination; H.R. 4015, to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and H.R. 3253, to amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs—clearing the measures for the President;

7. That the committees being discharged be printed in the Record, the texts of each measure and any amendment thereto be considered as read and printed in the Record, and that motions to reconsider each of these actions be laid upon the table.
Agreed to amend the title of H. Con. Res. 349 so as to read: “Concurrent resolution calling for effective measures to end the sexual exploitation of refugees.”

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the measures as may be necessary to reflect the actions of the House. Pages H7964–H8009

Organization of the 108th Congress: The House agreed to H. Res. 590, relating to early organization of the House of Representatives for the One Hundred Eighth Congress. Pages H8009–10

Exemption for Certain Political Committees from Notification Requirements: The House passed H.R. 5596, to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law. Pages H8010–13

Presidential Messages: Read the following messages from the President:

Periodic Report on Narcotics Traffickers Centered in Colombia: Message wherein he transmitted a 6-month periodic report with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995—referred to the Committee on International Relations and ordered printed (H. Doc. 107–273); and

Narcotics Traffickers Centered in Colombia: Message wherein he transmitted a notice stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2002 referred to the Committee on International Relations and ordered printed (H. Doc. 107–274). Pages H8013–14

Supplemental Report: The Committee on the Judiciary received permission to file a supplemental report on H.R. 3215, to amend title 18, United States Code, to expand and modernize the prohibition against interstate gambling, Page H8014

Senate Messages: Messages received from the Senate today appear on pages H7948 and H7960.

Quorum Calls—Votes: Five yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H7948, H7949, H7949–50, H7958–59, H7959–60, H7962, and H7962–63. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 8:57 p.m.

Committee Meetings

U.S. AND CANADA SAFE THIRD COUNTRY AGREEMENT

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing on “The United States and Canada Safe Third Country Agreement.” Testimony was heard from Kelly Ryan, Deputy Assistant Secretary, Bureau of Population, Refugees and Migration, Department of State; Joe Langlois, Director, Office of Asylum, INS, Department of Justice; and public witnesses.

NATION’S VETERANS—CURRENT AND FUTURE BURIAL NEEDS

Committee on Veterans’ Affairs: Held a hearing on current and future burial needs of our nation’s veterans. Testimony was heard from Vincent L. Barile, Deputy Under Secretary, Memorial Affairs, Department of Veterans Affairs, representative of a veterans organization; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 17, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Select Committee on Intelligence: to resume joint hearings with the House Permanent Select Committee on Intelligence to examine activities of the United States intelligence community in connection with the September 11, 2001 terrorist attacks on the United States, 10 a.m. and 2 p.m., SH–216.

House


Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on “Use of DOJ Funds by State and Local Correctional Facilities to Assist the INS in Identifying and Deporting Criminal Aliens on an Expedited Basis,” 2 p.m., 2237 Rayburn.

Joint Meetings

Joint Meeting: Senate Select Committee on Intelligence, to resume joint hearings with the House Permanent Select Committee on Intelligence to examine activities of the United States intelligence community in connection with the September 11, 2001 terrorist attacks on the United States, 10 a.m. and 2 p.m., SH–216.
Next Meeting of the SENATE
11 a.m., Thursday, October 17

Senate Chamber
Program for Thursday: Senate will be in a period of morning business until 1 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, October 17

House Chamber
Program for Thursday: Pro forma session.