United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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# House of Representatives

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*January 29, 2002.*

I hereby appoint the Honorable SHELLEY MOORE CAPITO to act as Speaker pro tempore on this day.

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

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 400. An act to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.

H.R. 1913. An act to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.

H.R. 1937. An act to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington.

## MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

## PRIVATIZATION OF MEDICARE

Mr. BROWN of Ohio. Madam Speaker, on Monday President Bush called the Medicare program old and tired. He said he wants to give seniors better options like those available in the private sector. He said he wants to overhaul Medicare. He wants to overhaul Medicare and privatize Medicare.

The President has every right to push his privatization agenda but not by co-opting an issue like prescription drug coverage, as emotional and important as it is, not by characterizing Medicare as a failed program so that he can justify his goal of privatizing it. Whether it is Social Security privatization or Medicare privatization, it is disingenuous of the administration to portray privatization as improving the system.

The retirement safety net was not put in place because liberals wanted to make the Federal Government bigger, nor should it be dismantled because conservatives want to make the Federal Government smaller. The safety net of Medicare was put in place because the private sector could not make a profit offering health insurance to seniors, so they stopped doing it. It was put in place because the values of this Nation are such that we believe Americans who helped build the Nation's unrivaled prosperity through their working years should not face financial uncertainty and hardship when they retire.

Pooling our resources into the public program we call Medicare is the best way to provide consistent, equitable, reliable health care benefits to our retirees. The stock market and the HMO industry may be good at many things, but alleviating uncertainty and providing health care are not two of them. Now the future of Social Security and Medicare are on the line.

The President says that seniors deserve better options in Medicare; that is why he favors privatization. Is Medicare inferior to the private insurance market? Would seniors be better off with a voucher that helps pay for coverage in an HMO?

Medicare is more reliable than private health plans. Medicare offers more choice than private health plans. Medicare operates more efficiently than private health plans. According to survey after survey, including a recent one from nonpartisan Commonwealth Fund, Medicare far outranks both employer-sponsored and individually purchased private insurance as a trusted source, a trusted source of health coverage. But the administration wants to give seniors more choice and better options in Medicare.

Is it better to have your choice of HMOs than to be able to choose your doctor under Medicare? Is it better to have your choice of HMOs than being able to choose your hospital under Medicare? Is it better to have your choice of HMOs than to be able to choose where any of your health care is delivered, from whomever you want, to the way regular, traditional government-sponsored Medicare fee for service works?

Medicare is a single plan that treats all beneficiaries equally, provides maximum choice and access for patients and doctors. Contrast that with the President's Medicare voucher program envisioned by the administration. Instead of being guaranteed access to needed health care services, seniors would be guaranteed access to a partial voucher for private health insurance.

Medicare guarantees full choice of physicians. Private HMOs advocated by the administration do not. Medicare guarantees full choice of any hospital. HMOs, privatized Medicare; privatized HMOs do not. It appears higher-income seniors could afford this voucher plan

because they could go and buy an additional decent plan. Lower-income enrollees would be relegated to restrictive alternatives.

In other words, when the President uses choice, it is really a code word for wealth. Some choice.

Again, Medicare is a single plan that treats all beneficiaries equally and provides maximum choice and maximum access for patients and doctors. We should not allow this administration or any administration to demonize Medicare, a program that served this Nation so well; nor should we permit this administration or any administration to use prescription drug coverage as the bait to lure us in this body to privatizing Medicare for our seniors.

Medicare coverage is not old and tired. It is one of the best programs government has ever put together. It is simply incomplete without a prescription drug benefit. That is the Medicare issue.

I hope the President will abandon his privatization agenda and work with us in this body to add a real prescription drug benefit for all seniors. We do not need to fight over perceived and fabricated problems in the current Medicare program. The system is not broken. It simply needs prescription drug coverage to add to the Medicare system. We need to address the real issue.

## AID FOR AFGHANISTAN

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

Mr. ROHRABACHER. Madam Speaker, Hamid Karzai, the chairman of the interim government of Afghanistan, is in Washington, DC; and his visit reminds us of the debt that we owe to the Afghan people. It was the Afghan freedom fighters who fought the Soviet Union and defeated the Soviet Union; and it was the Afghan freedom fighters that fought with us to defeat bin Laden and the Taliban.

After the Afghan people fought and defeated the Red Army, which was in occupation of their country, something that left their beautiful country in ruins and in a shamble, we simply walked away from them in 1990. Then during the Clinton years we covertly supported the Taliban. Many of us noted that and opposed it at the time, but what appeared to be covert, or at least acquiescence, covert support or acquiescence to the Taliban continued through the Clinton administration. Many United States officials in the executive branch during the 1990s, who had no complaint about Taliban rule of Afghanistan back then, since September 11, of course, have postured themselves in a totally different way. Well, today, we have another chance.

At this time we must do what is right by the Afghan people. Any vacuum created by our unwillingness as we did in the 1990s to meet the urgent humanitarian needs of the people of Afghanistan will be filled by powers that are hostile to the United States. For example, Iran currently is pledging 50 percent more reconstruction aid than the United States. And this year only $27 million has been scheduled to be spent on mine-clearing operations in Afghanistan. And let me add there are 8 million mines in Afghanistan. Many of them were given to the people of Afghanistan during the war against the Russians, and we did not even help them dig up the landmines that we gave them. And now we are having a paltry $27 million being spent on clearing those landmines as hundreds of Afghan people still blow their legs off, little children, every year. And we have yet to outline a major program that will give the poverty-stricken people of Afghanistan, the farmers there, an incentive not to grow opium, which ends up as heroin on the streets of the United States.

But most important, we must assist the Afghan people in creating a stable democratic government. Let us not forget that Mr. Karzai is heading a temporary administration which ends in June. At that time, tribal leaders will determine what kind of government they will have in what they call loya jirga.

There is only one Afghan today who I feel, and it looks like my understanding of this having followed it for 10 to 15 years now, there is only one Afghan who has the personal prestige and credibility and, yes, the affection of his people to bring all the ethnic groups of Afghanistan together. That man is King Zahir Shah, who has offered to return in March to Afghanistan; and he has recently made it clear to me that his object in coming back to Afghanistan is to develop and to build a democratic and free government for his people.

We must not permit ourselves in haste, in our haste to extract ourselves from that region to commit the same mistakes that lead to the fanaticism and tyranny in Afghanistan in the 1990s and the loss of so many American lives in New York on September 11. We have a chance now to do what is right by the Afghan people who fought and bled in a way that certainly helped the United States in defeating the Soviet Union and bringing about a more peaceful world and prosperous United States, and in the past few months have fought side by side. They are the ones who fought with our Special Forces to defeat the Taliban and to end the reign of bin Laden and his terrorists in Afghanistan.

We owe it to do what is right by them now. I call on my colleagues to join me in seeing that we are providing the assistance needed to rebuild the country of Afghanistan so the people there can live in peace and prosper.

## OPEN SOCIETY WITH SECURITY ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Madam Speaker, the House and the Senate are poised this evening to receive the State of the Union Message. Unavoidably and justifiably it will be about war. I certainly hope it will also be about the continuing faltering economy. But there is an issue that probably will not be on the Presidential and congressional agenda and needs to be. It is in our face. It is very visible, but it is beneath the radar.

I will soon be introducing a bill called the Open Society With Security Act that would establish a 21-member commission. I will be inviting members in a Dear Colleague soon to co-sponsor the bill. The commission would simply look at how we can make the unprecedented accommodation between security against dangerous global terrorism on the one hand and the maintenance of an open and free society on the other. This is a truly difficult problem.

We are doing it on an ad hoc basis because we have had to. It is too serious to be left to ad hoc nonplanning, however, and we clearly do not know how to do it. Nobody knows how to do it because nobody has ever had to do it. The Presidential commission would provide a vehicle to put the best minds in this society to work on a problem that free societies have never had to confront before. We see some of the evidence before us every time we go outside this building, barricades and shut-downs; and, of course, there are on-again off-again alerts. There are all kinds of invasion of privacy that also are occurring.

We need to systematically think through these difficult and troubling problems. They were first visible here. But now they are in every part of the country because the country has been attacked and the country has responded. The country deserves some guidance from a Presidential commission. The commission, of course, would have security experts and law enforcement experts and military experts. But this is about security and democracy and freedom. So we would also have on the commission architects and city planners and historians and sociologists and engineers and artists, etc. Put them all at the table. Let them thrash it out and advise us. Security is too important in an open, free society to be left to security people.

□ 1245

In the aftermath of September 11 and the anthrax scares, we can surely see that we are in danger of waking up one morning and finding that the society has closed in around us, and that we never even noticed until they closed us down.

Some of this is difficult, some of it just takes common sense, and we have already seen that when we raised our voices some of those common sense measures have been taken.

I am grateful that the White House announced just last week that it was opening White House tours to children if they left their Social Security number. Soon I hope families who leave their Social Security numbers will follow. We have seen the reopening of tours here in the Capitol, simply by having people go in the trailer to be screened first. We saw the White House lighting of the Christmas tree open simply because they moved the glass that they put around the President at the inauguration to the Christmas tree site. It is not rocket science, but it does mean somebody does have to sit down and not have a knee-jerk reaction to security without considering all the options.

In 1968, when our country faced an unprecedented racial crisis, the President had the good sense to say we do not already know it all, and so he called together the Kerner Commission. I believe that the problem posed to our free and open institutions is just as serious in 2002 as the racial crisis was in 1968. A presidential commission would bring to bear the Nation's best thinking on this unique issue and give it the thorough and rigorous investigation it deserves, with the result of advice we could take or not take. But at least we would have the satisfaction of knowing that there are people in our society who have thought about the most difficult problems in our society and given us some food for thought.

## STATE OF THE UNION ADDRESS AND CHALLENGES FACING THE NATION IN 2002

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

Mr. SMITH of Michigan. Madam Speaker, the President of the United States is going to give his first official State of the Union Address. It will be the third time he has spoken before a joint session. I think the challenges facing this Nation are great.

The President certainly is going to talk about the success so far in our war against terror, but I suspect he is also going to remind us of the tremendous challenge that we have, as a Congress, as an American people, to continue this fight. We do not know how long this war is going to go on. It could be for generations. The best defense against terror in this case is a good offense to get rid of the terror cells around the world.

I think this is an excellent opportunity for this country and the rest of the free world to push as vigorously to resolve, hopefully once and for all, the conflicts in Ireland, between Palestine and Israel, and certainly dispute between the two nuclear powers of India and Pakistan looking at Kashmir. Many things can be done.

I hope this Congress can continue to work with this President, even though this is an election year. Most people understand that in an election year the Republicans would like to regain a majority in the Senate and keep a majority in the House. Democrats would like to do what they can to retake a majority of the House and keep their majority in the Senate.

I think the challenges are also great on spending. We have already acknowledged that we are going to reach into the surpluses of the Social Security Trust Fund and spend those revenues for other government spending. We had an emergency in this country on September 11, and like any family or any business that has a serious emergency, you come up with the funds to accommodate and fix that emergency as best you can.

Those families and those businesses normally say, look, we are going to put aside less important expenditures and we are going to deal with the emergency. I hope that the President says the same thing ultimately, that, look, we now have to do a better job at prioritizing spending. We are going to deal with this emergency the way we have to. We will win the war on terrorism, but let us not drive this country deeper and deeper into debt, which means that we put our kids and our grandkids and our great-grandkids at risk in paying for the overexpenditure of this government.

Prioritizing to me means that we cut down on some of the social programs that we were so willing to expand after the Cold War, as we cut down on military, as we cut down on our intelligence community efforts, and left ourselves weaker than we should have been September 11. I think a good example in showing how much spending has grown and become the problem of us running into a deficit is our projections of 1997.

In 1998, we promised that we were going to balance the budget by 2002. At that time the projections for revenues for 2002 was a little over $1.4 trillion, and we were going to balance the budget because we were disciplining ourselves on spending. Actually the revenues projected last week for 2002 by CBO, the Congressional Budget Office, were approximately $1.9 trillion. So more revenues coming into the Federal Government than we thought was possible but still a deficit. Why? Because spending has increased even more than the dramatic increase in revenues in this country.

So the question is and the challenge is, will the President tonight push this Congress and the American people to start prioritizing? Can we minimize the partisan bickering and blaming as we try to come to grips with a budget that is going to be challenging, if we are to avoid jeopardizing Social Security and Medicare and other programs by overspending, and borrowing more, and going deeper in debt?

Welfare reform I hope the President talks about because the welfare reform bill that we passed in 1996 is expiring this year. There has already been some suggestions from some of the Senators that we have to modify work provisions. I think the welfare reform bill has been extremely successful, and we have got to be very careful not to pass a bad welfare bill.

## PRESCRIPTION DRUG BENEFITS

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

Mr. LANGEVIN. Madam Speaker, tonight we will hear from our President on the State of the Union. I look forward to hearing his remarks, especially because he is committed to spending $190 billion over the next decade to overhaul Medicare and provide prescription drug benefits to our elderly.

This is an important first step but, Madam Speaker, we need more and we need it now. The average Medicare beneficiary fills 18 different prescriptions in 1 year alone, yet at least one in three people in the Medicare population have no drug coverage in the course of a year and spend on average 83 percent more for their medicines than those with drug coverage.

In my own State of Rhode Island, seniors are choosing between food or health care on a daily basis. In July of last year, I commissioned a study to assess what my constituents are paying for prescription drugs. This study found that uninsured elderly pay on average 78 percent more for most prescription drugs than do seniors in foreign countries.

What is most disturbing about these numbers is that almost half of all Medicare beneficiaries with no prescription drug coverage have incomes less than 175 percent of poverty, which was $15,000 in 2001.

The lack of prescription drug coverage for our seniors is a national crisis. Medicare+Choice, Medigap coverage, discount card programs and other accounts to chip away at this problem are not the answer. We must provide comprehensive drug coverage under Medicare and we must do it now.

Madam Speaker, I urge the President and my colleagues in both Chambers of Congress to work together to ensure that we pass this legislation this year.

## SECURING OUR BORDERS

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

Mr. STEARNS. Madam Speaker, the events of September 11 forever changed

the world and the United States, and as President Bush declared, ''The resolve of our great Nation is being tested . . . but make no mistake . . . we will show the world that we will pass this test.''

Obviously, the President could not be more correct. Since then, the United States has decimated al Qaeda and bin Laden's network of terror; the Taliban no longer exist as a ruling form of government; and the war against terrorism is being waged against those who harbor terrorists.

While America is making significant progress on many fronts in eradicating terrorism, the war cannot be won without the key component of securing our borders from those who wish to do us harm. Those who violate our Nation's immigration laws do more harm than good in furthering our country's values, and it is those people we must ensure that do not enter our country.

Madam Speaker, a recent report by the United States Census Bureau reveals there are more than 8.7 million people now living in the United States illegally. About 40 to 50 percent of those violators are people who entered the United States legally but did not leave with the expiration of their visas. Out of the nearly 9 million illegal aliens now in the country, more than 90,000 are from Middle East Nations, including Iran, Afghanistan, and Pakistan. Many of those illegal aliens are from nations with close ties to terrorism and nations with al Qaeda presence.

According to the INS records, 13 of the 19 hijackers entered the U.S. with valid visas. Three of the 13 remained in the country after their visas had expired. Two were expected to have entered on foreign student visas, and the INS has no information on the six remaining hijackers. As such, we can keep enacting legislation and of course we could spend more money around here, but efforts to counter terrorism will be futile unless we establish effective controls to secure our borders at the points of entry.

Each year there are more than 300 million border crossings in the United States. These are just the legal crossings that are recorded. While there are 9,000 border control agents working to keep America secure on the U.S.-Mexican border, there are less than 500 agents tasked with securing our 4,000-mile border with Canada.

To make matters even worse, out of the 128 ports on the northern border, only four of them are open around the clock. The remaining are not even manned, thereby allowing anyone with good or evil intentions to enter the United States without even so much as an inspection, not to mention even a question or a written record of their entry.

□ 1300

As it now stands, our immigration system needs increased and tighter controls. Currently, our Nation has an unmonitored, nonimmigrant visa system in which 7.1 million tourists, business visitors, foreign students, and temporary workers arrive. To date, the INS does not have a reliable tracking system to determine how many of these visitors left the country when their visas expired.

Furthermore, among the 7.1 million nonimmigrants, 500,000 foreign nationals enter the United States on foreign student visas. Hani Janjour, the person believed to have piloted American Airlines Flight 777 into the Pentagon, is believed to have entered the country with a foreign-student visa, but he never actually attended any classes.

Madam Speaker, our unsecured borders, along with inadequate recordkeeping, have contributed to our inability to track terrorism in this country or to prevent them from entering in the first place. So as we start this second session of the 107th Congress, I call on my colleagues in both the House and the Senate to strengthen our border security, tighten our existing immigration laws, and to provide those fighting to end illegal immigration with the tools and resources necessary to defeat terrorism.

## PENSION LAW CHANGES

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

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to announce that later today I will be introducing the Employee Pension Freedom Act, a measure that is urgently needed in light of the recent Enron scandal and other threats to pension security affecting millions of American families. I will be doing that with over 50 original cosponsors.

Over the past month, this Nation has been shocked at the revelations of how the Enron Corporation employees lost their entire savings through the actions of high-ranking company officials and how they lost their future retirement. As the value of the Enron stock plummeted last fall, Enron employees were prohibited from rescuing their own savings, estimated at over $1 billion, by company-imposed lockdowns on the Enron shares and by the outright prohibition of selling company-contributed shares until the employee had reached age 55.

The spectacle of company executives hiding billions of dollars of debt from investors and from employees through the secret offshore partnerships of Enron while simultaneously cashing out company stock for themselves is an audacious assault on our pension security laws and offends the sense of fairness and justice in every American.

These executives ignored their responsibilities to investors and to their own employees by cooking the books, making misleading statements about the company's health, and locking down the ability of employees to save themselves from the Enron collapse.

Employees at other corporations, like Kmart, face other penalties and restrictions on the sale of company stock in their 401(k) plans. For example, in some companies if you sell company stock in your 401(k) plan before a certain age, the company withholds an employer contribution to your plan for 6 months. The question is why should the employer be able to penalize you for exercising dominion over the assets that belong to you. It simply is not fair.

Now the questions of whether Congress will respond or will the employees get rhetoric and a few tweaks that leave the antiquated pension laws pretty much in place to the employees' disadvantage.

Clearly, there are two sets of rules when it comes to company stock. Ken Lay and other executives would get one set of rules, where they can get rid of their stock almost at any time, and the average employees get another more restrictive set of rules when it comes to the company stock and their 401(k)s. The executives are free to rescue their value and their family assets tied up in stock should they smell the company is in for a bad time in the stock market. The employees are artificially locked down. It is money that was given to them for compensation in working for the corporation, yet when they seek to rescue their family's retirement, when they seek to make a decision that maybe this stock should not be held any longer, that maybe they should buy something else or buy a mutual fund, they are prohibited from doing that.

What we really need is freedom for employees to be able to exercise complete and total control over the contributions, the assets, the money in their 401(k) plans so that they can do as we have told them to do, to diversify for the security of their retirement, to make retirement plans and investments based upon their age. The older one gets, the less risk they may want to take. The younger they are, the more risk they may want to take. That is the way it is supposed to be, but that is not the way it is. These companies have come along and placed restrictions and penalties on the ability of the employees to get rid of some of the assets within that plan.

The Employee Pension Freedom Act that I am introducing today with over 50 cosponsors makes several important changes to our pension laws. The most important change my bill makes is to provide employees 100 percent control over their investments and their 401(k) plans. Employees would have total control over the investment of the money they earned and contributed to the retirement plans and that their employer contributed to their plans as part of their compensation.

This change is critical to help avoid the problems we have just witnessed with Enron. It will help provide employees the ability to rescue their nest

eggs, to diversify and manage their investments consistent with the advice of financial professional people throughout the country and consistent with the aims of their families.

My bill ensures that employees are informed about the real health of their pensions, it gives them the decision-making power to guide their investment, and it guarantees their representation on boards that guide their future economic security. My bill guarantees the right of employees to make decisions about their pension contribution by repealing current rules that prohibit employees from deciding where to invest the money that belongs to them.

Pension money and assets, whether invested by the employee or contributed by the employer, represent compensation to the employee and the employee is not to be denied the control of that. It is not compensation to the pension plan or manager; it is compensation to the employee for services rendered to the corporation.

I urge my colleagues to join in the cosponsorship of this legislation that is designed to provide employees the pension freedom that they need to secure retirement for their families.

## RECESS

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

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

## PRAYER

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

Lord God, as a Nation make us strong in virtue and in our desire to do what You require of us as Your people.

Increase our faith, that our defense may be secure and that we may be forthright in the face of enemies.

At the same time hold us in Your truth, that we may never be arrogant in the sight of others but one with them in facing the problems of our times and most caring to those who are suffering, in most need of Your mercy and our attention.

As justice guides our conscience, may compassion draw our hearts to Your charting the course of history.

Bless the Members of Congress today and every day of this session.

Be with all those whom they will welcome to this Chamber this evening.

Guide and protect the President of the United States as he speaks to this body and this Nation. May Your Spirit inspire him as he describes the state of our Union and does all in his power to strengthen the soul of this Nation.

Led by Divine Providence since the founding of this great Nation, we place our trust in You, O Lord, for our destiny and our lasting peace are in Your hands above all, now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois 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

The SPEAKER. The Chair desires to announce that the practice of reserving seats prior to the joint session by placard or otherwise will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, January 25, 2002.*

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 25, 2002 at 3:06 p.m. and said to contain a message from the President whereby he submits a waiver pursuant to sec. 902 of PL 101–246 concerning China.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
*Clerk of the House.*

## WAIVER CONCERNING CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–177)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Pursuant to the authority vested in me by section 902 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (the ''Act''), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902 of the Act insofar as such suspensions pertain to the export of defense articles or defense services in support of efforts by the Government of Japan to destroy Japanese chemical weapons abandoned during World War II in the People's Republic of China. License requirements remain in place for these exports and require review and approval on a case-by-case basis by the United States Government.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 25, 2002.*

## LAID-OFF ENRON EMPLOYEES NEED HELP

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today we will hear the State of the Union presented by the President of the United States. We all have collectively indicated our support for the effort to fight terrorism and secure our homeland.

But coming from Houston, Texas, I would like to raise another issue, to put a human face on the loss being experienced by the laid-off employees at Enron. And add my sympathy as well to the Baxter family. Some of these Enron employees will be with us today. I would hope that the Congress would act to help to give them relief, individuals who are innocent and have lost much of their livelihood, the ability to protect and provide for their family.

I believe that Congress can act, and Congress and the administration should respond to these individuals, hard-working taxpayers who now have found themselves without any opportunity for work primarily because much of what is owed to them is caught up in the judicial system. Our Congress and the administration can stand up and be counted with these families, and I hope we will do so.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each 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 votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL MIDNIGHT, THURSDAY, JANUARY 31, 2002, TO FILE REPORTS ON H.R. 3400, NETWORKING AND INFORMATION TECHNOLOGY RESEARCH ADVANCEMENT ACT, AND H.R. 3394, CYBER SECURITY RESEARCH AND DEVELOPMENT ACT

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Science have until midnight on Thursday, January 31 to file the reports to accompany H.R. 3400 and H.R. 3394.

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

There was no objection.

## HONORING LIFE OF DAVE THOMAS

Mr. WELDON of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 336) honoring the life of Rex David ''Dave'' Thomas and expressing the deepest condolences of the House of Representatives to his family on his death.

The Clerk read as follows:

H. RES. 336

Whereas the House of Representatives has learned with great sadness of the death of Dave Thomas from liver cancer at the age of 69 on January 8, 2002;

Whereas Dave Thomas, born in Atlantic City, New Jersey, on July 2, 1932, and adopted shortly thereafter by Rex and Auleva Thomas, of Kalamazoo, Michigan, was a lifelong advocate and activist for the cause of adoption;

Whereas Dave Thomas, in 1979, was awarded the Horatio Alger Award for dedication, individual initiative, and a commitment to excellence, as exemplified by remarkable achievements accomplished through honesty, hard work, self-reliance, and perseverance;

Whereas from 1990 until 2000 Dave Thomas was the national spokesman for numerous White House adoption and foster care initiatives;

Whereas Dave Thomas received numerous awards, including the Angel in Adoption Award by the Congressional Coalition on Adoption, for generating awareness of the thousands of children waiting for permanent homes and loving families;

Whereas Dave Thomas, in 1992, established the Dave Thomas Foundation for Adoption and donated his speaking fees and profits from sales of his books, ''Dave's Way, Well Done!'' and ''Franchising for Dummies'', to adoption causes;

Whereas Dave Thomas established the Dave Thomas Foundation for Adoption to work with national adoption organizations, individuals, and public and private agencies to raise awareness about children awaiting adoption and to provide direct support for programs seeking to find permanent homes for children in foster care;

Whereas Dave Thomas established the Dave Thomas Center for Adoption Law to ease and facilitate the adoption process through education, advocacy, and research;

Whereas Dave Thomas was a constructive force in shaping corporate health policy to cover adoption expenses and, through his efforts, 75 percent of Fortune 1000 companies now offer adoption benefits to their employees;

Whereas Dave Thomas received the 2001 Social Awareness Award from the United States Postal Service for being instrumental in the use of the Adoption Awareness postage stamp as a vehicle for highlighting the cause of adoption;

Whereas Dave Thomas founded Wendy's Old-Fashioned Hamburgers in Columbus, Ohio, on November 15, 1969, and transformed it into one of the most successful food franchises in the country and, in promoting Wendy's, became a national figure representing a friendly face, good food, and a kind sense of humor;

Whereas Dave Thomas, in 1993, 45 years after leaving school, earned his GED certificate and received his high school diploma from Coconut Creek High School in Fort Lauderdale, Florida, securing him as role model to students of all ages; and

Whereas Dave Thomas used his financial success to promote and advance the cause of adoption: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes that America has lost one of its most dedicated and hardest working advocates for adoption, and honors him in his devotion to family, life, and business; and

(2) expresses its deep and heartfelt condolences to the family of Dave Thomas on their loss.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 336.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider House Resolution 336, an important resolution introduced by the distinguished gentlewoman from Ohio (Ms. PRYCE). This resolution recognizes and honors the remarkable life of Dave Thomas and expresses the House of Representatives' condolences to his family on his recent death.

Mr. Speaker, Dave Thomas, founder and chairman of Wendy's International, passed away on January 8, 2002, from cancer. Dave Thomas was an extraordinary man. Thomas founded Wendy's Old Fashioned Hamburgers Restaurants in 1969 and named the company after one of his daughters. This restaurant chain grew explosively to more than 6,000 locations worldwide. Dave Thomas was a successful businessman. He also shared his humor, friendliness and humility with the American public which was evident through his television commercials.

But his legacy does not consist of his business success alone. Dave Thomas energetically championed an issue that is close to my heart, adoption. I am the father of two adopted children and a Member of the House Adoption Caucus. I understand Mr. Thomas' passion for making sure that all our children are wanted, loved and provided with a nurturing home.

Thomas was himself adopted, and he became a passionate advocate for adoption. In 1992 he created the Dave Thomas Foundation for Adoption. The foundation's goal was simple and straightforward but profound: Every child will have a permanent home and loving family.

Mr. Thomas has testified before Congress in support of adoption tax credits and adoption legislation, appeared in several television public service announcements, and led an initiative to create the adoption stamp that was issued by the U.S. Postal Service in May 2000. He also established the Dave Thomas Center for Adoption Law to facilitate the adoption process through education advocacy and research.

Dave Thomas worked hard to advance the cause of adoption and heightened awareness in our country about the fact that all children deserve the love and security of a family. For this achievement alone, Mr. Speaker, Dave Thomas earned the respect and gratitude of the American people.

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

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. I am pleased to join with the gentleman from Florida, chairman of the Subcommittee on Civil Service and Agency Organization, in consideration of this resolution. I also want to commend the gentlewoman from Ohio (Ms. PRYCE) for her sensitivity in introducing this legislation to the floor.

Mr. Speaker, Dave Thomas, founder of Wendy's Old Fashioned Hamburgers Restaurants, died of cancer on January 8. In a tribute to Thomas, Wendy's web page notes that ''Dave was much more than Wendy's founder and senior spokesman. He was a mentor to many hundreds of people he personally helped and thousands who have been inspired by his leadership.''

Born in Atlantic City, New Jersey, on July 2, 1932, Mr. Thomas was adopted by Rex and Auleva Thomas of Kalamazoo, Michigan, and became a lifelong advocate and activist for the cause of adoption. Thousands have been inspired by his leadership and personal commitment to finding homes for children in foster care.

Mr. Thomas was a talented and dedicated businessman, but he was also a leader who accepted the challenge of ensuring that every child has a permanent and loving home. Every day in this country, more than three children die as a result of abuse or neglect. In 1997, an estimated 1,197 children died as a result of abuse or neglect. Seventy-seven percent of those children died before reaching their third birthday. Dave Thomas was their advocate and their friend.

An estimated 1.35 million children in the United States are homeless. Children made up 23 percent of the homeless population in 1996, a 10 percent increase since 1987.

□ 1415

Dave Thomas was their advocate. Of the children in foster care in 1998, 110,000 had a goal of adoption. Dave Thomas was a leader and advocate to help these children realize their goal. That is why in July of 1992, Dave Thomas established the Dave Thomas Foundation for Adoption.

The cornerstone of the foundation was to make adoption work for children and parents. The foundation serves an active voice for the more than 134,000 children in the public child welfare system who are waiting for permanent homes and loving families.

Wendy's followed Thomas' lead and officially declared adoption as its charity of choice in 1994. In fact, Wendy's adoption efforts, such as posters, trade liners and public service announcements account for approximately 40 percent of all calls taken at the National Adoption Center's toll-free number, 1–800–TO ADOPT.

Dave Thomas' leadership and advocacy have made a tremendous difference in the lives of children waiting to be adopted in the United States. Mr. Thomas truly lived the motto ''If I can help somebody as I pass along, if I can cheer somebody with a word of song.''

Dave Thomas was indeed not only a hero to the thousands of children who are in need of adoption, but all of us who need inspiring, who need inspiration and information relative to this great public need.

So, Mr. Speaker, I urge all of my colleagues to join in support of this resolution. Once again, I commend the gentlewoman from Ohio (Ms. PRYCE) for its introduction.

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

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that the distinguished author of this resolution, the gentlewoman from Ohio (Ms. PRYCE), be permitted to control the remainder of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from Florida?

There was no objection.

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

Mr. Speaker, I thank the gentleman from Florida for so graciously allowing me to manage the time for this important resolution.

Mr. Speaker, I am very honored to be here today to remember Dave Thomas. My deepest condolences go to Dave's beloved wife, Lorraine, his children, his grandchildren, and to the many, many people who loved him at Wendy's International and across the United States of America. It was easy to love Dave. He was a selfless, kind and thoughtful man whose fun-loving nature and honest disposition made him a friend to so many.

Most of America will remember Dave as the face of Wendy's, that square hamburger made with pride to perfection. I know I remember when the first Wendy's was launched in my hometown of Columbus, Ohio, back in 1969. Today, over 6,000 Wendy's are sprinkled throughout the neighborhoods and cities across the U.S. and in 34 countries.

There is no question, Dave Thomas will be remembered as a man of humble beginnings who created one of the most successful fast-food chains in the entire world. He was indeed a business giant, a remarkable man.

But today I ask that we also remember Dave as a tireless champion for children, for the thousands of children who do not have families to care for them, who do not have permanent homes, and who are waiting to be adopted.

As an adopted child himself, Dave felt so fortunate to have been given a family to care for him, to love him and to support him. Throughout his life, he carried with him an acute awareness for the wonderful and generous gift he was given; and as he grew to manhood, he never forgot his roots, and in time he would find himself fighting to give other parentless children the gift he so cherished and respected.

While Wendy's continued to grow and prosper, Dave knew that he wanted to be more than just a successful businessman. Dave found that he could best give back by using his success, his passion, and his familiar friendly face to raise public awareness about that issue so close to his heart.

His mission took shape in 1990 when President George Bush asked Dave to act as a spokesperson on a new initiative called Adoption Works for Everyone. Dave embraced this honor with enthusiasm and grace, and then he rolled up his sleeves and went to work.

Throughout the next decade, Dave continued his tireless advocacy for children everywhere, and I am proud to have worked shoulder to shoulder with him on many initiatives. He created the Dave Thomas Foundation for Adoption, whose vision it is to see that every child has a permanent home and a loving family.

Through the foundation, Dave hoped to ease the many barriers families so often face when trying to adopt. By making adoption easier and more affordable, fewer children are now trapped in the endless foster care system, and more children will grow up with brothers and sisters and moms and dads who love them.

Dave once said, ''If I can get just one child a home, it would be better than selling 1 million hamburgers.'' Oh, how like Dave.

We will remember Dave for his humility and kindness, for his compassion and warmth, and for his dedication to children everywhere who are awaiting a loving family to take them home.

Mr. Speaker, I urge my colleagues to support this resolution honoring a dear friend and a champion for children, Dave Thomas.

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

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

Mr. Speaker, at a time when we are questioning corporate leadership and corporate responsibility, it is refreshing to know that a man such as Dave Thomas lived; and because of his life and his legacy, every time a child finds a warm inviting home in which to live and grow up with the safety and security of knowing that they are part of a family, we will remember the legacy of this great American.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 7 minutes to the distinguished gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, but, more importantly, at this moment a very close friend of Dave Thomas.

Mr. BURTON of Indiana. Mr. Speaker, let me start off by thanking the gentlewoman from Ohio (Ms. PRYCE) for introducing this resolution.

Mr. Speaker, Dave Thomas was one of the finest men that I ever knew. Dave was a personal friend of mine. I stayed with him many times when I was in Florida. We played golf together. He loved to play golf. Although he was not the greatest golfer in the world, he was very enthusiastic about it.

The things I want to talk about today are the things I found out about Dave on a personal level. The gentlewoman from Ohio covered so much of his life very, very well.

Let me just say Dave really was an American success story. When he was about 15 years old, he pretty much was on his own in Fort Wayne, Indiana. He dropped out of school. His real parents he never knew. He was adopted by a husband and wife. His adoptive mother died when he was about 12 years old. His father, because he had to move around for jobs, had to pretty much leave Dave in Fort Wayne when he was 15.

Dave, I believe, stayed at the YMCA and worked as a busboy and worked in a restaurant there. After he became manager of the restaurant, as time went by he was asked if he would like to come to Columbus, Ohio, and take over four Kentucky Fried Chicken franchises for somebody who was about to go bankrupt. The fellow told him if you come over here and work with us, in 3 or 4 years we will either be bankrupt or you will own half of the restaurants.

Dave was such a natural at this business and worked so hard that, after a time, he sold his interest in those four Kentucky Fried Chicken franchises for $1.5 million and became involved, as I understand it, with Arthur Treacher's

Fish and Chips and made some more money and decided to retire at a very young age.

But he wanted one good hamburger restaurant. He said there was not a really good hamburger restaurant that he knew of, so he started one and named it after his daughter, Wendy, in Columbus, Ohio.

The rest is history. As you know, that one restaurant, he only wanted one, ended up being 6,000 restaurants, many of which he owned and his corporation owned, and many franchised out to others. Dave became one of the most successful businessmen in America, and he was a high school dropout.

He owned two jet planes, he had golf courses, he had radio stations, he had everything. He was just an amazing story. In fact, he won the Horatio Alger Award, which, of course, goes to people who have really been a success and realized the American dream. But not only that, he was very concerned about children, as the gentlewoman from Ohio (Ms. PRYCE) talked about.

When he was a young boy, he did not have a family. He was on his own. He knew how important and how valuable family relationships are to kids, so he worked and spent his whole life trying to make sure that children who did not have parents who were in foster homes got loving parents.

In his restaurants, if you looked at the little pads they put out for people to eat their food off of, all of them told about how you could adopt a child and what needed to be done. He even came to the gentlewoman from Ohio (Ms. PRYCE) and me and worked very hard to get an adoptive stamp passed by the Congress and by the Postal Service and the Postal Stamp Commission that depicted children and talked about adoption so that some of the funds raised from those stamps could go to help children get adopted and get into loving homes.

He even started a golf tournament called the Wendy's Three Tour Challenge, where you had the LPGA, the PGA, and Senior PGA play once a year with a series of teams; and all the proceeds from that tournament went to adoption of children, to his adoption foundation.

He was truly a wonderful, wonderful man. His wife, Lorraine, was always very supportive. I got to know her very well. She is a wonderful lady; and, Lorraine, if you happen to be watching today, my sympathy goes out to you and your children. We are all going to miss Dave. He was a wonderful, wonderful man.

A little story, an aside: I was playing golf one day down at Adios, which is a golf course that he helped found with a man named Ed Tutweiler, down in Florida; and Dave was telling me one day, he said, ''You know, they want me to do TV commercials, and I don't know if I can do those.'' I said, ''Dave, I think you would do a good job.'' I really did not know, but I was trying to give him encouragement. And he became one of the best spokesmen in America for his business.

Everybody in this country knew Dave Thomas. As a matter of fact, he would come to Indianapolis; he came up there to visit a number of times on a speaking engagement. He came to Indianapolis one time, and we were sitting having dinner, when he came up, we always had dinner together, and two ladies came over from my congressional district.

They came over to talk to Dave Thomas and he said, ''Do you know your Congressman?'' They said no, and he introduced my constituents to me. That is how well known he was. He was so well known that people knew him, but they did not even know their own Congressman. He was just an extraordinary man.

I hope that my statements today tell Lorraine and the family and all the people that loved him who are over there in Dublin, Ohio, at the Wendy's headquarters how very much I really loved this guy. What you saw was what you got. When you saw him on TV, he was a lovable guy; and if you got to know him, as I knew him, you knew he was a lovable guy, and he really cared about his fellow man, especially children who did not have parents. The world is going to be a far less place for all of us now that he is gone. It was a far better place for all of us as long as he was here.

The thing that was interesting about Dave is not only was he concerned about adoption, but he was concerned about sending a message to kids that they ought to get a good education. When he was in his sixties, he went back and got his GED; not because he needed it, but because he wanted to set an example for children to get a high school education.

A high school down in Florida where he lived adopted him and had Dave and his wife come as the king and queen of their graduating class at their prom. Dave went with his tuxedo. Here he was, 60-some years old, and he and his wife were the king and queen of the prom. And do you know what? That class voted him the most likely to succeed, and I think it was a good choice.

He was a wonderful man. Dave, I hope you are up there watching us. We love you and we miss you. I am sure that there is a good place in heaven for you.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 1 minute to my neighbor, the distinguished gentleman from Ohio (Mr. TIBERI), another friend of Dave Thomas.

Mr. TIBERI. Mr. Speaker, I would like to thank my colleague for introducing this resolution. Dave was a special person, and it is a privilege for me to have known Dave and to speak on this resolution today.

□ 1430

Much has already been said by the gentlewoman from Ohio (Ms. PRYCE) and others, and the gentleman from Indiana (Mr. BURTON). Dave received so many awards, too many to mention today. He established the Dave Thomas Foundation for Adoption, which is in central Ohio. He did so much not only for our country and our State, but certainly our community in Columbus, Ohio.

Dave was a man that I got to know when I was in the State legislature. He certainly did many things that people are not even aware of. But the Dave that we meet on TV is the Dave we meet in person. He is one and the same, a very simple man.

One of his highlights, as the gentleman from Indiana (Mr. BURTON) said, was after 45 years of leaving high school, he received and earned his GED certificate from a high school in Florida, securing him in his mind as a role model for students. But we all know that Dave was a role model. He will be missed. He leaves a long legacy. He is a gentle giant and a great American.

Ms. PRYCE of Ohio. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), my distinguished colleague.

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman for yielding me this time. I certainly do rise in recognition of David Thomas and support this resolution honoring his life.

When he passed away on January 8, the world lost a great advocate for children. While so many know him as a dedicated businessman, his greatest accomplishment to many of us was the difference he made in the lives of so many vulnerable children. I thank the gentlewoman from Ohio for introducing this resolution. She indeed knows full well the values of adoption. I as a parent who, with my husband, have raised 9 children, 6 who were the children of my late sister, have become a great advocate for Dave Thomas and for the story and the message that he told that reached millions.

With his corporate relationships, he encouraged the practice of adoption incentives through employee benefits plans. Approximately 50,000 children are adopted nationwide each year. According to the State Department's annual report, the number of international adoptions is steadily increasing every year. According to Adoptions Forever, an adoption agency in Maryland, the average cost of adoption for an international orphan ranges up to $30,000, while a domestic adoption can range up to $12,000. Easing the burden of this cost can make all the difference for families who are considering adoption, and Dave Thomas worked tirelessly to minimize these barriers to helping children in need.

Almost 10 years ago, he founded the Dave Thomas Foundation for Adoption, which continues to serve as the voice for the more than 134,000 children in the public welfare system who are awaiting permanent homes. His foundation also concentrates on children who may be harder to place, older kids,

those in sibling groups, minority children, or those with physical or mental handicaps.

Dave Thomas will be missed in Congress as well. His testimony on adoption tax credits, adoption legislation, and his advocacy for the creation of the adoption stamp issued by the U.S. Postal Service in May of 2000 has been key in raising necessary awareness and support. Children have lost a hero in Dave Thomas, but his legacy will live on through his foundation, continuing the mission of ensuring every child has a permanent and loving home.

Children in need are the responsibility of us all. We owe a great deal to Dave Thomas for his dedication to that message. I offer my condolences to his family and I certainly support this resolution, and I encourage my colleagues to do so. Again, I thank the gentlewoman from Ohio (Ms. PRYCE) for introducing it, and certainly the gentleman from Illinois (Mr. DAVIS) for handling it on the Democratic side, and the gentleman from Indiana (Mr. BURTON), and the gentleman from California (Mr. WAXMAN) for having this come out at this time.

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

In closing, I would like to thank the gentleman from Florida (Mr. WELDON), for giving me the opportunity to express my admiration for this extraordinary man. I also want to thank the gentleman from Illinois (Mr. DAVIS) for joining me in honoring Dave's life.

We have lost a good friend, a good friend to this country, a good friend to each of us, and a good friend to so many children waiting for a home. While we mourn his loss, we should feel proud of his accomplishments and empowered by his mission. As a society, we can remember Dave by working towards increasing public awareness of the need for adoption. As Members of Congress, we can continue to look for ways to cut through the red tape that often stands in the way of encouraging families to even consider adoption, and as individuals, we can recognize and appreciate the power of one man's determination to make a difference.

Dave once reminded us that children who do not have families are not somebody else's responsibility, they are our responsibility. If we want to make a difference in a child's life, this is where we must start. Dave's charisma, passion, and dedication help lead us on our way. It is now up to each of us to carry on Dave's mission and to continue fighting for these kids.

Dave, you singlehandedly made this world a better place. We will miss you.

Mr. CRANE. Mr. Speaker, I would like to express my strong support for this Resolution which recognizes Rex David ''Dave'' Thomas as one of the hardest working advocates for child adoption in our great nation.

Adopted shortly after his birth in 1932, Dave went on to great commercial success after founding Wendy's Old-Fashioned Hamburgers in Columbus, Ohio, in 1969. In promoting Wendy's, Dave became a national figure representing a friendly face, great food, and a kind sense of humor. On a personal note, I would be remiss were I not to mention that my staff and I are particularly grateful to Dave for the advent of the Wendy's Frosty. Much more importantly, however, Dave used his financial success to promote and advance the cause of child adoption. It is for that reason that we honor Dave today.

In 1992, Dave established the Dave Thomas Foundation for Adoption to work with national adoption organizations to promote awareness and to facilitate child adoption. From 1990 until 2000, Dave was the national spokesman for a number of White House adoption and foster-care initiatives. He was a most deserving recipient of the distinguished Angel in Adoption Award from the Congressional Coalition on Adoption, and the Social Awareness Award from the U.S. Postal Service.

Mr. Speaker, I am pleased that we honor Dave today with this Resolution, but it is my belief that we can do Dave no greater honor than by keeping his legacy alive as we in Congress press on towards the common goal we shared with Dave: making sure that every child has the opportunity to grow up in a safe home with loving parents.

My thoughts and prayers are with Dave's family.

Mr. SHAW. Mr. Speaker, today I rise to pay tribute to a great American, Dave Thomas, who passed away at the age of 69 on January 8, 2002. I am honored to be an original cosponsor of this resolution that honors his life and expresses the deepest condolences of the House of Representatives to his family on his death.

I had the privilege of knowing, working with and, in fact, representing Dave Thomas in Congress. But most importantly, I had the honor of calling Dave my friend.

Dave Thomas was the epitome of the American success story. He worked his way from humble roots to be an icon of business achievement. What I admired and respected most about Dave was what he did with his success. Inspired by his own experiences as an adopted child, he poured his heart and his influence into helping children find families. A giant in the arena of adoption, Dave gave a voice to thousands of children looking for loving homes through his Foundation for Adoption and his contributions to the Dave Thomas Center for Adoption Law at Capital University.

As the former Chairman of the Human Resources Subcommittee, I had the honor of having Dave testify before my panel on two occasions. Dave was both an advocate and an authority on adoption, whose input was invaluable as I drafted legislation to improve adoption policies. He was a pioneer in developing adoption friendly corporate practices, giving his employees who adopted children special benefits.

I join his family, the House of Representatives and thousands of children around America who are waiting to be adopted, to honor the life of this great man.

Mr. HOBSON. Mr. Speaker, I rise in support of this resolution, and recognize the accomplishments and life of Dave Thomas.

Throughout his life, Dave Thomas continually displayed the qualities and work ethic that exemplified the American dream. Whether with his family, friends, or his work, Dave Thomas always sought to improve the way of life for those around him. Having been adopted at a young age, Dave Thomas devoted much of his life to raising awareness and creating better opportunities for adopted children everywhere.

As a fellow restaurateur and small businessman, I can certainly appreciate the devotion and hard work necessary to turn the first Wendy's Old Fashion Hamburgers in downtown Columbus, OH, into something people worldwide know and love. Behind his business expertise and a promotional campaign driven by his warm smile, Wendy's has become a standard to which all other restaurants must be compared.

As I travel around Ohio, the birthplace and home of the Wendy's tradition, I will be constantly reminded of just how many lives Dave Thomas has actually touched. Whether I am visiting one of the several Wendy's locations within Ohio's Seventh Congressional District, or affixing an Adoption Awareness stamp on an envelope, Dave Thomas will be in my thoughts and will be missed dearly.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to express my strong support for the resolution before us today, which recognizes the valuable contributions of Wendy's Founder, R. David Thomas.

Born in 1932 in Atlantic City, New Jersey, Dave Thomas never knew his birth parents, and was adopted when he was six weeks young. One of Dave's most cherished childhood memories was eating out at restaurants. Thus, as a young man, he committed himself to opening up his own restaurant where families could enjoy eating and spending time together. On November 15, 1969, Dave Thomas founded Wendy's Old-Fashioned Hamburgers in Columbus, Ohio, and transformed it into one of the most successful food franchises in the country.

Mr. Thomas was much more than a successful businessman, however. He never forgot his roots, and he used his financial success to promote and advocate the cause of adoption. In 1990, Former President George H. W. Bush asked Mr. Thomas to be a spokesperson for his administration's adoption initiative, ''Adoption Works. . .For Everyone.'' Mr. Thomas gracefully accepted the challenge, and began to speak out and encourage people to consider adoption. The Wendy's corporation championed adoption as its national charitable cause, while taking a corporate leadership role in advancing the cause of adoption by encouraging other corporations to offer family leave and adoption benefits to employees who welcomed and adopted a child into their family.

In conjunction with National Adoption Month every November, over 6,000 Wendy's North American restaurants undertake an aggressive advertising campaign advocating the cause of adoption. These widely successful adoption efforts, such as public service announcements tray-liners an posters account for approximately 40 percent of all calls taken at the National Adoption Center's toll free number (1–800–TO–ADOPT).

Dave's personal contributions of time, money and initiative to the cause of adoption have been equally successful. Dave donated all of the proceeds from his 1991 autobiography Dave's Way and his 1995 book Well Done! to the foundation.

Then in 1992, Mr. Thomas founded The Dave Thomas Foundation for Adoption, a nonprofit organization that supports over 134,000 children in America's foster care system waiting for permanent and loving homes.

Virtually every well-conducted social research study that has examined the impact of adoption on a child concludes that adoption is far more preferable than state custody. The adoption of a child into a traditional two-parent, man and woman family, has profoundly positive social benefits for the child and family as well as for our society.

Mr. Speaker, I urge all members of Congress to support the Dave Thomas Resolution. America has lost an important champion for children with the death of Dave Thomas. It is fitting and appropriate that we honor his good deeds today. We all hope and pray that his good work will continue on, despite his passing.

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

The SPEAKER pro tempore (Mr. WALDEN). The question is on the motion offered by the gentleman from Florida (Mr. WELDON) that the House suspend the rules and agree to the resolution, H. Res. 336.

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

A motion to reconsider was laid on the table.

## HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. TIBERI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 335) honoring the contributions of Catholic schools.

The Clerk read as follows:

H. RES. 335

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2000–2001 academic year was 2,647,301, the total number of Catholic schools is 8,146, and the student-teacher ratio is 16 to 1;

Whereas Catholic schools provide more than $17,239,224,112 a year in savings to the Nation based on the average public school per pupil cost;

Whereas Catholic schools teach a diverse group of students and over 25 percent of school children enrolled in Catholic schools are minorities;

Whereas the graduation rate of Catholic school students is 95 percent, only 3 percent of Catholic high school students drop out of school, and 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives'': Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event sponsored by the National Catholic Educational Association and the United States Catholic Conference and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TIBERI) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 335.

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

There was no objection.

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

Mr. Speaker, I rise today to recognize the contributions of America's Catholic elementary and secondary schools and congratulate these schools, students, teachers, and parents for the dedication to education in our country. I would like to thank the sponsor of the legislation, the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, for their help in bringing this resolution to the floor today.

This resolution recognizes Catholic schools and Catholic Schools Week. This is an event sponsored by the National Catholic Education Association and the United States Catholic Conference and established to recognize the vital contributions of America's Catholic schools.

Catholic schools are widely acclaimed for their academic success. I am fortunate enough, being from central Ohio, to have one school in my district, a Catholic school, that has been recognized for that success. They are a past recipient of the U.S. Department of Education's Blue Ribbon Schools Award for Excellence. This is the highest award any private or public school can achieve. In fact, St. Francis DeSales, a Catholic high school in Columbus, is a past recipient of that award.

But Catholic schools provide much more than just a superior scholastic education. They ensure a broad values-added education emphasizing the lifelong development of a student of moral, intellectual, physical, and social values in all of our young people. They produce students dedicated to their faith, values and families and communities. Indeed, they are central to building a sense of community in this country that all Americans should have the opportunity to enjoy.

I am proud, Mr. Speaker, to be an original cosponsor of this resolution. I strongly support its adoption.

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

Mr. KILDEE. Mr. Speaker, I rise in support of this resolution. I yield myself such time as I may consume.

Mr. Speaker, today's resolution recognizes the contributions of Catholic schools. Mr. Speaker, I attended Catholic schools. I received a high quality education from these schools and have benefited greatly. Children all across America have benefited from a Catholic education.

Certainly we can all agree that Catholic schools are a strong and positive force in American education. Fortunately, the truly great aspect of American education is its diversity. We must have an educational structure that can provide anyone in any city in any State with the opportunity to succeed.

The House's recent bipartisan support for the education reforms in H.R. 1, signed into law by President Bush, have strengthened these opportunities. The educational recipe for success in our country certainly includes Catholic schools, schools with other religious backgrounds, nonreligious private schools, along with our public schools. It is this variety, this diversity that truly makes American education powerful and helps make American education successful in its mission.

Mr. Speaker, today we are recognizing the educational and societal contributions that Catholic schools make to our Nation. We must recognize the importance and value that all pieces of our educational structure have in the lives of our children.

Mr. Speaker, in closing, I want to thank the author of this resolution for bringing it to the floor today.

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

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

I would just like to point out that Catholic school enrollment continues to increase in the United States of America, with more than 2.6 million students nationwide for this last past academic year. Catholic schools also teach a diverse group of students. Over 25 percent of schoolchildren enrolled in Catholic schools are minorities.

Mr. Speaker, the graduation rate of Catholic school students is 95 percent,

and only 3 percent of Catholic high school students drop out of school, and 83 percent of Catholic high school graduates go on to college.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I rise in strong support today of House Resolution 335, which recognizes and honors the contributions of Catholic schools in the United States. I commend the gentleman from Colorado (Mr. SCHAFFER) for his leadership in sponsoring this legislation, and I congratulate the gentleman from Ohio (Mr. TIBERI), a member of the committee, for bringing it to the floor today. As we all know, Catholic schools throughout our Nation have a storied and well-earned tradition of academic excellence and I am pleased to join my colleagues in recognizing them.

This resolution is straightforward. We are honoring and we congratulate Catholic schools, students and teachers, for their continued contributions to education and society and the vital role they play in promoting and ensuring a stronger and brighter future for this Nation. This week is the national Catholic Schools Week, and it is fitting that today we are focusing upon the important role that Catholic schools provide in giving us a well-rounded education for America's young people, one that gives special attention to the academic, moral, and social development of our children. The very appropriate theme of this year's week is ''Catholic schools: Where Faith and Knowledge Meet.''

As Ernestine Sanders, the President and CEO of the Cornerstone Schools Association, a Catholic ''mini-district'' in Detroit, Michigan, has said, and I quote, ''At his core, a citizen is not a good citizen without virtue, without integrity, without honor, without a love for the other.''

I am proud of how all Catholic schools emphasize intellectual, spiritual, moral, and social values and produce well-rounded citizens. Catholic schools have found a way to teach students not only academic knowledge, but also real life lessons in service to mankind and respect for one's neighbors.

Mr. Speaker, I can personally attest to the outstanding contributions and dedication of Catholic schools, as I am a proud product of Catholic schools in Ohio, having attended St. Peter and Paul Elementary School in Reading, Ohio, and Archbishop Moeller High School in Cincinnati, Ohio, and then went on to graduate from another Catholic institution, Xavier University, which is also located in Cincinnati.

In the great State of Ohio, Catholic schools have made a positive impact on the lives of hundreds of thousands of students.

□ 1445

For example, Fenway High School in Middletown, Ohio, Chaminade-Julienne High School in Dayton, Ohio, and Badin High School in Hamilton, Ohio, are all excellent schools that have profoundly influenced the lives of their students and continue to make significant contributions to our community.

The top priority of the past year in our Committee on Education and the Workforce was H.R. 1, a landmark reauthorization of the Elementary and Secondary Education Act, which provides services and benefits to both public and private schools.

Across our country, many Catholic schools participate in the programs and activities assisted by these funds. One of the primary goals of H.R. 1 was to improve achievement for all students, and thereby close the achievement gap between disadvantaged students and their peers.

Unfortunately, these gaps have remained stubbornly wide over the last 3 decades. However, without our Nation's Catholic schools and the dedicated teachers who serve them, the achievement gaps today would even be wider. In fact, some data indicates that one of four Catholic school students are from underprivileged backgrounds.

Coupled with the fact, pointed out by the gentleman from Ohio (Mr. TIBERI), that 98 percent of Catholic school students graduate and 83 percent of them go on to pursue a higher education, it is clear that Catholic schools have been very successful in educating all of the students who enter their doors.

Indeed, of the total students enrolled in Catholic schools, almost 14 percent are not of the Catholic faith. These students come from a wide variety of faiths and they have chosen to attend a Catholic school. Catholic schools and educators have had tremendous success in reaching out to all students and their parents who are seeking the best possible education for their children. This is especially true for inner-city schools, where in some cases the majority of students enrolled are non-Catholic.

Malcolm Forbes in his book ''What Big Cities Owe to Catholic Schools'' said, ''Catholic schools provide hugely consequential oases of impact and hope. Their value is literally and figuratively beyond measure.''

I strongly concur with this statement, and I urge my colleagues to vote today in support of this resolution.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me.

Mr. Speaker, I am pleased to be a cosponsor of House Resolution 335 in recognition of Catholic Schools Week. Catholic schools play a tremendous role in preparing young men and women for meaningful citizenship and to become future leaders.

In fact, the Archdiocese of Chicago, with 267 elementary and 45 secondary schools, 6,000 teachers, and 130,000 students, operates the largest nonpublic school system in the Nation. This is a school system that can claim many noteworthy achievements, including above-average attendance rates, graduation rates, and college attendance rates.

Every year, the U.S. Department of Education designates schools that demonstrate excellence as Blue Ribbon Schools of Excellence. Two of the 29 schools nationwide that have received this designation three times are run by the Archdiocese of Chicago.

Equally noteworthy is the commitment of Catholic schools to educating inner-city students, who oftentimes are left behind. Through the Big Shoulders Fund, scholarships and educational programs are provided to 114 Catholic schools that serve inner-city students. Seventy percent of the elementary and high school students in the Big Shoulders program are minorities, and 36 percent are non-Catholic. Ninety-six percent of the Big Shoulders secondary school students graduate high school, and a remarkable percentage, 88 percent, go on to college.

So on the occasion of Catholic Schools Week, I offer heartfelt appreciation to the Catholic school professionals whose dedication to our Nation's children is enormous. I always say that teaching is one of the most noble of all professions, and I would certainly take my hat off to all of those who help to prepare students through a good Catholic education.

Mr. TIBERI. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), chairman of the committee.

Mr. BOEHNER. I thank my colleague for yielding time to me.

Mr. Speaker, I failed to mention that we are joined by the president of the Ohio Senate, Mr. Richard Finan. I bring this to the attention of Members because he is a friend to all those who would serve in the State legislature; but he is another fine example of one who was raised by and attended Catholic schools.

As a matter of fact, he is a proud alumnus of the University of Dayton, where he serves on the board of directors at UD, a fine Marianist university in Dayton, Ohio.

But he is with us today, and it really goes to show you what a good solid education will do for all of us. As many know, I have 11 brothers and sisters; and my father did not make a lot of money, he owned a bar; but he felt strongly about the need for all of us to get a good education, and made the sacrifice to send all of us to parochial schools, to the point where heaven knows how my mother was ever able to balance the books and make this happen, but I thank them for their commitment to me and my 11 brothers and sisters, because without that commitment, God only knows, I may not be here today.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

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

Mr. Speaker, I stand on this floor as a proud graduate of St. George's Elementary School and St. John the Baptist High School and Fordham University. Some might say I am an exception to the rule, since there are so many great graduates of parochial schools, and particularly we talk today about Catholic schools. The Catholic education I received provided me with the tools to not only forge success in life, but gave me an unending desire to serve my fellow man. That is where I learned this, besides, of course, from my home.

I stand before the Members as the father of three sons who also attended Catholic school. Not too long ago in our Nation's history, Roman Catholics were not welcomed in many parts of our society. That has changed. My Catholic education taught me that every American, no matter their religion, their creed, their color, had an equal right and should get an equal chance to the American dream.

When we celebrate the 28th annual Catholic Schools Week, I am proud to report that Catholic schools continue to be a vibrant patch of the American quilt. The 8,146 Catholic schools in this Nation serve more than 2.6 million students. That is a lot of students that would be in the public schools. We support the public schools, but we are here talking about a major portion of our society are in Catholic schools.

As a child and lifelong resident of my major city, Paterson, New Jersey, I am proud to report that 46 percent of the Catholic schools are in urban areas. Many of these schools educate our most vulnerable students.

Catholic schools continue to be as diverse as America. One in every four Catholic students, or students in a Catholic school, are minority. The results continue to be outstanding. Eighty-three percent of the Catholic high school students go on to higher education and only 3 percent drop out, a figure well below the national average.

For the three sons that I sent to Catholic school, I knew, along with learning the three Rs, their spirits would be nurtured. This is the same Catholic spirit I learned in school: a spirit of tolerance, of compassion, and service to our fellow man; a spirit that translates so easily to the secular world of public service this Chamber honors.

I am pleased to add my voice to the chorus of those celebrating the wonderful achievements of these wonderful American institutions.

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

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding time to me. I thank our ranking member and everyone that is a part of this tribute to Catholic schools and the education, the superb education that they provide for students across our country.

This Congress is devoted to education and to improvement in our public education system. This is something that is a value of the American people; and they want it implemented in classrooms across the country, so I am proud to have been part of the effort to improve public education.

In our country, we also have other institutions of learning. Certainly, Catholic schools have given their best and produced students for the betterment of our Nation. I am a product of a Catholic education, and I am proud of that. I know that my teachers, along with my parents, helped shape me to be who and what I am today.

I am very proud of my children being graduates of Catholic schools. My daughter Karen today is the head of the middle school, St. Joseph's, in Atherton, California. Her husband, Jim, my wonderful son-in-law, is part of a high school faculty at Convent of the Sacred Heart.

So I want to pay tribute to all of the lay people that are part of Catholic education across our Nation, and to the great orders, the sisters. I am a product of the Sisters of Notre Dame de Namur, and my children, of the Religious of the Sacred Heart. To the brothers, to the priests, to the nuns that have made Catholic education what everyone in this country has come to believe it represents, our thanks. They have contributed mightily to the betterment of our Nation and have deepened our spirituality and shaped citizens for decade after decade after decade.

I am very proud that the House of Representatives has chosen for the third year in a row to make this a tradition in the House where we pay tribute to Catholic schools and all that they have done. I thank everyone that is part of this effort.

Mr. PAUL. Mr. Speaker, I am pleased to join the sponsors of the H. Res. 335 in honoring the success of Catholic Schools in providing a quality education to millions of children around the country. However, I am concerned that this resolution also contains language that violates the spirit, if not the letter, of the establishment clause of the first amendment, thus insulting the millions of religious Americans who are struggling to educate their children free from federal control and endangering religious liberty.

The success of Catholic schools has been remarkable. Catholic schools operating in the inner-city have been able to provide an excellent education to students written off by the educational establishment as ''unteachable.'' Contrary to the claims of their critics, Catholic schools do not turn away large numbers of children in order to limit their enrollment to the ''best and the brightest.'' In fact, a few years ago the Archdiocese of New York offered to enroll all students who had been expelled from New York's public schools! Mr. Speaker, I have introduced legislation, the Family Education Freedom Act (H.R. 368) which would help more parents afford to send their children to Catholic, or other religious schools, by providing them with a $3,000 tax credit for K–12 education expenses.

While I join with the sponsors of this legislation in praising Catholic schools, I am disturbed by the language explicitly endorsing the goals of the United States Catholic Conference. The Catholic Conference is an organization devoted to spreading and advancing Catholicism. While the Conference may advance other social goods through its work, these purposes are secondary to its primary function of advancing the Catholic faith. This is especially true in the case of Catholic schools which were founded and are operated with the explicit purpose of integrating Catholic doctrine into K–12 education.

Therefore, even though Congress intends to honor the ways Catholic schools help fulfill a secular goal, the fact is Congress cannot honor Catholic schools without endorsing efforts to promulgate the Catholic faith. By singling out one sect over another, Congress is playing favorites among religions. While this does not compare to the type of religious persecution experienced by many of the founders of this country, it is still an example of the type of federal favoritism among religions that the first amendment forbids.

What is the superintendent of a Baptist private school or a Pentecostal home schooler going to think when reading this resolution? That Congress does not think they provide children with an excellent education or that Congress does not deem their religious goals worthy of federal endorsement? In a free republic the legislature should not be in the business of favoring one religion over another. I would also like to point out the irony of considering government favoritism of religion in the context of praising the Catholic schools, when early in this century Catholic schools were singled out for government-sanctioned discrimination because they were upholding the teachings of the Catholic Church.

Allowing Congress to single out certain religions for honors not only insults those citizens whose faith is not recognized by Congress, it also threatens the religious liberty of those honored by Congress. This is because when the federal government begins evaluating religious institutions, some religious institutions may be tempted to modify certain of their teachings in order to curry favor with political leaders. I will concede that religious institutions may not water down their faith in order to secure passage of ''Sense of Congress resolutions,'' however, the belief that it is proper to judge religious institutions by how effectively they fulfill secular objectives is at the root of the proposals to entangle the federal government with state-approved religions by providing taxpayer dollars to religious organizations in order to perform various social services. Providing taxpayer money to churches creates the very real risk that a church may, for example, feel the need to downplay its teaching against abortion or euthanasia in order to maintain favor with a future pro-abortion administration and thus not lose its federal funding.

Of course, the idea that politicians should bestow favors on religions based on how well they fulfill the aims of the politicians is one

that should be insulting to all believers no matter their faith. After all, despite what a few of my colleagues seem to think, Mr. Speaker, we in Congress are neither omnipotent nor divine.

In conclusion, Mr. Speaker, I join the sponsors of H. Res. 335 in their admiration for the work of Catholic schools. However, I also have reservations about the language singling out the religious goals of one faith for praise.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this measure to recognize the role Catholic Schools have played in the education of America's Children.

This week Catholic elementary and secondary schools nationwide celebrate the 28th annual Catholic Schools Week. Saint Philips High School and Saint Pius High School in my District will be celebrating this week. This event was established to increase support for private Catholic schools and to recognize their accomplishments and contributions to the country.

''Catholic Schools Week'' celebrates education that goes beyond preparation for a secular life; it is an education that prepares students for a Christian life. Parents who chose to send their children to Catholic Schools do so because they not only want their children to have an excellent education in reading, writing and arithmetic, they also want them to have a Christian education.

Although public schools can prepare children for a secular life through a good education, they are Constitutionally bound to not extend their role as educators into the area of religious education. I encourage parents who would like the benefits of public education and the rewards of faith based education to make a commitment to work with those religious communities that share their beliefs in the development of after school and weekend parochial programs.

This bill states that Congress supports the goals of Catholic Schools Week, an event sponsored by the National Catholic Educational Association and the U.S. Catholic Conference, and congratulates Catholic schools, students, parents, and teachers for their contributions to education.

Catholic schools teach a diverse group of students, 24 percent of whom are minorities. Moreover, only three percent of Catholic high school students drop out of school and 83 percent go on to attend college.

Finally by providing an intellectually stimulating environment rich in moral guidance, Catholic schools produce students and, ultimately, citizens who are strongly dedicated to their faith and communities.

I offer my heart felt thanks to the Catholic Schools and other religious schools across the nation for their dedication to excellence in the classroom as they prepare young people to achieve excellence in life.

Mr. UNDERWOOD. Mr. Speaker, I rise today in strong support of H. Res. 335, which celebrates the significant contributions that Catholic schools make each and every day throughout the nation. I would like to take this opportunity to thank my colleague Mr. SCHAFFER for continuing in the tradition of recognizing the role of Catholic schools in our nation and around the globe.

My district of Guam is nearly half a world away from Washington, D.C. and is home to more than 100,000 Roman Catholics, who encompass an overwhelming majority of the resident population. Guam has a centuries-old history and tradition of Roman Catholicism since the island was discovered by Ferdinand Magellan in 1521. Magellan, who was voyaging around the world, was the first European to land on Guam. He was accompanied by several of his chaplains when he stepped ashore in the southern village of Umatac. Centuries later, local residents continue to celebrate the history of the discovery of Guam with a re-enactment of Magellan's landing.

The year 1662 ushered the first of multiple arrivals of Spanish missionaries to the island. Over time, various types of Catholic teachings have provided Guam's children with educational skills. The first missionaries began the tradition of ''Eskuelan Pale,'' or Catholicism classes, which taught basic reading and comprehension skills and religious doctrines. Today Guam's Catholic schools strive for academic excellence and continue to instill moral values in their students.

Several religious orders and countless cadres of lay teachers have provided educational guidance and have broadened opportunities for Guam's school children since the end of World War II, when a formal Catholic school system was established. The School Sisters of Notre Dame, Sisters of Mercy, Dominican Sisters, the religious orders of Capuchin, Franciscans, Jesuits, and Marists have all served to educate Guam's school children.

Three institutions offer a Catholic high school education in Guam. These include: Notre Dame High School in Talofofo, which is Guam's only co-ed Catholic High School; the Academy of Our Lady of Guam in Hagatna; and Father Duenas Memorial School in Mangilao, which together serve an enrollment of approximately 1,100 students. There are seven elementary and middle schools, including: Bishop Baumgartner Memorial School in Sinajana; Our Lady of Mt. Carmel School in Agat; Saint Anthony School in Tamuning; Saint Francis School in Yona; San Vicente School in Barrigada; Santa Barbara School in Dededo and Dominican School in Yigo, which together serve an enrollment of 2,300 students. Finally, four Catholic nursery schools in Guam bridge the continuum of education from infancy to elementary. These include: the Dominican Child Care Center in Ordot; the Infant of Prague in Mangilao; Maria Artero in Agana Heights; and Mercy Heights in Tamuning.

As a former educator who was raised in the Catholic faith, I certainly appreciate the education provided by Catholic schools. Three of my five children have attended Catholic schools in Guam and in Virginia and 10 of my 16 staffers in both my District and D.C. offices are products of the Catholic school system in Guam and the Philippines. Additionally, my aunt, Mary Underwood, was instrumental in the establishment of the Catholic school system after World War II. She was also the first native of Guam to commit her life as a nun to the devotion and service of the Catholic church.

Catholic schools continue to provide a broad, value-added education and to shape the life-long development of moral, intellectual, physical and social values of students. This week marks National Catholic Schools Week, which is the culmination of an annual celebration of the significant educational role of Catholic schools across the nation and around the globe.

At this time, I would like to commend the contributions of all Catholic schools, students, parents, teachers and administrators in Guam and across the nation. I would also like to recognize the important contributions of the Archdiocese of Hagatna, which oversees the administration of all of Guam's Catholic schools, and, particularly, to applaud the service of Archbishop Anthony Apuron, for continuing in the tradition of fostering excellence in the education and moral well-being of the children of Guam.

I stand in support of this resolution and urge my colleagues to join in support of the passage of H. Res. 335.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to express my strong support for H. Res. 335, a resolution recognizing the valuable contributions of Catholic Schools.

This week marks the 28th Anniversary of National Catholic Schools Week, a week dedicated to honor the achievements and successes of Catholic Schools throughout the U.S. More than 2.6 million children are enrolled in the 8,146 Catholic Schools in our country.

A Catholic education challenges students through a combination of high standards, strong motivation, effective discipline, and an atmosphere of caring. These characteristics foster excellence in students. In a society where academic and moral standards are constantly being debased and watered down, Catholic schools consistently deliver a level of student performance that is well supported by the evidence. Too often these days, our kids are bombarded with mushy, well-meaning rhetoric that says that everybody can score ''above average.'' Too many school systems have adopted the false notion that filling our children with a bogus sense of self-esteem is more important that actually ensuring that they master their subject material. President Bush rightfully denounces ''the soft bigotry of low expectations.'' Fortunately, Catholic schools are part of the solution of the problem of low expectations.

Catholic school student test performance in the three grade levels of the National Assessment of Educational Progress exceeds public school test results by an average of 4.5 percent in math, 4.8 percent in science, and 12.5 percent in reading. Only 3 percent of Catholic school students drop out of school, compared to a 14 percent dropout rate of students in public schools. In addition, 83 percent of Catholic high school graduates go on to college, as compared to 52 percent of public high school graduates. While there are a variety of factors that can partially account for these differences, sociologists and education therorists cannot explain all of these differences away without acknowledging that challenging our students and expecting more from them inspires students to work harder and take more pride in their academic work.

Catholic schools recognize parents and family as primary educators, while fostering a shared vision among the two. As the father of four children who have attended Catholic schools, I know they strive to create a special bond between families and the school.

As Pope John Paul II said, ''. . . and so the purpose of Catholic Education is to communicate Christ to you, so that your attitude toward others will be that of Christ.''

Obviously, children do not from their core moral values because of what schools teach them. Respect for life, and for the rights of others, does not start at school. It starts at

home. But that does not mean that our schools don't have a role to play in helping parents instill in their children a sense of right and wrong. Schools can help parents, or they can help undermine their efforts. I am proud that Catholic schools are working every day to help parents to instill decency fair play, and respect for others. Parents know their job is not an easy one these days. Their moral lessons are constantly being undermined by contradictory messages that bombard our kids from every possible direction. It's very reassuring to parents of Catholic school students to know that at least they child's school can be counted upon to be an ally in this struggle.

Lastly, in honoring the contributions of Catholic schools, we must not forget or neglect the vital role of our public school system. Both school systems assist and teach each other. Many troubled children have transferred out of the public school system and have been turned around in a Catholic school. This symbiotic relationship strengthens both systems.

Mr. Speaker, I ask that all members lend their support to H. Res. 335, and pass it unanimously.

Mr. CROWLEY. Mr. Speaker, as we celebrate Catholic School Week, I rise today to express my support for H. Res. 335, honoring the contributions of Catholic schools to our children and our country.

For centuries Catholic schools have been a gift to the nation as well as to the Catholic church. They have helped millions of children become informed and caring citizens. In New York, His Eminence Edward Cardinal Eagen, Archdiocese of New York and Bishop Thomas V. Daily, Diocese of Brooklyn and Queens are part of a long standing American tradition of providing quality religious instruction to New York City children, where the Catholic schools are older than the public schools, dating back to the year 1800. I am particularly proud of St. Joseph's in Astoria, whose supportive and dedicated parents I was happy to write a letter in praise of earlier this week.

Mr. Speaker, from Head Start to high school, Catholic schools prepare our children to be positive influences on the lives of others, particularly in urban and inner city areas. They promote academic excellence and spiritual enrichment. Their values-centered instruction produce students strongly dedicated to their faith, their families, and the communities. They provide hope and promise to those who may be bereft of it. Perhaps most importantly, they have created opportunities to integrate the families and children of many nationalities and cultures into America and into New York.

Mr. Speaker, more than 24 percent of school children enrolled in Catholic schools, such as St. Bartholomew's in Elmhurst, are minorities, many new to our country and the English language.

In my district alone, roughly 30 schools serve over 8,000 students, 74 percent of which are minorities, many of whom are immigrants. To these children, Catholic schools perform the tireless work of uplifting all boats, and ensure that no child in their care is left behind. Their value to our education system and to society as a whole is—literally and figuratively—beyond measure. I know these things because I myself am a product of Catholic schools. The dedicated teachers at Power Memorial High School, and the principles of the Church that guided them helped me become the man I am today. In addition three of my relatives received the divine calling to dedicate themselves to the Lord's work. My Uncle, Father John Crowley is currently the Pastor of St. John of the Cross Church in Vero Beach, Florida. Another Uncle, Father Paul Murphy is a Catholic priest in Philadelphia and my Aunt, Sister Mary Rose Crowley, is a member of the Sisters of Notre Dame, in West Palm Beach.

Mr. Speaker, Catholic school and the Church had a profound influence on my family and myself in the way we learned to see the world. But the world today is a lot different than the one most of us grew up in. So perhaps the most significant contribution of Catholic schools remains their dedication to lend purpose and guidance to those lost in poverty and tough neighborhoods.

In my district, Catholic schools initiate school enrichment, in particular ''user-friendly'' after-school and special education programs benefiting youngsters throughout the Bronx and Queens, providing direction to children who might otherwise be lost to the streets. These programs and the strong support parochial schools provide to children surrounded by urban challenges provided wholesome influences and much needed structure, making an invaluable difference in countless lives.

Mr. Speaker, I ask that you please join me in honoring the 200,000 Catholic educators in our country. They serve the 2.6 million students attending approximately 8,200 Catholic elementary and secondary schools in America. We thank them for their dedication, their service, and their commitment to our children.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H. Res. 335 that honors the contributions of Catholic Schools throughout our country. Whatever our religious affiliations we can all admit that for many generations our parochial schools have achieved positive results in providing an excellent education.

The graduation rate of Catholic school students is 95 percent, 83 percent of Catholic high school graduates go on to college, and only 3 percent of Catholic high school students drop out of school. The Catholic schools throughout New Mexico have mirrored these national statistics by providing a high standard of excellence in the way they educate their students.

For example, the LaSallian Christian Brothers founded St. Michael's High School, in my Congressional District, in 1859. One hundred and forty-three years later, St. Michael's continues to provide many of the families of northern New Mexico with a parochial education that emphasizes both its religious, academic, and social goals.

Catholic schools, such as St. Michael's, promote positive values, a sense of spirit and support by educating each student in the spirit of faith and of academic excellence.

I encourage my colleagues to support this resolution that honors the contributions Catholic schools have made to our society.

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

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and agree to the resolution, House Resolution 335.

The question was taken.

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

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

The yeas and nays were ordered.

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

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 2 o'clock and 57 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SWEENEY) at 5 p.m.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is required:

S. CON. RES. 95. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

## ELECTION OF MEMBER TO COMMITTEE ON ARMED SERVICES

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 337) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 337

*Resolved,* That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Armed Services: Mr. WILSON of South Carolina.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF SENATE AND CONDITIONAL ADJOURNMENT OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 95) providing for a conditional adjournment or recess of the Senate and

a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 95

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns at the close of business on Tuesday, January 29, 2002, it stand recessed or adjourned until noon on Monday, February 4, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Tuesday, January 29, 2002, it stand adjourned until noon on Monday, February 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

## HOUR OF MEETING ON TUESDAY, FEBRUARY 5, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, February 4, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, February 5, 2002, for morning hour debates.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 6, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 6, 2002.

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

There was no objection.

## WISHING ST. LOUIS RAMS WELL ON SUPER BOWL SUNDAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be the will of this body that the St. Louis Rams have a good day on Sunday next.

The SPEAKER pro tempore. The gentleman's sentiment is noted.

## HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 335.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and agree to the resolution, H. Res. 335, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 388, nays 0, answered ''present'' 1, not voting 46, as follows:

[Roll No. 5]

YEAS—388

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

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—46

Abercrombie
Becerra
Bryant
Calvert
Capuano
Carson (IN)
DeFazio
Delahunt
Doolittle
English
Gephardt
Gibbons
Gonzalez
Hansen
Hastert
Hayworth
Hinchey
Hunter
Isakson
Jefferson
Largent
Lewis (CA)
Lipinski
Luther
Maloney (NY)
Manzullo
Murtha
Napolitano
Nethercutt
Ortiz
Pickering
Radanovich
Riley
Rodriguez
Roukema
Roybal-Allard
Simpson
Smith (MI)
Smith (WA)
Spratt
Tiahrt
Toomey
Traficant
Waters
Weldon (PA)
Whitfield

□ 1728

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 5 I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 5, H. Res. 335, Honoring the contributions of Catholic schools. Had I been present I would have voted "yea."

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family health emergency, I was unable to be present for rollcall vote 5 on Tuesday, January

29. Had I been present, I would have voted "yea."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o'clock and 30 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2051

## AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 51 minutes p.m.

## JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 299 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Bill Sims, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. ARMEY);

The gentleman from Oklahoma (Mr. WATTS);

The gentleman from California (Mr. COX);

The gentlewoman from Ohio (Ms. PRYCE);

The gentlewoman from Illinois (Mrs. BIGGERT);

The gentleman from Missouri (Mr. GEPHARDT);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Texas (Mr. FROST);

The gentleman from New Jersey (Mr. MENENDEZ); and

The gentlewoman from California (Ms. MILLENDER-MCDONALD).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Maryland (Ms. MIKULSKI);

The Senator from North Dakota (Mr. DORGAN);

The Senator from Massachusetts (Mr. KERRY);

The Senator from West Virginia (Mr. ROCKEFELLER);

The Senator from Washington (Mrs. MURRAY);

The Senator from Illinois (Mr. DURBIN);

The Senator from California (Mrs. BOXER);

The Senator from Louisiana (Mr. BREAUX);

The Senator from Mississippi (Mr. LOTT);

The Senator from Oklahoma (Mr. NICKLES);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Idaho (Mr. CRAIG);

The Senator from Tennessee (Mr. FRIST);

The Senator from Texas (Mr. GRAMM);

The Senator from Kentucky (Mr. MCCONNELL); and

The Senator from Maine (Ms. COLLINS).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Roble Olhaye.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Associate Justices of the Supreme Court.

The Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 11 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

## THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Thank you very much.

Mr. Speaker, Vice President CHENEY, Members of Congress, distinguished guests and fellow citizens:

As we gather tonight, our Nation is at war, our economy is in recession and the civilized world faces unprecedented dangers. Yet the state of our Union has never been stronger.

We last met in an hour of shock and suffering. In 4 short months, our Nation has comforted the victims; begun to rebuild New York and the Pentagon; rallied a great coalition; captured, arrested, and rid the world of thousands of terrorists; destroyed Afghanistan terrorist training camps; saved a people from starvation and freed a country from brutal oppression.

The American flag flies again over our embassy in Kabul. Terrorists who once occupied Afghanistan now occupy cells at Guantanamo. And terrorist leaders who urged followers to sacrifice their lives are running for their own.

America and Afghanistan are now allies against terror. We will be partners in rebuilding that country, and this evening we welcome the distinguished interim leader of a liberated Afghanistan, Chairman Hamid Karzai.

The last time we met in this Chamber, the mothers and daughters of Afghanistan were captives in their own homes, forbidden from working or going to school. Today, women are free and are part of Afghanistan's new government, and we welcome the new Minister of Women's Affairs, Dr. Sima Samar.

Our progress is a tribute to the spirit of the Afghan people, to the resolve of our coalition, and to the might of the United States military. When I called our troops into action, I did so with complete confidence in their courage and skill; and tonight, thanks to them, we are winning the war on terror. The men and women of our Armed Forces have delivered a message now clear to every enemy of the United States: even 7,000 miles away, across oceans and

continents, on mountaintops and in caves, you will not escape the justice of this Nation.

For many Americans, these 4 months have brought sorrow and pain that will never completely go away. Every day a retired firefighter returns to Ground Zero to feel closer to his two sons who died there. At a memorial in New York, a little boy left his football with a note for his lost father: ''Dear Daddy, please take this to heaven. I don't want to play football until I can play with you again someday.''

Last month at the grave of her husband, Michael, a CIA officer and Marine who died in Mazar-e Sharif, Shannon Spann said these words of farewell: ''Semper Fi, my love.'' Shannon is with us tonight.

Shannon, I assure you and all who have lost a loved one that our cause is just, and our country will never forget the debt we owe Michael and all who gave their lives for freedom.

Our cause is just, and it continues. Our discoveries in Afghanistan confirmed our worst fears and showed us the true scope of the task ahead. We have seen the depth of our enemy's hatred in videos where they laugh about the loss of innocent life. And the depth of their hatred is equaled by the madness of the destruction they design. We have found diagrams of American nuclear power plants and public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities, and thorough descriptions of landmarks in America and throughout the world.

What we have found in Afghanistan confirms that, far from ending there, our war against terror is only beginning. Most of the 19 men who hijacked planes on September 11 were trained in Afghanistan's camps, and so were tens of thousands of others. Thousands of dangerous killers, schooled in the methods of murder, often supported by outlaw regimes, are now spread throughout the world like ticking time bombs, set to go off without warning.

Thanks to the work of our law enforcement officials and coalition partners, hundreds of terrorists have been arrested. Yet tens of thousands of trained terrorists are still at large. These enemies view the entire world as their battlefield, and we must pursue them wherever they are. So long as training camps operate, so long as nations harbor terrorists, freedom is at risk, and America and our allies must not, and will not, allow it.

Our Nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives. First, we will shut down terrorist camps, disrupt terrorist plans and bring terrorists to justice. Second, we must prevent the terrorists and regimes who seek chemical, biological, or nuclear weapons from threatening the United States and the world.

Our military has put the terror training camps of Afghanistan out of business; yet camps still exist in at least a dozen countries. A terrorist underworld, including groups like Hamas, Hezbollah, Islamic Jihad, and Jaish-i-Mohammad, operates in remote jungles and deserts and hides in the centers of large cities.

While the most visible military action is in Afghanistan, America is acting elsewhere. We now have troops in the Philippines helping to train that country's armed forces to go after terrorist cells that have executed an American and still hold hostages. Our soldiers, working with the Bosnian Government, seized terrorists who were plotting to bomb our embassy. Our Navy is patrolling the coast of Africa to block the shipment of weapons and the establishment of terrorist camps in Somalia.

My hope is that all nations will heed our call and eliminate the terrorist parasites who threaten their countries, and our own. Many nations are acting forcefully. Pakistan is now cracking down on terror, and I admire the strong leadership of President Musharraf. But some governments will be timid in the face of terror. And make no mistake about it: if they do not act, America will.

Our second goal is to prevent regimes that sponsor terror from threatening America or our friends and allies with weapons of mass destruction. Some of these regimes have been pretty quiet since September 11, but we know their true nature. North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens.

Iran aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people's hope for freedom.

Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax and nerve gas and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens, leaving the bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections, then kicked out the inspectors. This is a regime that has something to hide from the civilized world.

States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.

We will work closely with our coalition to deny terrorists and their state sponsors the materials, technology and expertise to make and deliver weapons of mass destruction. We will develop and deploy effective missile defenses to protect America and our allies from sudden attack. And all nations should know, America will do what is necessary to ensure our Nation's security.

We will be deliberate; yet time is not on our side. I will not wait on events, while dangers gather. I will not stand by as peril draws closer and closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.

Our war on terror is well begun, but it is only begun. This campaign may not be finished on our watch; yet it must be, and it will be waged on our watch.

We cannot stop short. If we stopped now, leaving terror camps intact and terror states unchecked, our sense of security would be false and temporary. History has called America and our allies to action, and it is both our responsibility and our privilege to fight freedom's fight.

Our first priority must always be the security of our Nation, and that will be reflected in the budget I send to Congress. My budget supports three great goals for America: we will win this war, we will protect our homeland, and we will revive our economy.

September 11 brought out the best in America, and the best in this Congress, and I join the American people in applauding your unity and resolve. Now Americans deserve to have this same spirit directed toward addressing problems here at home. I am a proud member of my party, yet as we act to win the war, protect our people, and create jobs in America, we must act first and foremost not as Republicans, not as Democrats, but as Americans.

It costs a lot to fight this war. We have spent more than a billion dollars a month, over $30 million a day, and we must be prepared for future operations. Afghanistan proved that expensive precision weapons defeat the enemy and spare innocent lives, and we need more of them. We need to replace aging aircraft and make our military more agile to put our troops anywhere in the world quickly and safely. Our men and women in uniform deserve the best weapons, the best equipment, and the best training, and they also deserve another pay raise. My budget includes the largest increase in defense spending in two decades, because while the price of freedom and security is high, it is never too high. Whatever it costs to defend our country, we will pay.

The next priority of my budget is to do everything possible to protect our citizens and strengthen our Nation against the ongoing threat of another attack. Time and distance from the events of September 11 will not make us safer unless we act on its lessons. America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad and increased vigilance at home.

My budget nearly doubles funding for a sustained strategy of homeland security, focused on four key areas: bioterrorism, emergency response, airport

and border security, and improved intelligence. We will develop vaccines to fight anthrax and other deadly diseases. We will increase funding to help States and communities train and equip our heroic police and firefighters. We will improve intelligence collection and sharing, expand patrols at our borders, strengthen the security of air travel, and use technology to track the arrivals and departures of visitors to the United States.

Homeland security will make America not only stronger but, in many ways, better. Knowledge gained from bioterrorism research will improve public health, stronger police and fire departments will mean safer neighborhoods, and stricter border enforcement will help combat illegal drugs.

And as government works to better secure our homeland, America will continue to depend on the eyes and ears of alert citizens. A few days before Christmas, an airline flight attendant spotted a passenger lighting a match. The crew and passengers quickly subdued the man, who had been trained by al Qaeda and was armed with explosives. The people on that plane were alert and, as a result, likely saved nearly 200 lives, and tonight we welcome and thank flight attendants Hermis Moutardier and Christina Jones.

Once we have funded our national security and our homeland security, the final great priority of my budget is economic security for the American people. To achieve these great national objectives, to win the war, protect the homeland, and revitalize our economy, our budget will run a deficit that will be small and short term so long as Congress restrains spending and acts in a fiscally responsible manner. We have clear priorities and we must act at home with the same purpose and resolve we have shown overseas: we will prevail in the war, and we will defeat this recession.

Americans who have lost their jobs need our help, and I support extending unemployment benefits and direct assistance for health care coverage. Yet American workers want more than unemployment checks, they want a steady paycheck. When America works, America prospers, so my economic security plan can be summed up in one word: jobs.

Good jobs begin with good schools, and here we have made a fine start. Republicans and Democrats worked together to achieve historic education reform so that no child is left behind. I was proud to work with Members of both parties, Chairman JOHN BOEHNER and Congressman GEORGE MILLER, Senator JUDD GREGG; and I was so proud of our work I even had nice things to say about my friend, TED KENNEDY. I know the folks at the Crawford coffee shop could not believe I would say such a thing, but our work on this bill shows what is possible if we set aside posturing and focus on results.

There is more to do. We need to prepare our children to read and succeed in school with improved Head Start and early childhood development programs. We must upgrade our teacher colleges and teacher training and launch a major recruiting drive with a great goal for America: a quality teacher in every classroom.

Good jobs also depend on reliable and affordable energy. This Congress must act to encourage conservation, promote technology, build infrastructure, and it must act to increase energy production at home so America is less dependent on foreign oil.

Good jobs depend on expanded trade. Selling into new markets creates new jobs, so I ask Congress to finally approve trade promotion authority. On these two key issues, trade and energy, the House of Representatives has acted to create jobs, and I urge the Senate to pass this legislation.

Good jobs depend on sound tax policy. Last year, some in this Hall thought my tax relief plan was too small, and some thought it was too big. But when the checks arrived in the mail, most Americans thought tax relief was just about right. Congress listened to the people and responded by reducing tax rates, doubling the child credit, and ending the death tax. For the sake of long-term growth and to help Americans plan for the future, let us make these tax cuts permanent.

The way out of this recession, the way to create jobs, is to grow the economy by encouraging investment in factories and equipment, and by speeding up tax relief so people have more money to spend. For the sake of American workers, let's pass a stimulus package.

Good jobs must be the aim of welfare reform. As we reauthorize these important reforms, we must always remember the goal is to reduce dependency on government and offer every American the dignity of a job.

Americans know economic security can vanish in an instant without health security. I ask Congress to join me this year to enact a Patients' Bill of Rights, to give uninsured workers credits to help buy health coverage, to approve an historic increase in spending for veterans' health, and to give seniors a sound and modern Medicare system that includes coverage for prescription drugs.

A good job should lead to security in retirement. I ask Congress to enact new safeguards for 401(k) and pension plans. Employees who have worked hard and saved all their lives should not have to risk losing everything if their company fails. Through stricter accounting standards and tougher disclosure requirements, corporate America must be made more accountable to employees and shareholders, and held to the highest standards of conduct.

Retirement security also depends upon keeping the commitments of Social Security, and we will. We must make Social Security financially stable and allow personal retirement accounts for younger workers who choose them.

Members, you and I will work together in the months ahead on other issues: productive farm policy; a cleaner environment; broader home ownership, especially among minorities; and ways to encourage the good work of charities and faith-based groups. I ask you to join me on these important domestic issues in the same spirit of cooperation we have applied to our war against terrorism.

During these last few months, I have been humbled and privileged to see the true character of this country in a time of testing. Our enemies believed America was weak and materialistic, that we would splinter in fear and selfishness. They were as wrong as they are evil.

The American people have responded magnificently, with courage and compassion, strength and resolve. As I have met the heroes, hugged the families, and looked into the tired faces of rescuers, I have stood in awe of the American people.

And I hope you will join me in expressing thanks to one American for the strength, and calm, and comfort she brings to our Nation in crisis: our First Lady, Laura Bush.

None of us would ever wish the evil that was done on September 11, yet after America was attacked, it was as if our entire country looked into a mirror and saw our better selves. We were reminded that we are citizens, with obligations to each other, to our country, and to history. We began to think less of the goods we can accumulate, and more about the good we can do.

For too long our culture has said, ''If it feels good, do it.'' Now America is embracing a new ethic and a new creed: ''Let's roll.'' In the sacrifice of soldiers, the fierce brotherhood of firefighters, and the bravery and generosity of ordinary citizens, we have glimpsed what a new culture of responsibility could look like. We want to be a Nation that serves goals larger than self. We have been offered a unique opportunity, and we must not let this moment pass.

My call tonight is for every American to commit at least 2 years, 4,000 hours, over the rest of your lifetime to the service of your neighbors and your Nation.

Many are already serving, and I thank you. If you aren't sure how to help, I've got a good place to start. To sustain and extend the best that has emerged in America, I invite you to join the new USA Freedom Corps. The Freedom Corps will focus on three areas of need: responding in case of crisis at home, rebuilding our communities, and extending American compassion throughout the world.

One purpose of the USA Freedom Corps will be homeland security. America needs retired doctors and nurses who can be mobilized in major emergencies, volunteers to help police and fire departments, transportation and utility workers well-trained in spotting danger.

Our country also needs citizens working to rebuild our communities. We

need mentors to love children, especially children whose parents are in prison, and we need more talented teachers in troubled schools. USA Freedom Corps will expand and improve the good efforts of AmeriCorps and Senior Corps to recruit more than 200,000 new volunteers.

And America needs citizens to extend the compassion of our country to every part of the world. So we will renew the promise of the Peace Corps, double its volunteers over the next 5 years, and ask it to join a new effort to encourage development and education and opportunity in the Islamic world.

This time of adversity offers a unique moment of opportunity, a moment we must seize to change our culture. Through the gathering momentum of millions of acts of service and decency and kindness, I know we can overcome evil with greater good.

And we have a great opportunity during this time of war to lead the world toward the values that will bring lasting peace. All fathers and mothers in all societies want their children to be educated and to live free from poverty and violence. No people on Earth yearn to be oppressed or aspire to servitude or eagerly await the midnight knock of the secret police.

If anyone doubts this, let them look to Afghanistan, where the Islamic ''street'' greeted the fall of tyranny with song and celebration. Let the skeptics look to Islam's own rich history, with its centuries of learning and tolerance and progress.

America will lead by defending liberty and justice because they are right and true and unchanging for all people everywhere. No nation owns these aspirations, and no nation is exempt from them. We have no intention of imposing our culture, but America will always stand firm for the nonnegotiable demands of human dignity, the rule of law, limits on the power of the state, respect for women, private property, free speech, equal justice, and religious tolerance.

America will take the side of brave men and women who advocate these values around the world, including the Islamic world, because we have a greater objective than eliminating threats and containing resentment. We seek a just and peaceful world beyond the war on terror.

In this moment of opportunity, a common danger is erasing old rivalries. America is working with Russia and China and India in ways we have never before to achieve peace and prosperity. In every region, free markets and free trade and free societies are proving their power to lift lives. Together with friends and allies from Europe to Asia from Africa to Latin America, we will demonstrate that the forces of terror cannot stop the momentum of freedom.

The last time I spoke here, I expressed the hope that life would return to normal. In some ways, it has. In others, it never will. Those of us who have lived through these challenging times have been changed by them. We have come to know truths that we will never question: evil is real, and it must be opposed. Beyond all differences of race or creed, we are one country, mourning together and facing danger together. Deep in the American character, there is honor, and it is stronger than cynicism. Many have discovered again that even in tragedy, especially in tragedy, God is near.

In a single instant, we realized that this will be a decisive decade in the history of liberty, that we have been called to a unique role in human events. Rarely has the world faced a choice more clear or consequential.

Our enemies send other people's children on missions of suicide and murder. They embrace tyranny and death as a cause and a creed. We stand for a different choice, made long ago on the day of our founding. We affirm it again today. We choose freedom and the dignity of every life.

Steadfast in our purpose, we now press on. We have known freedom's price. We have shown freedom's power. And in this great conflict, my fellow Americans, we will see freedom's victory. Thank you all. May God bless.

(Applause, the Members rising.)

At 10 o'clock and 4 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justices of the Supreme Court.

The Acting Dean of the Diplomatic Corps.

## JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 7 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

## MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. BLUNT. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today.

Mr. CAPUANO (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mrs. NAPOLITANO (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of important business on behalf of the district.

Mr. SPRATT (at the request of Mr. GEPHARDT) for today on account of illness.

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today on account of illness.

## ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 400. An act to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.

H.R. 700. An act to reauthorize the Asian Elephant Conservation Act of 1997.

H.R. 1913. An act to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.

H.R. 1937. An act to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1762. An act to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders, and for other purposes.

## ADJOURNMENT

Mr. BLUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to Senate Concurrent Resolution 95 of the 107th Congress, the House stands adjourned until noon, Monday, February 4, 2002.

Thereupon (at 10 o'clock and 8 minutes p.m.), pursuant to Senate Concurrent Resolution 95, the House adjourned until Monday, February 4, 2002, at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5237. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers [Docket No. EE-RM/TP–99–500] (RIN: 1904–AB04) received January 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5238. A letter from the Assistant General Council for Regulatory Law, Department of Energy, transmitting the Department's final rule—Reporting Fraud, Waste, and Abuse to the Office of Inspector General—received January 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5239. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Cooperation with the Office of Inspector General—received January 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5240. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York's Reasonable Further Progress Plans, Transportation Conformity Budgets, Reasonably Available Control Measure Analysis and 1-hour Ozone Attainment Demonstration State Implementation Plan [Region 2 Docket No. NY55–237, FRL–7132–5] received January 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5241. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arthur, North Dakota) [MM Docket No. 01–12, RM–10039] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5242. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Moberly, Malta Bend, Chillicothe, Lee's Summit, La Monte, Warsaw, Nevada, Maryville & Madison, Missouri & Topeka, Junction City, Humboldt, Marysville & Burlington, Kansas, & Auburn, Nebraska) [MM Docket No. 00–129, RM–9909, RM–10017] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5243. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Las Vegas and Pecos, New Mexico) [MM Docket No. 01–141, RM–10146] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5244. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wadley, Georgia) [MM Docket No. 01–178, RM–10195] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5245. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Boise, Idaho) [MM Docket No. 01–85, RM–9039] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5246. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mendocine, California) [MM Docket No. 01–168, RM–10187] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5247. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sykesville, Pennsylvania) [MM Docket No. 01–176, RM–10191] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5248. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pittsburg, New Hampshire) [MM Docket No. 01–170, RM–10190] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5249. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kailua-Kona, Hawaii) [MM Docket No. 00–174, RM–9965] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5250. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (St. Augustine and Neptune Beach, Florida) [MM Docket No. 01–101, RM–10097] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5251. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (San Antonio, Texas) [MM Docket No. 00–100, RM–9860] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5252. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Soperton, Swainsboro and East Dublin, Georgia) [MM Docket No. 99–259, RM–9685, RM–9775] received January 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5253. A communication from the President of the United States, transmitting notification terminating the suspensions pertaining to the export of bomb containment and disposal units for use in the prevention of terrorist bombings, pursuant to Public Law 101–246, section 902(b)(2) (104 Stat. 85); to the Committee on International Relations.

5254. A letter from the Secretary, Department of Commerce, transmitting the Export administration's annual report for fiscal year 2001, pursuant to 50 U.S.C. app. 2413; to the Committee on International Relations.

5255. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Standards of Ethical Conduct for Employees of the Executive Branch; Definition of Compensation for Purposes of Prohibition on Acceptance of Compensation in Connection with Certain Teaching, Speaking and Writing Activities (RIN: 3209–AA04) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5256. A letter from the Administrator, Office of Management and Budget, transmitting a copy of the report, ''Making Sense of Regulation: 2001 Report to Congress on the Costs and Benefits of Regulations and Unfunded Mandates on State, Local and Tribal Entities,'' pursuant to 2 U.S.C. 1538; to the Committee on Government Reform.

5257. A letter from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D–2002 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018–AH77) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5258. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Beaufort Channel, Beaufort, North Carolina [CGD05–01–001] (RIN: 2115–AE47) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5259. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Miami River, Miami, Dade County, FL [CGD07–01–053] (RIN: 2115–AE47) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5260. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Chester River, Kent Island Narrows, Maryland [CGD05–00–044] (RIN: 2115–AE46) January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5261. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Annisquam River, Blynman Canal, MA [CGD01–01–156] received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5262. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Modification to Special Local Regulation (SLR) for Seattle Seafair Unlimited Hydroplane Race [CGD 13–01–004] (RIN: 2115–AE46) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5263. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Certification of Navigation Lights for Uninspected Commercial Vessels and Recreational Vessels [USCG–1999–6580] (RIN: 2115–AF70) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5264. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; San Francisco Bay, California [CGD 11–01–013] (RIN: 2115–AE84) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5265. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Repair Criteria) [Docket

No. RSPA–99–6355; Amendment 195–74] (RIN: 2137–AD61) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5266. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators With Less Than 500 Miles of Pipelines)[Docket No. RSPA–00–7408; Amdt. No. 195–76] (RIN: 2137–AD49) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5267. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe Aerospatiale Models TB 9, TB 10, TB 20, TB 21, and TB 200 Airplanes [Docket No. 2001–CE–09–AD; Amendment 39–12502; AD 2001–23–05] (RIN: 2120–AA64) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5268. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2001–NM–02–AD; Amendment 39–12514; AD 2001–23–15] (RIN: 2120–AA64) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5269. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2001–NM–311–AD; Amendment 39–12585; AD 2001–26–19] (RIN: 2120–AA64) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5270. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200 Series Airplanes [Docket No. 2000–NM–351–AD; Amendment 39–12573; AD 2001–26–09] (RIN: 2120–AA64) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5271. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by Pratt & Whitney Model PW4000 Series Engines [Docket No. 2000–NM–19–AD; Amendment 39–12517; AD 2001–24–01] (RIN: 2120–AA64) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5272. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707–100, –100B, –300, and –E3A (Military Airplanes); 727–100 and –200; 737–200, –200C, –300, –400, and –500; 747SP and 747SR; 747–100B, –200B, –200C, –200F, –300, –400, and –400D; 757–200 and –200PF; and 767–200 –300 Series Airplanes [Docket No. 2000–NM–115–AD; Amendment 39–12518; AD 2001–24–02] (RIN: 2120–AA64) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5273. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 2000–NM–283–AD; Amendment 39–12568; AD 2001–26–04] (RIN: 2120–AA64) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5274. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 2000–NM–281–AD; Amendment 39–12566; AD 2001–26–02] (RIN: 2120–AA64) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5275. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 2000–NM–282–AD; Amendment 39–12567; AD 2001–26–03] (RIN: 2120–AA64) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5276. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–90–30 Series Airplanes [Docket No. 2000–NM–196–AD; Amendment 39–12520; AD 2001–24–04] (RIN: 2120–AA64) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5277. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2001–NM–354–AD; Amendment 39–12574; AD 2001–26–10] (RIN: 2120–AA64) received January 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5278. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000–NM–358–AD; Amendment 39–12521; AD 2001–24–05] (RIN: 2120–AA64) received January 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5279. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Memorandum of Understanding between the United States and the Government of the Republic of Bolivia concerning the imposition of import restrictions on archaeological material from the pre-Columbian cultures and certain ethnological material from the colonial and republican periods of Bolivia, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

5280. A letter from the Secretary, Department of Agriculture, transmitting the FY 2000 activities report on environmental assessment, restoration, and cleanup activities required by Section 120(e)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act; jointly to the Committees on Agriculture and Energy and Commerce.

5281. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''Study of Intravenous Immune Globulin Administration Options: Safety, Access and Cost Issues'' submitted in response to requirements of Public Law 106–113; jointly to the Committees on Ways and Means and Energy and Commerce.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PASCRELL:

H.R. 3639. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate $3 of their income tax liability for purposes of homeland security and further to establish an Office of Homeland Security within the Executive Office of the President; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H.R. 3640. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that individual account plans protect workers by limiting the amount of employer stock each worker may hold and encouraging diversification of investment of plan assets, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 3641. A bill to amend the September 11th Victim Compensation Fund of 2001 to delete the collateral compensation limitation; to the Committee on the Judiciary.

By Mr. BONIOR:

H.R. 3642. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require plan administrators of 401(k) plans to provide semiannual reports to participants and beneficiaries fully and accurately disclosing the financial health of the plan sponsor and promoting diversification of investment of their plan assets; to the Committee on Education and the Workforce.

By Mr. COLLINS (for himself and Mr. BISHOP):

H.R. 3643. A bill to designate the Federal building and United States courthouse located at 120 12th Street in Columbus, Georgia, as the ''J. Robert Elliott Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mr. GEPHARDT, Mr. WATT of North Carolina, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MARKEY, Mr. SANDERS, and Mr. STUPAK):

H.R. 3644. A bill to amend title 18, United States Code, to eliminate the securities fraud exception from the civil remedy for racketeering violations; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. FILNER, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. REYES, Ms. CARSON of Indiana, Mr. LYNCH, Mr. SANDERS, Ms. KAPTUR, Mrs. JONES of Ohio, and Mr. DINGELL):

H.R. 3645. A bill to amend title 38, United States Code, to provide for improved procurment practices by the Department of Veterans Affairs in procuring health-care items; to the Committee on Veterans' Affairs.

By Mr. HILLIARD:

H.R. 3646. A bill to amend the Small Business Act to increase the maximum amount for which a loan can be made under the Microloan Program; to the Committee on Small Business.

By Mr. LAHOOD:

H.R. 3647. A bill to extend the temporary suspension of duty on nicosulfuron formulated product (''Accent''); to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3648. A bill to extend the temporary suspension of duty on DPX-E9260; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3649. A bill to extend the temporary suspension of duty on DPX-E6758; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3650. A bill to extend the temporary suspension of duty on Carbamic Acid (U–9069); to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3651. A bill to suspend temporarily the duty on mixtures of N-[(4,6–Dimethoxypyrimidin-2-yl) aminocarbonyl]-3-(ethylsulfo l)-2-pyridine-sulfonamide; 2-(((((4,6–Dimethoxypyrimidin- 2-yl)aminocarbonyl))aminosulfo yl))- N,N-dimethyl- 3-pyridinecarboxamide; and application adjuvants; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3652. A bill to suspend temporarily the duty on mixtures of Methyl 3-[[[[(4-methoxy-6-methyl-1, 3,5-triazin-2-ly)amino[carbonyl] mino]sulfonly]-2-thiophenecarboxylate; Methyl 2-[[[[(4-methoxy-6-methyl-1, 3,5-triazin-2-yl)methylamino]car onyl]amino]sulfonyl ]benzoate; and application adjuvants; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3653. A bill to suspend temporarily the duty on mixtures of Methyl 3-[[[[(4-methoxy-6- methyl-1,3,5-triazin-2-ly) amino]carbonyl] amino]sulfonyl]- 2-thiophenecarboxylate and application adjuvants; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3654. A bill to suspend temporarily the duty on mixtures of Methyl 2-[[[[(4-methoxy-6-methyl- 1,3,5-triazin-2-yl) methylamino] carbonyl ]amino]sulfonyl]benzoate and application adjuvants; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3655. A bill to suspend temporarily the duty on mixtures of N-[(4,6–Dimethoxypyrimidin-2-yl) aminocarbonyl]-3-(ethylsulfo yl) -2-pyridine-sulfonamide; Methyl 3-[[[[(4methoxy-6-methyl-1,3,5-triazin-2-ly)amino]carbonyl]a ino]sulfonyl]-2- thiophenecarboxylate; and application adjuvants; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 3656. A bill to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Mr. GEPHARDT, Ms. PELOSI, Mr. BONIOR, Mr. FROST, Mr. CUMMINGS, Mr. BROWN of Ohio, Mr. BARRETT, Ms. LEE, Mr. STARK, Mr. FRANK, Mr. OWENS, Mr. MCGOVERN, Mr. TIERNEY, Mr. ANDREWS, Ms. MCCOLLUM, Ms. WOOLSEY, Ms. SOLIS, Mr. LAFALCE, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mrs. TAUSCHER, Ms. WATSON, Mrs. CLAYTON, Ms. BERKLEY, Mr. ACEVEDO-VILA, Mr. HONDA, Mr. PASTOR, Mr. STUPAK, Ms. BALDWIN, Mr. SABO, Ms. MILLENDER-MCDONALD, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Mr. PHELPS, Mr. OLVER, Mr. BACA, Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Mr. SAWYER, Mr. FARR of California, Mr. HINCHEY, Mr. HILLIARD, Mr. SANDLIN, Ms. SLAUGHTER, Mr. LANTOS, Mr. FALEOMAVAEGA, Ms. KAPTUR, Mr. BLAGOJEVICH, Mr. DOGGETT, Mr. ROHRABACHER, Ms. NORTON, Ms. RIVERS, and Mr. DINGELL):

H.R. 3657. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for improved disclosure, diversification, account access, and accountability under individual account plans; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia (for himself and Mr. MCGOVERN):

H.R. 3658. A bill to direct the Consumer Product Safety Commission to promulgate a consumer products safety standard that requires manufacturers of certain consumer products to establish and maintain a system for providing notification of recalls of such products to consumers who first purchase such a product; to the Committee on Energy and Commerce.

By Mr. MURTHA (for himself, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. MORAN of Virginia, Mr. UPTON, Mrs. MORELLA, Mr. ANDREWS, Mr. NORWOOD, and Mr. DOYLE):

H.R. 3659. A bill to provide disadvantaged children with access to dental services; to the Committee on Energy and Commerce.

By Mr. NADLER:

H.R. 3660. A bill to control the sale of gun kits; to the Committee on the Judiciary.

By Mr. NEY:

H.R. 3661. A bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers; to the Committee on Financial Services.

By Mr. ROTHMAN (for himself, Mr. OWENS, Mr. SMITH of New Jersey, Mr. PAYNE, Ms. CARSON of Indiana, and Mrs. CLAYTON):

H.R. 3662. A bill to amend the Electronic Fund Transfer Act to ensure the convenience of automated teller machines and the safety of the machines and the customers by establishing security measures for the machines, and for other purposes; to the Committee on Financial Services.

By Mrs. ROUKEMA:

H.R. 3663. A bill to repeal the provision of the September 11th Victim Compensation Fund of 2001 that requires the reduction of a claimant's compensation by the amount of any collateral source compensation payments the claimant is entitled to receive, and for other purposes; to the Committee on the Judiciary.

By Mr. SHIMKUS:

H.R. 3664. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991, relating to a rural access project in Mt. Vernon, Illinois; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey:

H.R. 3665. A bill to amend the September 11th Victim Compensation Fund of 2001 to ensure equity for victims; to the Committee on the Judiciary.

By Mr. THUNE:

H.R. 3666. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for economic recovery and to provide assistance to displaced workers; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY:

H.R. 3667. A bill to measure the self-sufficiency of families leaving State programs providing temporary assistance to needy families, and to provide an incentive for States to help move families toward self-sufficiency; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 309. Concurrent resolution recognizing the importance of good cervical health and of detecting cervical cancer during its earliest stages; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan:

H. Con. Res. 310. Concurrent resolution expressing appreciation to the courageous men and women of the Armed Forces and to participating nations for their dedication and sacrifice in Operation Enduring Freedom; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mrs. NORTHUP, Mr. TIBERI, Mr. BURTON of Indiana, Mr. SHAW, Mr. OBERSTAR, Mr. OXLEY, Mr. SMITH of New Jersey, Mr. BROWN of Ohio, Mr. CRAMER, Mr. KING, Mr. DELAHUNT, Mr. DEMINT, Mr. SOUDER, Mr. COSTELLO, Mr. HALL of Ohio, Mr. LATOURETTE, Mr. BOEHNER, Ms. KAPTUR, Mr. CHABOT, Mr. TRAFICANT, Mr. GILLMOR, Mr. PORTMAN, Mr. PICKERING, Mr. PHELPS, Mr. SAWYER, Mr. HOBSON, Mr. CAMP, Mr. SKEEN, Mr. STRICKLAND, Mr. MATHESON, Mr. MATSUI, Mr. KUCINICH, Mrs. MORELLA, Mr. NEY, and Mr. WELDON of Florida):

H. Res. 336. A resolution honoring the life of Rex David ''Dave'' Thomas and expressing the deepest condolences of the House of Representatives to his family on his death; to the Committee on Government Reform. considered and agreed to.

By Mr. ARMEY:

H. Res. 337. A resolution designating majority memebership on certain standing committees of the House; considered and agreed to.

By Mr. NADLER (for himself, Mr. ISRAEL, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. TOWNS, Mrs. MALONEY of New York, Mr. OWENS, Mr. MCNULTY, Mr. RANGEL, Mr. SERRANO, Mr. ACKERMAN, Ms. SLAUGHTER, Mrs. LOWEY, Mr. HINCHEY, and Ms. VELAZQUEZ):

H. Res. 338. A resolution recognizing the tragic effects of the September 11 attacks on the World Trade Center on New York State and New York City and expressing the renewed commitment of the House of Representatives to rebuild New York; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. HOEFFEL, and Mr. SMITH of New Jersey):

H. Res. 339. A resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections; to the Committee on International Relations.

By Mr. SWEENEY:

H. Res. 340. A resolution recognizing and honoring Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the Nation and to his community throughout his life; to the Committee on Government Reform.

By Mr. WELLER:

H. Res. 341. A resolution expressing the support of the House of Representatives for President Bush's tax cut for families and small businesses as embodied in Public Law 107–16 and opposing any effort to delay implementation of this tax cut; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI introduced A bill (H.R. 3668) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. PETRI.
H.R. 122: Mr. WILSON of South Carolina.
H.R. 168: Mr. WILSON of South Carolina.
H.R. 190: Mr. BRADY of Texas.
H.R. 218: Mr. OTTER, Ms. CARSON of Indiana, and Mr. THUNE.
H.R. 368: Mr. WILSON of South Carolina.
H.R. 397: Mr. UDALL of New Mexico, Mr. TIBERI, Mr. SANDERS, and Mrs. JO ANN DAVIS of Virginia.
H.R. 399: Mr. KANJORSKI, Mr. MASCARA, Mr. SERRANO, Mr. SMITH of Washington, Mr. GONZALEZ, Mr. DAVIS of Florida, Mr. WATT of North Carolina, Mr. HINCHEY, and Mr. GREEN of Texas.
H.R. 491: Mr. ABERCROMBIE, Mr. BONIOR, and Ms. SCHAKOWSKY.
H.R. 536: Mr. OWENS.
H.R. 563: Ms. NORTON.
H.R. 594: Mr. BONIOR.
H.R. 600: Ms. CARSON of Indiana.
H.R. 612: Mr. WILSON of South Carolina.
H.R. 632: Mr. WILSON of South Carolina.
H.R. 633: Mr. ISRAEL.
H.R. 638: Mr. FARR of California.
H.R. 690: Ms. HARMAN.
H.R. 746: Mr. WILSON of South Carolina.
H.R. 764: Mr. FORBES.
H.R. 792: Mr. WILSON of South Carolina.
H.R. 868: Mr. WILSON of South Carolina.
H.R. 887: Mr. ISRAEL.
H.R. 968: Mr. WILSON of South Carolina.
H.R. 986: Mr. EHLERS and Mr. JOHNSON of Illinois.
H.R. 1012: Mr. GOODLATTE and Mr. BLUMENAUER.
H.R. 1037: Mr. SOUDER.
H.R. 1073: Mr. WILSON of South Carolina.
H.R. 1086: Mrs. MORELLA.
H.R. 1109: Mr. BARR of Georgia, Mr. JEFF MILLER of Florida, Mr. WILSON of South Carolina, and Mr. MANZULLO.
H.R. 1146: Mr. BARTLETT of Maryland.
H.R. 1186: Ms. MCKINNEY, Mr. BROWN of Ohio, Mr. JACKSON of Illinois, and Ms. WATSON.
H.R. 1262: Mr. MOLLOHAN, Mr. STRICKLAND, Mr. WEXLER, Mrs. JONES of Ohio, Mr. HASTINGS of Florida, Ms. DELAURO, Mr. WATT of North Carolina, and Mr. BAIRD.
H.R. 1296: Mr. BOUCHER and Mr. DOYLE.
H.R. 1297: Mr. SAXTON.
H.R. 1354: Mr. PRICE of North Carolina.
H.R. 1494: Mr. FARR of California.
H.R. 1509: Mr. BAIRD.
H.R. 1512: Mr. WEINER.
H.R. 1530: Ms. DELAURO.
H.R. 1543: Mr. ISAKSON.
H.R. 1609: Mr. DAVIS of Florida and Mr. WILSON of South Carolina.
H.R. 1671: Mr. OWENS.
H.R. 1674: Mr. WILSON of South Carolina.
H.R. 1700: Mr. LYNCH and Mr. BAIRD.
H.R. 1723: Mr. TERRY, Mr. SAWYER, Mr. LUCAS of Kentucky, and Mr. ROTHMAN.
H.R. 1774: Mr. WILSON of South Carolina.
H.R. 1795: Mr. FALEOMAVAEGA, Mr. SIMPSON, Mr. LIPINSKI, and Mr. MCINNIS.
H.R. 1808: Ms. CARSON of Indiana.
H.R. 1810: Mr. MARKEY and Mr. LYNCH.
H.R. 1919: Mr. PLATTS and Mr. OTTER.
H.R. 2035: Mr. FRANK and Ms. MCCOLLUM.
H.R. 2073: Mr. HOLDEN.
H.R. 2097: Mr. BLUMENAUER, Mr. MATSUI, Mr. HINCHEY, and Mr. GUTIERREZ.
H.R. 2098: Mr. TOOMEY.
H.R. 2125: Mr. BARTLETT of Maryland and Mr. GILCHREST.
H.R. 2207: Mr. BAIRD, Mr. MCDERMOTT, and Mr. MCHUGH.
H.R. 2219: Mr. LANGEVIN, Mr. FALEOMAVAEGA, and Mr. HOLT.
H.R. 2220: Mr. SAXTON, Mrs. CLAYTON, and Mr. TIERNEY.
H.R. 2335: Mr. PETRI, Mr. PETERSON of Minnesota, Mr. BLUMENAUER, and Mr. MCNULTY.
H.R. 2339: Mr. WILSON of South Carolina.
H.R. 2341: Mr. HOSTETTLER and Mr. GEKAS.
H.R. 2349: Mrs. MCCARTHY of New York.
H.R. 2357: Mr. WILSON of South Carolina.
H.R. 2374: Mr. OTTER, Mr. NUSSLE, and Mr. GOODLATTE.
H.R. 2377: Mr. PRICE of North Carolina and Mr. WAXMAN.
H.R. 2379: Ms. ROS-LEHTINEN and Mr. BACA.
H.R. 2381: Mr. PAUL.
H.R. 2419: Mr. TOWNS and Mr. FALEOMAVAEGA.
H.R. 2426: Mr. VITTER.
H.R. 2457: Mr. PENCE.
H.R. 2492: Mrs. WILSON of New Mexico.
H.R. 2623: Ms. CARSON of Indiana and Ms. MCCOLLUM.
H.R. 2628: Mr. ADERHOLT and Mr. WICKER.
H.R. 2629: Mr. PRICE of North Carolina, Mr. ETHERIDGE, and Mr. GOODLATTE.
H.R. 2630: Mr. EVANS.
H.R. 2637: Mr. WILSON of South Carolina.
H.R. 2638: Mr. BOUCHER, Mr. EDWARDS, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. LAMPSON, Mr. PHELPS, Mr. GIBBONS, and Mr. SAWYER.
H.R. 2670: Mr. ANDREWS.
H.R. 2710: Mrs. WILSON of New Mexico.
H.R. 2723: Mr. STARK.
H.R. 2725: Mr. WILSON of South Carolina.
H.R. 2775: Ms. RIVERS.
H.R. 2817: Mr. KELLER, Mr. TOM DAVIS of Virginia, Mr. FALEOMAVAEGA, Mr. PLATTS, MR. MCHUGH, and Mr. HOSTETTLER.
H.R. 2820: Mr. GOODLATTE and Ms. ROS-LEHTINEN.
H.R. 2847: Mr. ISAKSON and Mrs. CHRISTENSEN.
H.R. 2868; Mr. HOLT and Mr. GILMAN.
H.R. 2907: Mr. BAIRD.
H.R. 2908: Ms. NORTON, Mr. MATSUI, Mr. CLYBURN, and Mr. RODRIGUEZ.
H.R. 2957: Mr. FALEOMAVAEGA.
H.R. 3007: Mr. FORBES and Mr. MALONEY of Connecticut.
H.R. 3025: Mr. WATTS of Oklahoma.
H.R. 3041: Mr. BONILLA and Ms. NORTON.
H.R. 3105: Mr. WAMP.
H.R. 3113: Mr. DAVIS of Illinois and Mr. LANTOS.
H.R. 3115: Ms. CARSON of Indiana.
H.R. 3131: Mr. MCKEON.
H.R. 3139: Mr. BRADY of Texas.
H.R. 3157: Ms. NORTON.
H.R. 3182: Mr. CONYERS and Mr. WEXLER.
H.R. 3186: Ms. ROS-LEHTINEN.
H.R. 3192: Mrs. MCCARTHY of New York, Mrs. JOHNSON of Connecticut, Mr. CASTLE, and Mr. ISRAEL.
H.R. 3244: Mr. FERGUSON, Mr. BROWN of Ohio, Mr. INSLEE, Mr. LANTOS, Mrs. WILSON of New Mexico, Mrs. NAPOLITANO, Mr. BLAGOJEVICH, Mr. PAYNE, Mr. STUPAK, Mr. DUNCAN, Mr. SKELTON, and Mr. SUNUNU.
H.R. 3274: Mr. WATT of North Carolina.
H.R. 3278: Mr. PLATTS, Mr. BORSKI, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. WOLF, Ms. BALDWIN, Mr. BLUMENAUER, Mr. BLAGOJEVICH, and Mr. SANDERS.
H.R. 3281: Ms. NORTON.
H.R. 3285: Mr. MEEHAN.
H.R. 3331: Ms. NORTON.
H.R. 3336: Mr. FALEOMAVAEGA and Mr. STARK.
H.R. 3337: Mr. MATHESON, Mr. LANTOS, Mr. MASCARA, Mr. GREEN of Texas, Mr. BLAGOJEVICH, Mr. OTTER, and Ms. BROWN of Florida.
H.R. 3340: Mr. WAXMAN.
H.R. 3351: Mr. MASCARA, Mr. BARTLETT of Maryland, Mr. HONDA, Mr. UDALL of Colorado, Mr. KIND, and Mr. WELDON of Pennsylvania.
H.R. 3354: Mr. ENGEL, Mr. PASTOR, Mr. FILNER, Mr. WAXMAN, and Mr. KILDEE.
H.R. 3359: Mr. BRADY of Pennsylvania, Mr. GREEN of Texas, Mr. CROWLEY, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. HONDA, Mr. CRAMER, Ms. DELAURO, Ms. BALDWIN, and Mr. JEFFERSON.
H.R. 3368: Mr. FALEOMAVAEGA.
H.R. 3389: Mr. TAUZIN, Mr. SPRATT, and Mr. CLYBURN.
H.R. 3414: Mr. GUITERREZ, Ms. HARMAN, and Mr. BACA.
H.R. 3431: Mr. FATTAH, Mr. BONIOR, Mr. HAYWORTH, Mr. QUINN, Mr. FRANK, Mr. BOEHLERT, Mr. HANSEN, Mr. HOUGHTON, Mr. KING, Mr. SANDERS, Mr. YOUNG of Florida, and Ms. ROS-LEHTINEN.
H.R. 3443: Mr. FROST, Mr. SCHROCK, Mr. GIBBONS, Mr. WILSON of South Carolina, and Ms. BROWN of Florida.
H.R. 3453: Ms. BALDWIN.
H.R. 3462: Mr. HAYWORTH, Mr. FRANK, and Mr. SANDERS.
H.R. 3463: Mr. ABERCROMBIE, Mr. OWENS, Mr. HOEFFEL, Mr. LUTHER, Mr. SANDERS, Ms. CARSON of Indiana, and Ms. RIVERS.
H.R. 3465: Mr. GEPHARDT, Mr. TURNER, Mr. SHAYS, Mr. HASTINGS of Florida, Ms. DELAURO, Ms. BROWN of Florida, Mr. MATHESON, and Ms. BERKLEY..
H.R. 3478: Mr. ISSA and Mr. SCHROCK.
H.R. 3482: Mr. ENGLISH.
H.R. 3495: Mr. HOSTETTLER.
H.R. 3509: Ms. RIVERS.
H.R. 3515: Mr. BAIRD.
H.R. 3524: Mr. MCDERMOTT and Mr. KUCINICH.
H.R. 3533: Mr. SANDLIN, Mr. MOORE, and Mr. CANTOR.
H.R. 3555: Mr. WU.
H.R. 3569: Mr. GOODE and Mr. SANDERS.
H.R. 3584: Mr. FOLEY.
H.R. 3595: Ms. CARSON of Indiana.
H.R. 3622: Ms. SLAUGHTER.
H.R. 3630: Mr. SHAW.
H. Con. Res. 97: Mr. COSTELLO.
H. Con. Res. 162: Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, and Ms. SOLIS.
H. Con. Res. 177: Ms. BROWN of Florida, Mr. CLAY, and Ms. DELAURO.
H. Con. Res. 290: Ms. DELAURO, Ms. WOOLSEY, and Ms. KILPATRICK.
H. Con. Res. 303: Mr. STUMP, Mr. SESSIONS, Mr. CRANE, Mr. GIBBONS, Mr. MCKEON, Mr. OXLEY, and Mr. SENSENBRENNER.
H. Res. 98: Mr. HOLT.
H. Res. 120: Mr. JEFFERSON, Ms. KILPATRICK, Mr. KENNEDY of Rhode Island, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mrs. ROUKEMA, Mr. KILDEE, and Mr. FORD.
H. Res. 225: Mrs. CLAYTON, Mr. FORD, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. OWENS, Ms. MCKINNEY, Ms. WATERS, Mr. PASTOR, Ms. SCHAKOWSKY, Mr. BISHOP, Mrs. MEEK of Florida, and Mr. CLYBURN.
H. Res. 313: Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. SANDERS, and Ms. MCCOLLUM.
H. Res. 335: Mr. HOEKSTRA, Mr. ENGLISH, Mr. VITTER, Mr. PLATTS, Mr. BAKER, Mr. SMITH of New Jersey, Mr. BACA, Mr. BACHUS, Mr. DAVIS of Illinois, Mr. ISRAEL, Mr. MCINNIS, and Mr. GRUCCI.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, JANUARY 29, 2002 No. 5

# Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable BENJAMIN E. NELSON, a Senator from the State of Nebraska.

## PRAYER

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

Almighty God, Sovereign of America, source of our unity, and strength of our lives, we praise You for the privilege of living in this land of freedom and opportunity. On this day of the State of the Union Address by President George W. Bush, we ask for Your continued blessing on him. We thank You for him, his firm faith in You, his courageous leadership in the battle against terrorism, and his commitment to seek what is best for America.

Today, we renew our loyalty to our President as Commander in Chief, our attentiveness to listen to his vision, and our thoughtful reflection on his convictions on issues. Most of all, when he stands before the joint session of Congress and the Nation, may he feel our friendship, esteem, and encouragement. Bless the First Lady, Laura Bush, Vice President CHENEY, the President's Cabinet, and all who work with him in confronting the crises of our world in this turbulent, terrorist-troubled time. Be with the Senators as they affirm their primary commitment to You, their patriotism for America, and their creative debate on the soul-sized issues before our Nation. God, bless America and both Houses of Congress on this important day. Amen.

## PLEDGE OF ALLEGIANCE

The ACTING PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, January 29, 2002.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN E. NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

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

## RESERVATION OF LEADER TIME

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

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

## SCHEDULE

Mr. REID. Mr. President, as the Presiding Officer indicated, we will be in a period of morning business until 11 o'clock this morning. At 11 a.m. the Senate will resume consideration of H.R. 622, the economic stimulus bill, with the Durbin unemployment insurance amendment pending. There will be 30 minutes of debate for that amendment, and at 11:30 we will vote.

The Senate will recess from 12:30 until 2:15 today for weekly party conferences. I advise Members there are some amendments pending. The next two amendments in order will be those from this side of the aisle. I say to anyone who has any debate they want to have in relation to these amendments or the bill itself, this afternoon would be a good time. The leader has not announced whether there will be more votes this afternoon, but there very likely could be more. As we know, this afternoon we have a number of other things going on here.

Tonight is that time of the year when we will have the President coming from 1600 Pennsylvania Avenue to give his State of the Union Address. We anticipate that with relish. We look forward to that, as well as seeing how we can help him in his battle against terrorism and working to defeat the economic crisis we have at home.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I join with the Senator from Nevada in urging people to come to the floor with amendments. I am pleased we have had the opportunity to present amendments. I think the bill initially was not adequate. We do need to do that, and we are going to have an opportunity. I urge all Members to do that. We need also, of course, to give some thought to our spending. It looks as if it will be a real issue. We will be spending out of control if we are not careful.

I yield the floor.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. with Senators permitted to speak therein for up to 10 minutes each.

## RONALD REAGAN BOYHOOD HOME NATIONAL HISTORIC SITE

Mr. REID. I ask consent the Senate proceed to Calender No. 307, H.R. 400.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 400) to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 400) was read the third time and passed.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

## HISTORY STANDARDS IN NEW JERSEY TEXTBOOKS

Mr. BENNETT. Mr. President, yesterday there was an article in the newspaper that caught my attention. I hope sincerely that the article was incorrect. All Members have had the experience of being quoted in the newspaper and wondering where the reporter got the information that was the basis of the story. I hope that is the case with this article.

It was reported in the State of New Jersey a new set of history standards have been adopted and that textbooks in New Jersey high schools dealing with American history will now fail to mention the names of George Washington, Benjamin Franklin, or Thomas Jefferson. Further, it said the word ''war'' had been removed from the textbooks and in its place we have the word ''conflict,'' and there would be no discussion of wars.

Mr. President, I hope this is incorrect. It indicates that at least someone in New Jersey is prepared to make that State an isolated island of ignorance about American history. To think we can bring citizens into maturity in this country without their having any understanding of, indeed, no mention of, the names of George Washington, Benjamin Franklin, Thomas Jefferson, and the other Founding Fathers is absurd.

One of the best-selling books currently in the marketplace is the history of John Adams by David McCullough. On the dust jacket of the book, McCullough says, accurately, we as Americans cannot know too much about our Founding Fathers. We must never forget them. We must always learn as much as we possibly can about them.

I would say to those who are supporting this position in New Jersey schools, how are you going to explain to your students the fact that we take the Fourth of July as a holiday in this country if you are not going to tell them anything about the Revolutionary War? If you cannot even use the word ''war,'' how are you going to explain to these students that the country honors those who founded it and who fought that war; if you can't tell them the name of the commander of the Continental Army and the forces on the American side of that war because you think that name somehow no longer matters?

How are you going to describe what happened on the Fourth of July if you cannot use the name of Thomas Jefferson, the author of the Declaration of Independence, that was proclaimed to the country on that day? How are you going to explain to high school students who decide they are going to enter public service, and take an oath of office, that they are swearing to uphold and defend the Constitution of the United States when you will not have been able to describe the Constitutional Convention, the President of which was George Washington, and one of the leading figures in which was Benjamin Franklin, if you have exorcized the names of Washington and Franklin from your textbooks? What meaning does the oath of office have if you cannot explain where the Constitution came from or describe the convention that created it?

How are you going to describe some of the major problems that have existed in this country stemming from the great battle that was the Civil War, that went across five Aprils, and divided this country in a fundamental way that has taken us a century or more to heal?

No, we can't discuss that. We can talk about conflicts, but we will not discuss the leaders of that war. We will not discuss many of the problems of that war because it isn't politically correct to raise those issues anymore.

We have talked about history in this Chamber before. There have been those who have been trying to rewrite our history, trying to change it and shape it and slice it and dice it in ways that become politically correct in today's mode of conversation. You cannot do that and be accurate to the requirement of telling the truth about what really happened.

That is Orwellian. We read the novel by George Orwell, ''1984,'' in which the hero of the novel spent all of his time at his job changing the past. He worked for the Ministry of Truth and his job was to go back and correct the record so as to rob the present society of a true understanding of the past in the name of the state, thus the adjective ''Orwellian'' entered our language.

What is being proposed in New Jersey is Orwellian. It is stupid and it needs to be condemned.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

## UNEMPLOYMENT BENEFITS EXTENSION

Mr. DAYTON. Mr. President, I rise today to speak on behalf of the amendment offered by my very distinguished colleague, the Senator from Illinois, Mr. DURBIN, regarding unemployment benefits for Americans who are not now receiving them. The legislation offered by Senator DASCHLE has a very important provision to extend unemployment benefits by 13 weeks for the people in this country who are receiving unemployment now and whose benefits are scheduled to run out in the very near future.

We have lost, in this country, almost 2 million jobs since January of a year ago. Yet we have not done what this Congress has done in most previous recessions, certainly the last two or three recessions, which is to extend unemployment benefits. Already in Minnesota, and I am sure in other States, the unemployment benefits are running out for people who lost their jobs earlier in the year. It is just simple decency, it is simple justice, to be offering that extension now.

In fact, as you know, we have tried to do that in this body, for instance, last September, at the time we passed legislation to prevent a bankruptcy in our Nation's airlines. At that time, many of us wanted to increase the unemployment benefits duration and were then not able to do so.

This is something that is long overdue. I commend our majority leader for making that a keystone of his proposal now on economic stimulus. I was delighted to read the President purportedly will be indicating his support for extending unemployment benefits tonight. So I hope this is something we will be able to address on a bipartisan basis.

Additionally, however, reports are that over half of the Americans who are out of work, who have lost their jobs during this last year, are not receiving any unemployment benefits whatsoever. They are not eligible. Even though they were working Americans, even though they have been in the workforce, because they held only part-time jobs, because maybe they held multiple part-time jobs, they are not receiving any unemployment benefits whatsoever. That is over half of the people who are out of work in this country, including my State of Minnesota.

That is a national disgrace. That totally repudiates the kind of safety net that we say we are going to create for people who, through no fault of their own, who through no choice of their own, are thrown into economic hard times, their families into economic despair. They lose their health benefits; they lose their income; they lose their jobs. No wonder people are devastated by that kind of experience.

The amendment of Senator DURBIN very importantly would extend unemployment coverage for those 13 weeks to men and women throughout this country who have just lost their jobs but are now not receiving any unemployment benefits whatsoever. The Durbin amendment would also slightly

increase the amount of money that those who are receiving unemployment benefits will get during those 13 weeks because, again, we are talking about people who, through no fault or choice of their own, are thrown out of the workforce.

In many States, those unemployment benefits are not even enough to reach a bare minimum poverty level. We can afford to be generous. We can't afford not to be generous for people in that circumstance.

I commend Senator DURBIN for this important addition to Senator DASCHLE's amendment. I hope we will receive today the kind of compassion and support the President purportedly will be calling for tonight, and that we can do, in advance of his speech, what we should have done months ago, which is to provide this extension and include others in it.

Mr. President, I yield the floor and 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Mr. President, it is my understanding, under a previous unanimous consent request, I am recognized now between 11 and 11:30 to share time with those in support and in opposition to my amendment, and at 11:30 there will be a vote on my amendment No. 2714.

The ACTING PRESIDENT pro tempore. The Senator is correct.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. CLINTON). Morning business is closed.

## HOPE FOR CHILDREN ACT— Resumed

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

Pending:

Daschle/Baucus amendment No. 2698, in the nature of a substitute.

Durbin amendment No. 2714 (to amendment No. 2698), to provide enhanced unemployment compensation benefits.

Nickles (for Bond) amendment No. 2717, to amend the Internal Revenue Code of 1986 to provide for a temporary increase in expressing under section 179 of such code.

Reid (for Baucus/Torricelli/Bayh) amendment No. 2718 (to amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide for a special depreciation allowance for certain property acquired after December 31, 2001, and before January 1, 2004.

Reid (for Harkin) amendment No. 2719 (to amendment No. 2698), to provide for a temporary increase in the Federal medical assistance percentage for the medicaid program for fiscal year 2002.

Allen amendment No. 2702 (to the language proposed to be stricken by amendment No. 2698), to exclude from gross income certain terrorist attack zone compensation of civilian uniformed personnel.

Reid (for Baucus) amendment No. 2721 (to amendment No. 2698), to provide emergency agriculture assistance.

Bunning/Inhofe modified amendment No. 2699 (to the language proposed to be stricken by amendment No. 2698), to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies.

Hatch/Bennett amendment No. 2724 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to allow the carryback of certain net operating losses for 7 years.

Domenici amendment No. 2723 (to the language proposed to be stricken by amendment No. 2698), to provide for a payroll tax holiday.

Allard/Hatch/Allen amendment No. 2722 (to the language proposed to be stricken by amendment No. 2698), to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

### AMENDMENT NO. 2714

The PRESIDING OFFICER. Under the previous order, there shall be 30 minutes of debate on the pending Durbin amendment No. 2714, to be equally divided in the usual form.

Mr. DURBIN. Madam President, this is an amendment to the economic stimulus bill, and it relates to unemployment compensation. There are many arguments that I will make about the justice and fairness of this amendment, but that is not where I am going to start. I want to start with the economics of this amendment.

This is an economic stimulus bill. It is not designed first and foremost to be a bill for restoring justice to unemployment compensation, although I think this amendment achieves that. The first thing it is supposed to do is help the economy move forward. If there is a problem in America's economy today that is easily defined, it is the fact that we have an overcapacity and overproduction of goods and services and limited demand. As a result, businesses across America have said: People are not buying as much as they used to, so we are going to cut back on production. We are going to lay off workers.

That has had a ripple effect in the wrong direction. It has created a recession, which has created unemployment, which has lessened business activity. First and foremost, whatever we do in an economic stimulus package should attack this problem. First and foremost, it should stimulate demand and spending for goods and services. And in stimulating that demand, I believe it will increase the demand for production, and it will increase employment in production industries and start this economy back on the road again.

Here is something that should be kept in mind. For every dollar we put into the economy, we get an impact. We don't know what the impact might be until we see who receives the dollar. If you happen to be a person of great wealth who, frankly, doesn't take each dollar you receive and put it into a purchase, then what they call the multiplier effect might not even be a dollar for a dollar. That dollar may go into a savings account or into an investment. It won't go into the actual demand for goods and services that creates the jobs I mentioned.

We know dollars given to unemployed people are dollars that are spent and respent in a hurry. In fact, the Labor Department has come out with a study that says for every dollar in unemployment benefit we put into the economy, it increases the gross domestic product, the sum total of goods and services in America, by $2.15. These funds are spent and turned over several times in the economy. So if we want to really get the engine roaring when it comes to demand, give the money to the people who are struggling on a daily basis. They will spend it in a hurry. They need to spend it on the obvious necessities of life.

First and foremost, this is an economic stimulus amendment.

Let me speak to the justice and fairness of this amendment. It is a sad reality that only 33 percent of the people who are unemployed receive unemployment insurance. This was not always the case. In fact, not too long ago, 75 percent of unemployed people received unemployment insurance. That was in 1975, 27 years ago. Now it is down to 33 percent. Why the difference? Why is it if you were unemployed in 1975, you were much more likely, more than twice as likely to receive unemployment insurance? Because the nature of employment has changed in America. It is no longer the full-time employee, the 40-hour-a-week employee, who is unemployed. More and more, it is the part-time employee. It is the mother with children, taking a job and only working 4 days a week and who doesn't get any benefits on the job, who finally loses that job and then, unemployed, turns to a system which says: No, the door is closed. We don't have unemployment insurance for part-time workers.

My amendment seeks to do two things: first, to increase unemployment insurance benefits by providing an additional 15 percent or $25, which isn't a huge sum, but it can be helpful to people who are unemployed. Sadly, the unemployment insurance payments to individual workers across America have been falling behind. Take Illinois, for example. The average benefit is only $1,005 a month. The average rent for a two-bedroom apartment is $776 a month. A family couldn't even pay the rent on that money, never mind food, clothes, utilities, and all other family expenses.

Since 1990, we have seen the percentage of lost income replaced by unemployment benefits falling 5 percent. The decline has had a serious impact

on a lot of families. Benefits vary by State, but the maximum benefits are as low as $190 a week. Think about keeping a family together with an unemployment payment of $190 a week. What we are trying to do is to give a slight increase, a deserved increase in unemployment insurance benefits.

Secondly, we expand coverage. As I mentioned, take a look at unemployed Americans today compared to 25 years ago. You will find more and more unemployed part-time workers. Because of the calculation of unemployment insurance benefits, they ignore the 6 months before a person loses the job. So many people who have only had a job for a short period of time qualify for nothing. So you have fewer and fewer people with this coverage.

We have to supplement this current unemployment insurance program to provide coverage for welfare-to-work people, women and others who played by the rules and paid into the system. These workers finance the UI fund during many good times, and surely we ought to help them in the bad times.

Women comprise 70 percent of the part-time workforce, 65 percent of service sector workers. They work in the industries hardest hit by the economic downturn. Last year, only 23 percent of unemployed women in America qualified for unemployment insurance benefits.

Remember what we are telling women. We are saying to women: We really would like you to stay home with the kids more. That is kind of our message. Yet many women find they can't keep their family together unless they give a helping hand. Some of them are single mothers. They take a part-time job, maybe the best they can get, maybe all they want, so they can spend more time with the kids. Then they lose their job. Then they get no help from unemployment insurance because they were part-time workers.

This amendment extends unemployment insurance benefits to cover those part-time workers, particularly helping those women who are a disproportionate share of workers affected by it.

According to the GAO, low-wage workers are half as likely to receive benefits than other unemployed workers, even though they are twice as likely to be unemployed. So those are the things we do. We increase the benefits under unemployment insurance. We expand the eligibility so that temporary and part-time workers will at least get a helping hand.

The $15 billion that we estimate this will cost will come entirely out of the unemployment insurance funds in Washington. There is no burden placed on employers or States. It is money collected. It is temporary. It is a kind of helping hand which will stimulate the economy, No. 1, and, No. 2, do the right and fair thing for workers across America.

What does it mean in a few States? Let me give an example. In Illinois, it means that 590,000 unemployed Illinoisans, because of this amendment, will get a helping hand.

Let me pick another State. Let's try Iowa: 157,000 workers in Iowa, under the Durbin amendment, will receive benefits or increased benefits that they otherwise would not have received. Take a look at the part-time workers in the State of Iowa: 11,000 people, unemployed part-time workers in that State will now receive some benefit from unemployment insurance. In my State of Illinois, it is 54,000, a larger State.

I can go through the list, and I am going to put it on the table when we vote. Look at the real numbers of real people who are suffering in your States because of being unemployed and falling through the cracks. This Durbin Amendment tries to close the cracks. I thank Senator WELLSTONE of Minnesota, Senator DAYTON as well, and Senator LANDRIEU and those who have cosponsored this amendment. I will stop now because I want to give some of them an opportunity to speak.

I will yield to the Senator from Iowa or anyone who is going to speak.

Mr. GRASSLEY. Does the Senator from Minnesota want some time?

Mr. DURBIN. The Senator can wait for the Senator from Iowa. We will save some time for important closing remarks.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. First of all, I need to know how much time our side has.

The PRESIDING OFFICER. Fifteen minutes.

Mr. GRASSLEY. Madam President, I will yield myself such time as I might consume. If anybody on my side would like to have some time, I will be glad to share some time with them.

First, I have a philosophical comment based on the history of unemployment compensation legislation. We have set some national policy, but the details of our unemployment compensation regime historically—and I think I would be referring to six or seven decades of American history—have been left to the States to fill in the details. That is because we were then and still are a Nation that is very geographically vast and a country where our population is very heterogeneous—more so now than 70 years ago—to a point where Members of Congress and Presidents have felt it would be wrong to pour one mold in Washington, DC, that we would call an unemployment compensation insurance mold and have our country, which varies from one State to another—and the needs of one State to another, consequently, vary—that it would be wrong to pour that mold in Washington and force every State to treat unemployed workers exactly the same way.

All knowledge doesn't repose here in Washington, DC. There is a great deal of knowledge—maybe more so—with the State legislators than in Washington, DC. Consequently, we have left it to the wisdom of a lot of States to do, in a sense, their own thing with the broad Federal policy—how to treat and compensate the safety net of unemployment insurance. Now we have this approach, which I would not characterize as federalizing unemployment compensation, but obviously it federalizes to a much greater extent than we have right now the unemployment compensation legislation.

Again, we are going to say—if we adopt this—that there is more wisdom in Washington, DC, and in the Congress of the U.S. than in the New York legislature or the Illinois legislature as to how unemployed people in those States ought to be treated or compensated, et cetera. I oppose this amendment on that philosophical ground. But to be more specific, as an example of the wisdom that the Senator from Illinois is saying through his amendment that he knows better how part-time workers ought to be treated than the State legislatures do. Several States do allow part-time workers to be covered. My State of Iowa is one of those States that has decided to cover part-time workers.

So the legislature of my State, a very small State of 3 million people, with a low unemployment rate of 3 and a half percent right now—you might think, what is there about the Iowa legislature that they would cover part-time workers and some other larger State might not. Why did we leave it to the people of my State, the elected legislators, to make that determination? Why is not important. The fact is they did it. They did it because Congress, over several decades, has said we are going to leave that decision to the State legislatures.

Why do we think that we have all the answers here in Washington, DC? So it is fair to say that part-time workers are already eligible for unemployment benefits because there are no States that disqualify unemployed workers merely because they work part time. The issue is whether part-time workers should be allowed to collect unemployment benefits while refusing to accept a full-time job. If a job is available, why should any worker collect unemployment instead of going back to work? Part-time workers—in other words, if there is a job available—should not be on unemployment compensation. Unemployment compensation is not an incentive to keep you out of the workforce. It is historically—and rightfully so—to tide you over from a period of being disconnected with one job until you get back to that job, or until you have an opportunity to take a job someplace else.

Part-time workers are not entitled to benefits simply because their employer paid unemployment taxes. Employers pay unemployment taxes on numerous categories of workers who are not entitled to benefits, for that matter. Such categories would include corporate officers, full-time students, professional athletes, workers who quit their jobs, workers who are not seeking work,

workers who are not available for work, and workers who even refuse suitable work. There are a number of States that allow workers to limit their job search to part-time employment and still collect unemployment compensation. If that is what that State decides it wants to do, let that State do it accordingly.

However, this is voluntary State decision. The Federal Government has never dictated such eligibility standards to the States. There is no need for Congress to preempt State decisions on this matter. Expanding eligibility on the basis of part-time work would create new administrative burdens on the respective States. The States would have to decide what hours of the day and what days of the week are suitable for part-time work. As an example, if a worker loses his Monday, Tuesday, Wednesday, noon to 3 p.m. cashier job, can that person still collect unemployment benefits if he refuses to accept a Thursday, Friday, Saturday 3 p.m. to 6 p.m. cashier job?

So State unemployment agencies, right now, lack the resources that it takes to investigate contested claims, like I just described, and others that are too numerous to describe at this point. Thus, it is for that administrative body to make accurate determinations so that you have the enforcement of the unemployment compensation laws done in a fair way. That is why it is wrong, it seems to me, to establish this policy, as if Congress knows what is best for the 50 States and knows that it can be enforced in a certain way, or let the individual State legislatures make the determination on how they want to expand their unemployment compensation laws, and at the same time they will know whether or not they have the administrative capability of enforcing the law the way the State legislature put it.

Case law for part-time workers is going to take years to develop. It is not going to take years in Iowa because we have that decision made and there is a lot of case law there right now. Most part-time workers live with other workers. Thirty-five percent are married with a working spouse. Thirty percent of these part-time workers are children with working parents. Most of the time when workers live with another worker, they will have less incentive to seek new employment—a factor that should be taken into consideration when you start to cover a new class of people at the Federal level without letting the States make that determination. One of the premises of unemployment compensation for anybody is that you be actively seeking a job, that you are out there going door to door to put in your application, asking if there are any vacancies, and to try to benefit yourself during a process in which you are being helped by the unemployment compensation regime to make sure that you have basic necessities while you are trying to make this determination. It is not meant to pay people who are not actively seeking jobs.

So there ought to be some relationship between those and the extent to which we include part-time workers. Without the State making that determination, there might not be that continued relationship that is a basic philosophical underpinning of our unemployment compensation laws.

It seems to me that if we allow this disincentive in accepting new employment, this will lead to longer and more frequent spells of unemployment, more Government spending, and, in the process, reduced economic growth because economic growth is directly related to the productivity of the workers.

Moreover, the provision we are discussing will allow full-time workers to switch to part-time status for unemployment purposes. This will result in even more unemployment and further loss of economic output.

At this point, I am going to yield the floor for colleagues, but I have only spoken to one part of the Durbin amendment, that part dealing with covering part-time workers. There are other parts to it, but I think my underlying philosophical objection will apply to all parts: that all knowledge on unemployment compensation does not rest in the Congress of the United States. We have had this seven-decade tradition of leaving it to the States to fill in the details.

This amendment departs from that tradition. Why should we depart from that tradition? We are departing during a time of 5.8-percent unemployment. We did not depart to this extent when we had 10- and 12-percent unemployment, or at least on all these parts that the Senator from Illinois will try to change. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. DURBIN. Madam President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I cannot do this in a minute, but I will try.

My colleague from Iowa is grasping at straws. This is not about States rights; it is about workers' rights. This is about helping in Minnesota 217,218 workers. This is about helping working poor part-time workers.

My phone is not ringing off the hook. In fact, we talked to people back home at the State level. Our State governments are not telling us do not give us additional help on unemployment insurance. There is no additional expenditure for the States. States are asking for the help. This is a matter of workers' rights. This is a matter of helping part-time workers, the working poor people, who then consume more which helps the economy. It is win-win-win.

I doubt whether Senators are getting a lot of pressure from the working families in their States, much less State officials, saying: Please, do not help us with unemployment insurance with people flat on their backs through no fault of their own.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes forty-five seconds.

Mr. DURBIN. I yield 2 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Madam President, I rise to support the Durbin amendment, and I will follow up on what the Senator from Minnesota said in two other ways. No. 1, this amendment is truly a stimulative amendment. Every dollar that will be paid out at no expense to our States will help thousands of people who are unemployed and underemployed by giving them a chance to collect some income while they look for other work and get back into the workforce. Every single dollar is basically going to be circulated back into our economy.

This amendment, as much as it is for unemployed workers, is for grocery stores, for restaurants, and for drugstores. It is for businesses, small businesses in Louisiana, in Illinois, in Minnesota, and in Iowa where the businesspeople are struggling. Why? Because no one is walking into their restaurants to buy the meal or to buy the item.

When we give, through unemployment benefits, dollars for our constituents, what will they do with them? They are not going to put it in their savings account. They most certainly are not going to buy stock. They are going to spend the money at the local restaurant, at the local drugstore, and at the local cleaners. That is why this effort helps us get our economy back. When consumers spend more money, then those business owners will hire another person or two and more people will get back to work.

No. 2, extending these benefits only helps our States. We are picking up the tab for it. Does it cost something? Yes. Is it somewhat expensive? Yes. But we can most certainly afford to help our States at this time since the loss is not due to anything they have done but due to the terrorist attacks and other factors that have affected our economy. I urge my colleagues to support this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time do we have remaining on this side?

The PRESIDING OFFICER. Four minutes eighteen seconds.

Mr. NICKLES. Madam President, I thank my colleague, Senator GRASSLEY, for his statement. I will make a couple of points and echo some of the things he said.

One point my colleague did not mention was how much this is going to cost. I have heard some people say this will cost $8 billion. I have heard other estimates that it will cost $10 billion.

I ask my colleague from Illinois, is that $15 billion in addition to the underlying amendment or $15 billion total? He is indicating it is in addition. Am I correct, in addition?

I do not know, and I will ask my colleague from Illinois if we have a CBO estimate on the cost of the amendment. I have not seen it.

Mr. DURBIN. Will the Senator yield for a moment? I was wrong; it is $15 billion total, not in addition to the underlying amendment.

Mr. NICKLES. If my memory serves me correctly, the Daschle amendment has an unemployment extension of 13 weeks, and that is about $8 billion, I believe. The cost of this is $15 billion. This amendment costs a lot of money, as can be expected, because when we hear people say it is going to benefit thousands of our constituents, from where is the money coming? It is coming from the Federal Government.

This is primarily a State program. We have to decide: Are we going to have the Federal Government take over State management of this program? That is what we are doing with this amendment.

This amendment determines what quarter or what eligibility period. In the past, States have always determined that. So we are going to tell every Governor: You are going to have to use the last quarter. We have not done that in the past. We are going to tell them: This is the quarter to use to determine eligibility and, incidentally, States, you could have provided assistance to temporary workers if you so chose, but now we are telling you you have to provide that assistance.

How do we define ''temporary''? My daughter is a senior at Oklahoma State University. She works X number of hours a week. That is temporary. It is not 40 hours a week; it is less than 40 hours. Is she eligible? I think she would be. She might be very displeased with my vote in just a moment.

This amendment costs a lot of money. A temporary worker is going to be eligible to receive the same weekly benefits as a full-time worker. Weekly benefits in New York are a whole lot more than in Oklahoma or a whole lot more than in North Dakota.

In some States, unemployment benefits are as low as $105 and some are $400. I believe New York is closer to $400, and I believe some States are only over $100. Yet we are going to tell those States not only that they have to increase their benefit by at least 15 percent and/or $25, whichever is greater but, yes, now it applies to temporary employees. Do those temporary employees work 10 hours a week, 20 hours a week, 4 hours a week? How far are we going to go in micromanaging who is eligible?

We are going to take a program primarily financed by the States—States have always determined eligibility; States have always determined benefits—and we are going to adjust those figures and say Uncle Sam is going to pick it all up and it is going to cost $15 billion.

I have serious reservations about that. I do not know that my daughter who is working part time to go to school should be qualifying for unemployment compensation. I do not think that is right. If the Federal Government assists her if she gets a student loan to go to school, that is one way. I do not think the unemployment system is the way we should be financing full-time students through part-time work. I think she would be eligible under this proposal. I do not think that is right.

I do not think it is right for us to use the guise of a so-called stimulus package and say let's just expand the program greatly beyond what most States have done. Most States do not pay unemployment compensation for part-time workers. They decided that. They have a State legislature. They meet on this issue. They know how much it costs, and yet we are going to do it very quickly and there are probably not three Senators who know how much this will cost.

We are going to tell the States they have to do it.

I think it is a serious mistake. I urge my colleagues to vote no on the amendment.

To alert my colleagues, I am going to make a budget point of order after the conclusion of the debate.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time is remaining?

The PRESIDING OFFICER. Two and a half minutes.

Mr. DURBIN. How much time is remaining on the other side?

The PRESIDING OFFICER. There is no time remaining.

Mr. DURBIN. Madam President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. I will be brief.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, since September 11, our Nation's workers have come together in the face of new challenges. Today, more than 8 million of these workers are unemployed and the unemployment rate is 5.8 percent and expected to climb to 6.5 percent. We need an effective economic recovery package to bring the unemployment rate down and help laid-off workers across the Nation.

We see more layoffs every day. United Airlines has laid off nearly 20,000 people since October. Lucent Technologies in North Andover, MA, recently laid off 1,700 workers. Toys R Us has just announced they were closing more than 60 stores and laying off 1,900 employees.

Some say the recession's end is near and recovery is around the corner. Even if those predictions come true, the consequences will linger for working families.

The unemployment rate will continue to rise. Laid-off workers will still have great difficulty finding new jobs, and other workers may still be facing layoffs.

More than 58,000 laid-off Massachusetts workers have exhausted their benefits in the last twelve months. This includes workers like Christina Young of Billerica, MA. Christina was laid off at the end of June and, since then she has been looking for a new job. She recently learned that she is pregnant. Christina's unemployment benefits, her husband's income and their savings were keeping them afloat, paying the mortgage, the expensive winter heating bills, their bills for health care and groceries. But Christina's unemployment benefits have run out, and now she can't afford her pre-natal care.

Selma Burgert of Malden, MA was laid off by Polaroid in May and her unemployment benefits ran out last month. She has been looking for work for months. But every time she applies for a job, she finds herself competing with two hundred to three hundred other applicants. She is fortunate to have savings to get by. Selma knows many people who aren't as fortunate, and have had to sell their homes or cut down on the food they provide for their families.

In communities throughout Massachusetts and the Nation, workers like Christina and Selma are running out of unemployment benefits while competing for the dwindling number of open jobs. How long are we going to wait before we help them? The time to do it is now. The amendment we are debating will make a big difference for these workers.

The American people strongly support our efforts to give workers the support and assistance they deserve. But some of our colleagues in Congress have stalled our efforts to help these courageous workers. Democrats have proposed an effective and balanced plan to stimulate the faltering economy, but our opponents have used procedural maneuvers to block the measure. When House and Senate negotiators tried to reach a compromise, our opponents delayed it at every turn.

They were unwilling to support any recovery package unless it contained tens of billions of dollars for new tax breaks for wealthy individuals and corporations, including $250 million in tax breaks for Enron. It makes no sense to hold laid-off workers hostage to such irresponsible and costly tax breaks.

Our opponents have consistently offered plans that failed the nation's workers. They offered a plan to extend unemployment benefits, but only to laid-off workers in a few states. They offered a plan to use National Emergency Grants for unemployment insurance, health care and job training, guaranteeing that few funds would actually go to unemployment insurance.

They offered a plan to provide Reed Act distributions that would primarily be used for State tax cuts and could go into State unemployment trust funds, instead of offering new or extended benefits.

Our amendment demonstrates our commitment to helping workers.

It updates the unemployment insurance system to meet the urgent needs of the economy. By improving unemployment insurance, our amendment both stimulates the economy and helps the families who need help the most. Every dollar invested in unemployment insurance boosts the economy by $2.15. Unemployment insurance also helps to prevent the loss of even more jobs during a recession.

The amendment makes three important changes. First, it extends unemployment benefits for 13 weeks for laid-off workers across the nation. Second, it expands the coverage to include laid-off part-time and low-wage workers who do not currently receive benefits. Third, it increases meager unemployment benefit levels. These changes will help nearly four-fifths of laid-off workers who currently are not receiving benefits.

Even during good times, about a third of those receiving unemployment insurance exhaust their benefits. During recessions, the number rises.

That's why Congress has provided federally-funded extended benefits repeatedly during recessions in the past.

Today, more than two million laid-off workers have already exhausted their benefits. How much longer are we going to wait before we help those workers? The time to help them is now.

Although part-time and low-wage workers are least likely to have savings and other safety-nets to help them, few are eligible for unemployment benefits. Laid-off part-time and low-wage workers have paid into the system, but they often fail to receive the benefits they need. Recent data suggest that only 18 percent of unemployed low-wage workers were collecting benefits. Expanding coverage will benefit more than 600,000 additional unemployed part-time and low-wage workers. The time to do it is now.

It is also time to increase weekly unemployment benefits by the greater of $25 a week, or 15 percent.

This increase in benefits, an average of $150 a month, will be an immediate stimulus to the economy. Unemployed households will spend it to pay the rent or a medical bill, buy groceries, keep the family car running, or hire a babysitter during job interviews.

Currently, unemployment benefits do not replace enough lost wages to keep workers out of poverty. In 2000, the national average unemployment benefit only replaced 33 percent of workers' lost income, a major reduction from the 46 percent of workers' wages replaced by jobless benefits during the recessions of the 1970's and 1980's. During an economic crisis, unemployed workers have few opportunities to rejoin a declining workforce. They depend on unemployment benefits. Adding $150 a month to unemployment benefits will stimulate the economy and help these laid-off workers support their families while they look for a new job.

More than three hundred thousand laid-off workers in Massachusetts would benefit from this amendment. At least thirteen million laid-off workers would benefit nationwide.

The American public is ready for honest action that genuinely helps these deserving workers. We passed an airline security bill, without providing any help for workers. We adjourned for the recess without providing any help for workers. We owe it to the millions of Americans who have lost their jobs to act now to provide the support they need and deserve.

In conclusion, Madam President, at the time of September 11, I think most of us believed there was a new spirit and a new atmosphere in this country. We have tried to respond to those who lost loved ones. We have seen generosity in reaching out to families all over this country. There is a new spirit in America for people who are hurting and are in need.

What we are talking about today are men and women who have lost their jobs, often as a result of the terrorist acts. There are other incidents where they might not be directly related, but by and large it is as a result of the terrorist attack. In this Senate, we hear Members nickel and dime American workers who work hard, play by the rules, put in a good day's work, and as a result of economic conditions have lost their jobs.

There is $38 billion that has been paid into a fund that otherwise would have gone to workers' salaries. That fund is out there, and we are using $15 billion. We used it four times in the 1990s, with seldom less than 90 votes—or 80 votes in the Senate. We are reaching out to part-time workers and low-income workers. They, too, have paid into that fund. The money is there for this kind of circumstance. It is there for the Federal Government to act.

Why? Because in many of these States there is an economic pinching. They cannot afford to take the kind of economic action, and that is why this program was developed. Now is the time to take the action. Let us not nickel and dime America's workers who have suffered as a result of the kinds of attacks we saw on this country. That is what this is about. Are we going to stand up for those men and women who want to work and should be able to work? This is what the Durbin amendment is about, and I look forward to supporting it.

Mr. DURBIN. Madam President, how much time is remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. DURBIN. This is not a State rights issue. It is all Federal money. The Governor of Oklahoma can decline the money. They do not have to help the 78,000 unemployed workers in Oklahoma who would be benefited by this. They can exert their State rights. They would be fools to do it because they know these people need a helping hand in Iowa, in Oklahoma, and in Illinois.

I really am saddened to hear the stereotype that unemployed people are lazy. Could any of us live on $1,000 a month? That is what these people are struggling to get by with. To give them $25 a week is the breaking point for too many Senators. Way too much, $25 a week? This is not even nickels and dimes.

These are women trying to keep their families together. These are mothers and fathers down on their luck. And this Senate cannot spare $25 a week? That is what this vote is all about. I hope the Members of the Senate will support the people who want to get back to work but need a helping hand and support the Durbin amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I raise a point of order under section 302(f) of the Congressional Budget Act against the pending amendment No. 2714 for exceeding the spending allocations of the Senate Committee on Finance.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), and the Senator from Connecticut (Mr. DODD) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Tennessee (Mr. THOMPSON) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) and the Senator from Oklahoma (Mr. INHOFE) would each vote ''no.''

The yeas and nays resulted—yeas 57, nays 35, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—57

| | | |
|---|---|---|
| Baucus | Byrd | Cleland |
| Bayh | Campbell | Clinton |
| Biden | Cantwell | Cochran |
| Bingaman | Carnahan | Collins |
| Breaux | Carper | Conrad |

| | | |
|---|---|---|
| Corzine | Johnson | Reed |
| Daschle | Kennedy | Reid |
| Dayton | Kerry | Rockefeller |
| DeWine | Kohl | Sarbanes |
| Dorgan | Landrieu | Schumer |
| Durbin | Leahy | Smith (OR) |
| Edwards | Levin | Snowe |
| Feingold | Lieberman | Specter |
| Feinstein | Lincoln | Stabenow |
| Graham | McCain | Torricelli |
| Harkin | Mikulski | Voinovich |
| Hollings | Murray | Warner |
| Inouye | Nelson (FL) | Wellstone |
| Jeffords | Nelson (NE) | Wyden |

NAYS—35

| | | |
|---|---|---|
| Allard | Frist | Miller |
| Allen | Gramm | Murkowski |
| Bennett | Grassley | Nickles |
| Bond | Hagel | Roberts |
| Brownback | Hatch | Santorum |
| Bunning | Helms | Sessions |
| Chafee | Hutchinson | Shelby |
| Craig | Hutchison | Smith (NH) |
| Crapo | Kyl | Stevens |
| Domenici | Lott | Thomas |
| Enzi | Lugar | Thurmond |
| Fitzgerald | McConnell | |

NOT VOTING—8

| | | |
|---|---|---|
| Akaka | Dodd | Inhofe |
| Boxer | Ensign | Thompson |
| Burns | Gregg | |

The PRESIDING OFFICER (Mrs. CARNAHAN). On this vote, the yeas are 57, the nays are 35. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Nevada.

Mr. REID. Madam President, just as a note to all Senators, we expect to have another vote very soon.

I would be happy to yield to my friend from Illinois.

Mr. DURBIN. I thank the Senator from Nevada. I would like to announce to the Senate that 57 votes were cast on this last amendment. Three members on the Democratic side were absent because of business they had to attend. It is my intention to reoffer this amendment later in the debate on this economic stimulus package.

Mr. REID. Madam President, I also want to extend my appreciation to the minority. We could have, through procedural means, gotten another vote on this anyway. But rather than go through all of that and waste the time of the Senate, we were told the Senator from Illinois could reoffer his amendment. I very much appreciate that.

AMENDMENT NO. 2717

I ask unanimous consent that there be 15 minutes for debate prior to a vote in relation to the Bond amendment No. 2717 with the time divided as follows: 10 minutes for Senator BOND, and 5 minutes for those who oppose the Bond amendment; and, at that time there be a vote in relation to that amendment with no amendments in order prior to that.

Mr. NICKLES. Madam President, reserving the right to object, I understand there are a couple more people on our side who wish to debate the issue. The chairman of the Finance Committee just suggested 30 minutes on each side. I know the Senator is also trying to work this around the two lunches. If he could modify his request and have 30 minutes on each side, that would be great.

Mr. REID. I suggest to my friend that maybe we ought to have 20 minutes on your side and 10 minutes on our side. In that way, we could be finished at a reasonable time for the conferences, which are kind of important today.

Mr. NICKLES. I will not object to that.

Mr. REID. Madam President, I amend my unanimous consent request to allow the Bond proponents to have 20 minutes and the opposition to have 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Madam President, I thank my friend and colleague. I say to my colleagues who said they wanted to speak on the amendment, we will now have a vote on the Bond-Collins amendment at 12:35. If they still wish to speak, they need to be coming to the Chamber shortly. I thank my friend from Nevada.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I yield myself 5 minutes from the time allotted on the amendment on this side.

The PRESIDING OFFICER. The Senator is recognized.

Ms. COLLINS. Madam President, I ask unanimous consent that the Senator from Kansas, Mr. BROWNBACK, be added as a cosponsor to this amendment.

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

Ms. COLLINS. Madam President, I am very pleased to join the Senator from Missouri in strong support of this amendment to help our small businesses. Over 95 percent of the businesses in this Nation qualify as small businesses. They are the businesses that are creating the vast majority of new jobs. Small businesses are the engine of our economy and the backbone of virtually every community in our country. Yet the economic stimulus package put forth by the majority leader does virtually nothing to stimulate this essential part of our economy. The Bond-Collins amendment would rectify this omission by allowing small businesses to expense up to $40,000 worth of new equipment that they placed in service this year, or will next year. That would give a real boost to the economy, and it would encourage those small companies that have put investment plans on hold, in the wake of the attacks on our Nation and the economic downturn, to proceed with their investment plans. That, in turn, would stimulate the production of more equipment and the creation of new jobs.

Let me give you an example from my home State of Maine of the positive impact that this amendment would have.

Terry Skillin, of Skillins Greenhouses, is a fourth-generation Maine family business, founded in 1885. Skillins employs between 70 and 120 employees, depending on the season, for its landscaping, greenhouse, and floral business.

Terry Skillins told me that his company is looking to expand but to do so takes money. From tractors to conveyor belts to machines that build flowerpots automatically, the equipment that he needs to buy is expensive. Terry said that raising the small business expense limit to $40,000 would help enormously, by allowing him to go ahead with a planned expansion.

Terry said something else that I think is very important and that we need to remember. He said it is critical that the increased expensing be available not only for the remainder of this year but for next year as well. He told me that it often takes more than one year for a small business to carry out an expansion plan, and that if the increased expensing were available for two years, his ability to grow Skillins Greenhouses over the entire period would be far greater.

I think we should heed Terry's advice and help small businesses so they can drive our economy back to prosperity.

It seems to me that, if we are striving to reach a consensus on the economic recovery package, as I believe we must do, we should include an amendment that is specifically targeted to helping our small businesses pull through this difficult time. Our amendment has been endorsed by the Nation's largest small business group, the National Federation of Independent Businesses. The NFIB represents 600,000 members nationwide and is key-voting this amendment.

Finally, I note that the idea of an expansion in the small business expensing provision has been common to many of the economic recovery plans that we have debated. It was part of both plans passed by the House of Representatives. It was included in the Centrist Coalition plan that six Members—three Members on each side of the aisle—negotiated this past December. It was also included in the Democrats' plan, which was supported by the Senate Finance Committee. Unfortunately, however, it is not in the plan before us.

The Bond-Collins amendment would seek to remedy that omission by providing the boost to small businesses. I am convinced that if we give tax incentive to small businesses, they will help to pull us through these difficult economic times. Again, it is small businesses that create the vast majority of new jobs in this country, and we need to give them the incentives they need to help boost our economy.

I yield the remainder of my 5 minutes, reserving time for our side.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Madam President, I have spoken to the chairman of the Finance Committee. Senator NICKLES indicated there were people from the other side who wanted to speak for maybe more

than the 20 minutes. We have 10 minutes. At this date we don't find anyone in opposition to the amendment. So if you need more time, we will be happy to give you some of ours.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Madam President, seeing no one ready to speak from the other side, I will yield myself such time as I may consume. I urge my colleagues who want to speak on the amendment to hurry up and get down here. We have lots of work to do, and we are going to be able to finish debate on this amendment fairly expeditiously. Anybody who wants to say anything about it, we invite them to come.

As my colleague and strong ally, the Senator from Maine, has said, this amendment is very important to help small businesses in their recovery. We know the entire economy took a severe hit on September 11, on top of a recession that has really taken its toll on many small businesses. How we get out of this recession is to encourage small businesses to lead us out.

Small businesses are the dynamic engine that drives the economy. They provide 75 percent of all new jobs. They are the ones that grow when the rest of the economy is stagnant. There is no better vehicle than a stimulus package to include a provision to encourage small businesses to purchase more equipment. This amendment provides a direct stimulus to that small business sector by allowing them to write off new equipment purchases immediately.

If you have ever run a small business, as I have, you know the thought of having to set up a depreciation schedule for a tractor or a piece of equipment and figure out how to depreciate it over several years is a daunting task. If you are a small business person, you don't want to have to have an accounting department. It is usually you and the frog in your pocket who are running the business. If you are an individual proprietor or even if you have several employees, you don't want to go through the time and expense of hiring somebody to set up a depreciation schedule. So direct expenses would allow small businesses to avoid the complexity of depreciation rules as well as the unrealistic recovery period for most assets.

For example, under current law, if you buy a computer, it has to be depreciated over 5 years. People who are very active users of computers tell me that the useful life is 2 to 3 years at best. Something new and something better has come out, but you are still depreciating the old equipment. You haven't been able to write it off on your taxes.

This amendment has several important advantages, especially in light of the current economic conditions. By allowing more equipment purchased to be deducted currently, right now, the year they are put in service, it will provide much-needed capital for small business. With that freed up capital, a business can invest in new equipment which will benefit the small enterprise, but in turn it will stimulate other industries that are producing and selling the equipment they are going to put in service.

Moreover, new equipment will contribute to continued productivity growth in the business community which Federal Reserve Chairman Greenspan has repeatedly stressed is essential to the long-term vitality and health of our economy.

That is what allows us to hire more people and pay better wages—to increase productivity. A healthy and growing business keeps its employees working, and we hope it will lead to new employees being added to the payroll.

Finally, the amendment will simplify the tax law for countless small businesses. Greater expensing means less equipment subject to onerous depreciation. Under this amendment, a business would be able to claim the full $40,000 in expensing if it purchased and put in service no more than $325,000 of property during the year. That is to make sure it applies primarily to small business.

In short, this amendment's equipment expensing changes are a win-win for small business consumers, employees of small businesses, equipment manufacturers, and our national economy.

Some have contended that maybe we ought to think about this only for 1 year. We need to give small businesses not only an initial boost, but we need to keep the support coming to sustain the recovery. If we use the last recession of 1991 as an example, it took 21 months before the unemployment rates started to drop consistently. That is nearly 2 years for small businesses and others to hire the people back who were laid off in the recession. Small businesses represent 99 percent of all employers. They provide about 75 percent of the net new jobs. And with people unemployed, we need to get those producers of the new jobs, the small businesses, into business.

Based on this unemployment data, limiting the amendment or any other small business stimulus to 1 year would not suffice. We need to keep the small business stimulus going for at least 2 years to ensure the recovery in the small business sector and the jobs market is sustained.

Madam President, I ask my colleagues to support the amendment and urge them, if they want to support the amendment Senator COLLINS and many other Senators and I have supported, to come to the Chamber. If they have arguments against it, we will be interested in hearing those as well.

I yield such time as he may require to the distinguished minority whip.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I wish to compliment my colleagues, Senators COLLINS and BOND, for their leadership and persistence in saying, let's get something in this bill to help create jobs. Both Senators BOND and COLLINS have spoken of the growth in small business and the need for small business to be able to grow. This particular provision will create jobs. I compliment them.

I don't see much in the underlying proposal that will create jobs. This one will create jobs because small business will be able to expense more items up to $40,000. For a person who has a small business that may have a few employees, that is a big deal. I used to have a janitor's service. It was my wife and myself and a few other people. If you allow me to expense everything, I don't have to amortize all the equipment I am purchasing because, frankly, it is less than $40,000.

You get to expense it. You get to write it off when you write the check. Instead of spreading it out over several years, instead of taking 3, 5, 8 years to recoup your investments, you can recoup it in the year that you made the investment. That is a big deal for small business. Most of the jobs that will be created this year will be in small business. It is not going to be General Motors or in the big corporations, it is going to be in small business. You are saying, let's expense up to $40,000, an improvement from $24,000.

It is an excellent amendment. It will help small business. By helping small business, we will be able to create more jobs.

I thank both of my colleagues for their leadership. I believe this amendment is going to pass. I compliment them for that. This is one of the few things we have seen that will actually stimulate the economy. We have seen a lot of proposals. Let's write more checks, let's give people money who didn't pay taxes, expand unemployment compensation, pay people more not for working. This is a proposal that says, let's create an environment that will create jobs so people won't need unemployment compensation, so they won't be asking more from the Government. They will be getting a job.

I thank my colleagues for their excellent proposal. I urge all my colleagues to support it.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I thank the Senator from Oklahoma for his kind comments. The Senator from Oklahoma brought up a very important point. It is very burdensome recordkeeping for small businesses to have to deal with depreciation schedules and sometimes very unrealistic recovery periods.

For example, most computers are required to be depreciated over a 5-year period, but we all know from our experience that the usual life of a computer is 2 to 3 years. The Senator from Oklahoma has raised an important point. Not only will this put more cash into the pockets of small businesses and

allow them to go ahead with investments that have been put on hold because of this tax incentive, but it will also relieve them from some very burdensome recordkeeping requirements. That simplification is another advantage of the Bond-Collins amendment.

I thank my colleague from Missouri who does such a great job as the ranking minority member of the Senate Small Business Committee. It has been a great pleasure to work with him on this amendment. I believe this is the one provision we have debated that will make a real difference to those entrepreneurs throughout our country, to those small mom-and-pop firms that are creating good jobs in communities throughout our country. So I hope we will have a strong show of support for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Madam President, I gather there are no more people seeking to speak on this amendment. Rather than wait, we can vote. But first, I thank my colleague from Oklahoma, Senator NICKLES, a real champion of making the economy grow by putting people back to work, and Senator COLLINS has been one of our great allies. Anytime I have a small business provision, she wants to be a champion of it because she knows small businesses are driving the Maine economy, as well as in the rest of the country.

We are prepared to yield back all time on this side. I ask for the yeas and nays on this amendment.

Mr. DAYTON. We yield back all our time.

The PRESIDING OFFICER. All time is yielded back. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), and the Senator from Connecticut (Mr. DODD) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Montana (Mr. BURNS) are necessarily absent.

I further announce that if present and voting the Senator from Oklahoma (Mr. INHOFE) and the Senator from Montana (Mr. BURNS) would each vote ''yea.''

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

The result was announced—yeas 90, nays 2, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—90

| | | |
|---|---|---|
| Allard | Edwards | McConnell |
| Allen | Enzi | Mikulski |
| Baucus | Feinstein | Miller |
| Bayh | Fitzgerald | Murkowski |
| Bennett | Frist | Murray |
| Biden | Graham | Nelson (FL) |
| Bingaman | Gramm | Nelson (NE) |
| Bond | Grassley | Nickles |
| Breaux | Hagel | Reed |
| Brownback | Harkin | Reid |
| Bunning | Hatch | Roberts |
| Byrd | Helms | Rockefeller |
| Campbell | Hollings | Santorum |
| Cantwell | Hutchinson | Sarbanes |
| Carnahan | Hutchison | Schumer |
| Carper | Inouye | Sessions |
| Cleland | Jeffords | Shelby |
| Clinton | Johnson | Smith (NH) |
| Cochran | Kennedy | Smith (OR) |
| Collins | Kerry | Snowe |
| Conrad | Kohl | Specter |
| Corzine | Kyl | Stabenow |
| Craig | Landrieu | Stevens |
| Crapo | Leahy | Thomas |
| Daschle | Levin | Thurmond |
| Dayton | Lieberman | Torricelli |
| DeWine | Lincoln | Voinovich |
| Domenici | Lott | Warner |
| Dorgan | Lugar | Wellstone |
| Durbin | McCain | Wyden |

NAYS—2

| | |
|---|---|
| Chafee | Feingold |

NOT VOTING—8

| | | |
|---|---|---|
| Akaka | Dodd | Inhofe |
| Boxer | Ensign | Thompson |
| Burns | Gregg | |

The amendment (No. 2717) was agreed to.

Mr. REID. 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.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:56 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

## HOPE FOR CHILDREN ACT—Continued

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

AMENDMENT NO. 2718, AS MODIFIED

Mr. BAUCUS. Mr. President, I call up my amendment and send a modification to that amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment.

The amendment, as modified, is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide for a special depreciation allowance for certain property acquired after December 31, 2001, and before January 1, 2004, and to increase the Federal medical assistance percentage under the medicaid program for calendar years 2002 and 2003)

Strike titles II and III and insert the following:

### TITLE II—TEMPORARY BUSINESS RELIEF PROVISIONS

**SEC. 201. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.**

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

''(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

''(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified property' means property—

''(i)(I) to which this section applies which has a recovery period of 20 years or less or which is water utility property,

''(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

''(III) which is qualified leasehold improvement property, or

''(IV) which is eligible for depreciation under section 167(g),

''(ii) the original use of which commences with the taxpayer after December 31, 2001,

''(iii) which is—

''(I) acquired by the taxpayer after December 31, 2001, and before January 1, 2004, but only if no written binding contract for the acquisition was in effect before January 1, 2002, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after December 31, 2001, and before January 1, 2004, and

''(iv) which is placed in service by the taxpayer before January 1, 2004, or, in the case of property described in subparagraph (B), before January 1, 2005.

''(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

''(i) IN GENERAL.—The term 'qualified property' includes property—

''(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

''(II) which has a recovery period of at least 10 years or is transportation property, and

''(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof.

''(ii) ONLY PRE-JANUARY 1, 2004, BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before January 1, 2004.

''(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term 'transportation property' means tangible personal property used in the trade or business of transporting persons or property.

''(C) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall

not include any property to which the alternative depreciation system under subsection (g) applies, determined—

''(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

''(II) after application of section 280F(b) (relating to listed property with limited business use).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(D) SPECIAL RULES.—

''(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after December 31, 2001, and before January 1, 2004.

''(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

''(I) is originally placed in service after December 31, 2001, by a person, and

''(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(E) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

''(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

''(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

''(3) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

''(I) by the lessee (or any sublessee) of such portion, or

''(II) by the lessor of such portion,

''(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

''(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefiting a common area, and

''(iv) the internal structural framework of the building.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) BINDING COMMITMENT TO LEASE TREATED AS LEASE.—A binding commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

''(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

''(I) members of an affiliated group (as defined in section 1504), and

''(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

''(D) IMPROVEMENTS MADE BY LESSOR.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.''.

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

''(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.—The deduction under section 168(k) shall be allowed.''

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by striking ''clause (ii)'' both places it appears and inserting ''clauses (ii) and (iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2001, in taxable years ending after such date.

## TITLE III—ASSISTANCE FOR MEDICAID COVERAGE

### SEC. 301. TEMPORARY INCREASES OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2002.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters in fiscal year 2002, before the application of this section.

(b) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2003, before the application of this section.

(c) PERMITTING MAINTENANCE OF FISCAL YEAR 2003 FMAP FOR FIRST CALENDAR QUARTER OF FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for the first calendar quarter in fiscal year 2004, before the application of this section.

(d) GENERAL 1.50 PERCENTAGE POINTS INCREASE FOR CALENDAR YEARS 2002 AND 2003.—Notwithstanding any other provision of law, but subject to subsections (g) and (h), for each State for the second, third, and fourth calendar quarters of fiscal year 2002, each calendar quarter of fiscal year 2003, and the first calendar quarter of fiscal year 2004, the FMAP (taking into account the application of subsections (a), (b), and (c)) shall be increased by 1.50 percentage points.

(e) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES FOR CALENDAR YEARS 2002 AND 2003.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsections (g) and (h), the FMAP for a high unemployment State for the second, third, or fourth calendar quarters of fiscal year 2002, any calendar quarter of fiscal year 2003, or the first calendar quarter of fiscal year 2004, (and any subsequent such calendar quarters after the first such calendar quarter for which the State is a high unemployment State regardless of whether the State continues to be a high unemployment State for the subsequent such calendar quarters) shall be increased (after the application of subsections (a), (b), (c), and (d)) by 1.50 percentage points.

(2) HIGH UNEMPLOYMENT STATE.—

(A) IN GENERAL.—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive months beginning on or after June 2001 and ending with the second month before the beginning of the calendar quarter, the State has an average seasonally adjusted unemployment rate that exceeds the average weighted unemployment rate during such period. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(B) AVERAGE WEIGHTED UNEMPLOYMENT RATE DEFINED.—For purposes of subparagraph (A), the ''average weighted unemployment rate'' for a period is—

(i) the sum of the seasonally adjusted number of unemployed civilians in each State and the District of Columbia for the period; divided by

(ii) the sum of the civilian labor force in each State and the District of Columbia for the period.

(f) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, with respect to the second, third, and fourth calendar quarters fiscal year 2002, each calendar quarter of fiscal year 2003, and the first calendar quarter in fiscal year 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 6 percentage points of such amounts.

(g) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); or

(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(h) STATE ELIGIBILITY.—A State is eligible for an increase in its FMAP under subsection (d) or (e) or an increase in a cap amount under subsection (f) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on October 1, 2001.

(i) DEFINITIONS.—In this section:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

Mr. BAUCUS. Mr. President, I ask unanimous consent my amendment be temporarily laid aside.

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

AMENDMENT NO. 2719

Mr. BAUCUS. Mr. President, I ask Senator HARKIN be allowed to call up his amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is once again pending.

The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry: I want to make sure what the business is before the Senate.

The PRESIDING OFFICER. Amendment No. 2719.

Mr. HARKIN. That is the amendment which this Senator offered yesterday; is that correct?

The PRESIDING OFFICER. It was offered by Senator REID on behalf of the Senator from Iowa.

Mr. REID. Mr. President, if the Senator will withhold just for one brief comment, the minority did not have a manager here. This has been cleared. The unanimous consent we just got has been cleared with Senator GRASSLEY. I had also talked to those—I thought—on the other side who knew what we were doing.

If the Senator will withhold proceeding until we make sure someone, a manager on the other side, is here because we don't want to take advantage of them because we got a unanimous consent agreement when no one was on the floor. If the Senator will withhold, the staff has gone to seek someone on the other side.

Mr. HARKIN. I withhold.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## UNANIMOUS CONSENT REQUEST—S. 1630

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 218, S. 1630; that the bill be read three times and passed, and the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Mr. President, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. CARNAHAN. Mr. President, I am disappointed to hear objection to passing a bipartisan bill to help family farmers. We spent a great deal of time last year trying to pass a farm bill. I supported that effort. I support reviving that effort again this year.

The legislation that I am trying to pass today is also aimed at helping ailing family farmers. The bill would extend chapter 12 of the bankruptcy code for 6 additional months. Chapter 12 offers expedited bankruptcy procedures for family farmers in an effort to accommodate their special needs. It was first enacted in 1986. It has been extended several times since then—most recently earlier this year.

The provisions of chapter 12 allow family farmers to reorganize their debts as opposed to liquidating their assets. These provisions can be invaluable to farmers struggling to stay in business during difficult times. Unfortunately, chapter 12 expired on October 1 last year.

My bill seeks to extend these provisions for six additional months and to reinstate them retroactively to the date when they expired. Retroactivity will ensure that there are no gaps in availability of these procedures. I hope this will be the last extension that is necessary.

The larger bankruptcy reform bill that is currently pending before a House-Senate conference committee includes a permanent extension of chapter 12. Nevertheless, American family farmers should not have to wait for us to complete our work on the bankruptcy reform bill. The very least we can do to assist farmers now is to reenact these noncontroversial procedures. That is why I am so puzzled by this anonymous objection.

Legislation extending these provisions passed the House of Representatives by a vote of 408 to 2 last year and subsequently passed the Senate by unanimous consent. The Judiciary Committee unanimously reported the bill I am seeking to pass today on a voice vote. Furthermore, the bill has several bipartisan cosponsors, including my colleague from Missouri, Senator KIT BOND; the chairman of the Judiciary Committee, Senator LEAHY; and the lead sponsor of the Senate bankruptcy reform bill, Senator GRASSLEY.

I urge any Senator who has any concern about this bill to speak with me. I will be more than happy to work to address any issues my colleagues may have in an effort to secure expedited passage of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

## HOPE FOR CHILDREN ACT—Continued

AMENDMENT NO. 2719

Mr. HARKIN. Mr. President, as I understand it, the pending business before the floor is amendment No. 2719, offered yesterday by Senator REID on this Senator's behalf. I rise to speak for a few minutes on that amendment.

I thank the Senator from Montana for giving me the courtesy of going first because of the time schedule I have this afternoon.

Senator BAUCUS and Senator DASCHLE have provided great leadership on this important issue of the stimulus. There is one part of the amendment that is before us that is vitally important to all of our States as we are facing this downturn in the economy. That part of the amendment deals with the Federal share for Medicaid recipients in the States. It is called FMAP, the Federal Match for Medicaid Program.

Under the provision in the underlying Daschle amendment, and under the leadership of Senator BAUCUS, they did provide for three things. They provided a 1.5-percent increase to every State in their 2002 Federal match for Medicaid. That would provide about $3.5 billion in additional Federal Medicaid payments to the States.

I have a chart which shows what that would mean for every State and what my amendment would mean for every State. I ask unanimous consent that this chart be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. HARKIN. Senator BAUCUS and Senator DASCHLE, by their amendment, put in a 1.5-percent increase to all States.

The second part was, because of unemployment measures previously calculated, some States were scheduled to go down in 2002 in their Federal match. The amendment before us under Senator BAUCUS holds those States harmless. That is about 29 States that would have lost money this year. And under the Baucus amendment, they are held harmless.

The third part is that States with high unemployment would receive an additional 1.5 percent in their 2002 Federal match. This would provide assistance to about 16 States that have very high rates of unemployment. This policy proposal is extremely important for the States.

The pending amendment I have offered would only change one part of that. It would take the 1.5-percent increase for all States and increase it to 3 percent. In other words, it would add 1.5 percent to the Federal match for all States. I believe that is important because when the committee developed this bill and the stimulus package, the National Association of State Budget Officers had predicted a $15 billion shortfall for the States for 2002. That was last fall. By the end of the year, the National Association of State Budget Officers had updated their prediction for the shortfalls in our State budgets to $38 billion—in other words, double. I have heard from my Governor—and I know others have heard from their Governors and their legislatures—about the cuts they are going to have to make in their State budgets.

The problem is, one of the places where they have to cut, because that is the biggest pot for most States, is Medicaid. If a State cuts $1 out of their budget on Medicaid, they may lose $2 or $3 or $4 of Federal money. I don't

know what it is for the Presiding Officer's State, and I don't know what the Medicaid match is there. I do know in Iowa it is about 3 to 1. So that for every dollar the State would not have in their budget for Medicaid, they would lose $3 of Federal money. It isn't only that the State cuts its Medicaid budget by $1 and hurts one Medicaid recipient. If it cuts Medicaid by $1, it is hurting three or four times as many people. It has that kind of a multiplier effect.

While I am very supportive of what Chairman BAUCUS and Senator DASCHLE have done, we recognize now that these new projections of the shortfalls in our State budgets command us to put more into the program of reaching these States for their Federal match.

On the other two aspects of the amendment, on the one that holds States harmless, that is still in my amendment. And on the other one that provides the 1.5-percent increase to the States with unusually high unemployment, that is there also. I wanted to make sure that every State received the amount of Federal matching money they need.

Again, another reason why this is so important is because most States have a requirement in their Constitution that they have to balance their budgets. It is a constitutional requirement. They can't get around it. When they start cutting, if they do across-the-board cuts, which seems at first blush to be the most logical, they just do a straight percentage across-the-board cut, Medicaid, being the biggest part of the State budget, gets whacked the most. Then they lose the Federal dollars that come in as a match.

I believe this is critically important for our States. I also believe State fiscal relief is one of the best ways to stimulate the economy. The Federal dollars we send out for Medicaid help to avert State budget cuts or tax increases that could be detrimental to the States in any economic recovery.

People in my State of Iowa and all across the Nation have enough trouble finding affordable, quality health care. They need our help and support during this recession. When it comes to protecting the vulnerable in these difficult times and getting our economy back on track, putting Iowans and all Americans back to work, it is critically important that we make sure that those who are out of work—they may have lost their jobs; Medicaid may be the only source of health care for them and their kids during this period of time, and then looking at the States and facing the budget crunches they have—it became clear that we had to add a little bit more money to this effort.

Again, I thank the chairman for focusing on this issue as he has done and for the work he has done in putting in that 1.5 percent. It has become clear in the last few weeks that the States are going to need more than 1.5 percent. That is why I have offered this amendment in a friendly manner to ensure that we meet our obligations to the States to get the money out there so that these people who are the most vulnerable don't fall through the cracks.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. I yield the floor.

EXHIBIT 1

Comparison of Net FFY2002 State Funds Impact of Senate and House Provisions to Harkin Amendment. Harkin: 3% all + 1.5% high unemployment + hold harmless.

FMAP/TEMPORARY HEALTH ASSISTANCE

[Based on FFIS data/estimates, dollars in millions, rounded]

| State | Daschle plan | House plan | Harkin plan | Harkin minus Senate | Harkin minus House |
|---|---|---|---|---|---|
| Alabama | $75.98 | $14.99 | $113.97 | $37.99 | $98.98 |
| Alaska | 30.14 | 13.61 | 39.24 | 9.10 | 25.63 |
| Arizona | 114.87 | 24.01 | 162.93 | 48.06 | 138.92 |
| Arkansas | 65.23 | 10.45 | 95.05 | 29.82 | 84.60 |
| California | 821.54 | 234.55 | 1,188.31 | 366.77 | 953.76 |
| Colorado | 47.20 | 18.73 | 78.66 | 31.46 | 59.93 |
| Connecticut | 48.02 | 30.02 | 96.04 | 48.02 | 66.02 |
| Delaware | 8.98 | 5.17 | 17.96 | 8.98 | 12.79 |
| DC | 28.20 | 5.49 | 42.30 | 14.10 | 36.81 |
| Florida | 253.55 | 71.73 | 390.93 | 137.38 | 319.20 |
| Georgia | 101.92 | 48.69 | 178.59 | 76.67 | 129.90 |
| Hawaii | 19.97 | 5.60 | 29.95 | 9.98 | 24.35 |
| Idaho | 24.54 | 3.77 | 36.81 | 12.27 | 33.04 |
| Illinois | 239.91 | 87.75 | 359.86 | 119.95 | 272.11 |
| Indiana | 85.65 | 25.07 | 142.28 | 56.63 | 117.21 |
| Iowa | 30.32 | 11.70 | 60.64 | 30.32 | 48.94 |
| Kansas | 26.02 | 10.86 | 51.84 | 25.82 | 40.98 |
| Kentucky | 112.16 | 24.87 | 161.00 | 48.84 | 136.13 |
| Louisiana | 113.67 | 24.92 | 167.42 | 53.75 | 142.50 |
| Maine | 22.78 | 7.56 | 44.26 | 21.48 | 36.70 |
| Maryland | 52.73 | 30.17 | 105.46 | 52.73 | 75.29 |
| Massachusetts | 122.11 | 60.98 | 244.22 | 122.11 | 183.24 |
| Michigan | 220.34 | 68.28 | 322.01 | 101.67 | 253.73 |
| Minnesota | 100.45 | 56.98 | 165.52 | 65.07 | 108.54 |
| Mississippi | 88.20 | 13.23 | 125.49 | 37.29 | 112.26 |
| Missouri | 73.42 | 29.07 | 146.84 | 73.42 | 117.77 |
| Montana | 10.31 | 2.77 | 19.67 | 9.36 | 16.90 |
| Nebraska | 27.05 | 12.77 | 46.20 | 19.15 | 33.43 |
| Nevada | 23.23 | 7.34 | 33.89 | 10.66 | 26.55 |
| New Hampshire | 12.08 | 7.74 | 24.16 | 12.08 | 16.42 |
| New Jersey | 106.70 | 57.94 | 213.40 | 106.70 | 155.46 |
| New Mexico | 59.43 | 10.56 | 84.45 | 25.02 | 73.89 |
| New York | 1,068.63 | 287.00 | 1,602.94 | 534.31 | 1,315.94 |
| North Carolina | 232.62 | 72.97 | 325.71 | 93.09 | 252.74 |
| North Dakota | 8.99 | 2.68 | 15.88 | 6.89 | 13.20 |
| Ohio | 146.40 | 68.42 | 276.88 | 130.48 | 208.46 |
| Oklahoma | 48.28 | 14.46 | 82.74 | 34.46 | 68.28 |
| Oregon | 92.56 | 29.03 | 131.23 | 38.67 | 102.20 |
| Pennsylvania | 352.78 | 103.02 | 529.17 | 176.39 | 426.15 |
| Rhode Island | 50.17 | 21.39 | 69.08 | 18.91 | 47.69 |
| South Carolina | 116.22 | 29.06 | 161.93 | 45.71 | 132.87 |
| South Dakota | 18.23 | 6.79 | 26.06 | 7.83 | 19.27 |
| Tennessee | 93.22 | 37.39 | 179.99 | 86.77 | 142.60 |
| Texas | 394.12 | 115.32 | 570.67 | 176.55 | 455.35 |
| Utah | 24.05 | 9.25 | 38.16 | 14.11 | 28.91 |
| Vermont | 10.50 | 3.80 | 20.00 | 9.50 | 16.20 |
| Virginia | 77.22 | 32.64 | 136.04 | 58.82 | 103.40 |
| Washington | 174.83 | 54.78 | 253.52 | 78.69 | 198.74 |
| West Virginia | 47.44 | 7.69 | 70.60 | 23.16 | 62.91 |
| Wisconsin | 73.05 | 38.56 | 125.70 | 52.65 | 87.14 |
| Wyoming | 9.70 | 4.57 | 13.60 | 3.90 | 9.03 |
| Puerto Rico | 4.82 | 0.00 | 9.64 | 4.82 | 9.64 |
| American Samoa | 0.10 | 0.00 | 0.20 | 0.10 | 0.20 |
| Guam | 0.15 | 0.00 | 0.30 | 0.15 | 0.30 |
| Northern Marianas | 0.05 | 0.00 | 0.10 | 0.05 | 0.10 |
| US Virgin Islands | 0.15 | 0.00 | 0.30 | 0.15 | 0.30 |
| Total | 6,211 | 1,976 | 9,630 | 3.419 | 7,654 |

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I do not know if there are any Senators who wish to debate the current amendment. At the appropriate time, I will ask the Senator from Iowa to acknowledge there is no more debate so we can set aside his amendment and go to the regular order.

The Senator raises a very important point that in the last 2 years, States' economies have generally deteriorated. As a consequence, there is more pressure on their Medicaid budgets. States are losing revenue. States are moving more toward deficit positions. They are not as healthy as they once were.

When States begin to cut spending and cut services, there is a tendency to cut back a bit on Medicaid programs to balance the State budgets.

The Senator is proposing a significant percentage increase in the matches the Federal Government make to States under Medicaid to make up that difference.

That so-called difference, the drop, occurs for a second reason. We have very old data. The reimbursement to States under Medicaid is based on data up through the year 2000. States were doing pretty well in 1999 and 2000. So there is a tendency for the reimbursement rate to be out of whack, out of sync with the current fiscal situation of the States; namely, tougher times, deteriorating surpluses, sometimes potential deficits. The amendment offered by the Senator from Iowa attempts to address that point.

One might question whether the amendment is too rich or not rich enough. It is a question of degree. He essentially wants to add 3 percent to all States' match and an extra 1.5 percent for States with particularly high unemployment. That is an approach I also took in an amendment I will be offering later today. Although the approach is the same, the total percentage amount is not quite as high.

The percentages in the amendment I will be offering later hold States harmless. The percentages offered by the Senator from Iowa, it is my understanding, in the first year go slightly higher for well-intended reasons. I am not going to pass judgment on whether that is a good idea or not, but that is the practical effect of that amendment.

I do not see anybody else wanting to speak on this amendment. The Senator might want to speak some more. Maybe he does not want to speak some more. If not, I ask unanimous consent that, whatever the appropriate order, the amendment be set aside and voted on at the appropriate time and that the pending business be the regular order.

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

Mr. BYRD. Mr. President, I will support the Harkin amendment, No. 2719, in response to the numerous phone calls and letters I have received from my constituents in recent years regarding the increasing cost of health care. Nevertheless, I am concerned with increasing these kinds of mandatory expenditures that are able to bypass the consideration of the Appropriations Committees.

While I believe that this Congress should address the rising cost of health care in the United States, we should avoid band-aid approaches and focus our efforts on more comprehensive solutions.

The PRESIDING OFFICER. The Senator from Nevada.

## PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 95, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 95) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without any intervening action or debate.

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

The concurrent resolution (S. Con. Res. 95) was agreed to, as follows:

S. CON. RES. 95

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns at the close of business on Tuesday, January 29, 2002, it stand recessed or adjourned until noon on Monday, February 4, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Tuesday, January 29, 2002, it stand adjourned until noon on Monday, February 4, 2002, or until Members are notified to reassemble pursuant to section 2 of the concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

## HOPE FOR CHILDREN ACT— Continued

AMENDMENT NO. 2718

Mr. BAUCUS. Mr. President, there was a vote earlier on a small business amendment offered by the Senator from Missouri, Mr. BOND. It was adopted. That shows we are starting to make progress toward an agreement on a bill to stimulate economic recovery. That was the small business expensing amendment which increased the ceiling amount available for business as to expense.

We now have an opportunity to make even more progress by adopting the Baucus-Smith amendment. This amendment makes two important improvements: First, it strikes a balance on the bonus depreciation issue with a 2-year compromise provision. Second, it will help States by increasing the Federal matching payments for Medicaid. As a bonus depreciation, this assistance will be provided for 2 years.

Essentially, I am offering an amendment, joined by my good friend from Oregon, Mr. SMITH, to provide for a 2-year bonus depreciation, as well as a 2-year FMAP payment. I will speak first about bonus depreciation.

I think we all agree that a strong stimulus bill must create tax incentives for business to invest in new equipment. I do not think there is much doubt about that. This amendment creates jobs, lifts the economy, and also increases productivity in the long run. Chairman Greenspan and others have talked a lot about productivity. There is not much doubt that this amendment will help us move in that direction.

Everyone agrees on the concept. The debate, however, has been over the details. The proposal before us is a 10-percent bonus. We have agreed to increase that to 30 percent. The question now is how long should the incentive last.

The Democratic proposal was 1 year; the Republican proposal was 3 years. Our bipartisan compromise amendment, that is the amendment of Senator SMITH from Oregon and myself, is 2 years. This is not simply an effort to split the difference. Instead, if one steps back and thinks about it, a 2-year incentive makes good sense. Three years is too long. It will not encourage business to invest quickly enough. As a result, it will not stimulate businesses to act when we most need them to act.

On the other hand, in the debate last week, Senator SMITH and others made a very good point. They said that a 1-year bonus period might not be long enough because it does not give businesses enough time to make sound investment decisions. Let's not forget the investment to qualify has to be in place, in service within the requisite period.

We have to assume this legislation will not be enacted before March. If we were to stick to the 1-year period, companies would only have a few months left at that point to make purchases and get assets in place, as we are dealing with the calendar year. That is not time enough, especially if we think about the kinds of investments we want to encourage, which is airplanes, heavy machinery, equipment used in manufacturing, locomotives, pipelines, and refineries. In many cases, these assets may take longer to build than 1 year, or the contracts for purchase may take some time to negotiate. This is a legitimate concern.

To address it, our amendment gives companies until December 31, 2003, to make their purchases and get assets in place. Even after that, companies would have an extra year to put the assets in place if they take more than a year to build, so long as they meet a binding contract test.

The amendment will provide economic stimulus. It will work quickly, and it recognizes business realities and gives companies the time they need to make sound investment decisions. That is the first part of the amendment.

The second part relates to the States. The technical term is FMAP. What it is about is helping States by temporarily increasing the rate at which we match State payments under Medicaid. Let me explain why this is important.

Rising Medicaid costs are already contributing to the States' fiscal crisis. Health care costs are increasing rapidly, while rising unemployment is increasing the number of people eligible for Medicaid services. Medicaid spending grew by 11 percent last year. It is likely to increase even faster this year if current economic and budgetary conditions persist.

Many States have already implemented or are now considering implementing significant cuts in Medicaid and the State Children's Health Insurance Program, otherwise known as CHIP, in 2003.

These cuts would affect thousands of children, elderly, and disabled people. For example, Oklahoma and New Mexico may eliminate their CHIP-funded Medicaid expansions to children entirely.

CHIP—that is the State Children's Health Insurance Program—has been very popular. It helps low-income kids get health insurance, health insurance they did not previously have. I think it would be very unfortunate if, due to State budget constraints, they either choose to or believe they are forced to cut back and, in some cases, eliminate those programs that provide health insurance for children.

Tennessee has proposed cutting Medicaid eligibility for 180,000 low-income people in its TennCare Program. Other States will no longer cover disabled workers returning to work or low-income women with breast and cervical cancer. These budget cuts and these tax increases are based on revenue forecasts that do not assume enactment of bonus depreciation provisions. Because most States tie their own tax collections to the Federal tax system, the additional loss of revenues in 2003 that would result from a lengthy bonus depreciation period would increase the likelihood and severity of State actions to cut programs and raise taxes.

The underlying amendment would address this problem by providing a temporary 1-year increase in the Federal matching rate under Medicare. Our amendment goes a bit further by extending the period for 2 years to match the depreciation period.

By doing so, the amendment ensures the amount of aid provided both to States generally and to individual States in particular, will grow if the recession proves deeper than currently projected. That is the second part of the amendment.

All told, the amendment will help businesses, it will help workers, it will help States, and it will help families maintain Medicaid coverage.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have not fully read the FMAP part of the distinguished Senator's amendment, but I am interested in helping the States at this particular time because many of them are experiencing budget crunches, and it is really causing them a lot of difficulty.

With regard to the CHIP program, which was a Hatch-Kennedy bill that was enacted over 4 years ago, my home State of Utah has now achieved the goal of insuring 27,000 children of people who work but do not have enough money to pay for their children's health insurance. In Utah, we have covered 27,000 kids, but there are at least 3,000 more who need to be covered. Due to State budget concerns, Utah has had to cap its CHIP program at 27,000.

Now that is not right. I cannot blame my State leaders. They have to balance the budget, but it is not right that any child in our society should go without basic health care. The very poor in our society are covered by Medicaid. What we did with the CHIP bill was try to take care of those 7 million young people in the country who are children of the working poor. The parents of these children work but do not earn enough money to pay for health insurance but make too much money to be eligible for the Medicaid program. CHIP has worked immensely well. It has been one of the most successful health care programs in the country.

I have worked on a number of important issues throughout my Senate career, and I think that passage of the CHIP program was one of my top achievements as a United States Senator. Providing access to affordable and quality health coverage to the medically uninsured continues to be a high priority for me. So while I have to read the amendment language, I believe it is an important amendment, and I intend to support it as of this juncture.

With regard to bonus depreciation, I was the first Senator to file a bonus depreciation bill. My bill provided for a 50-percent bonus depreciation deduction rather than the 30 percent in this amendment. But remember, some of the other bills were only at 10-percent bonus depreciation, and I am pleased to see that this amendment would now bring it to 30 percent. I am very happy to see the work of Senator SMITH and the distinguished chairman of the Finance Committee, whom I call a friend, in bringing this bonus depreciation percentage to a reasonable level. I would prefer it to be even higher because that would be even more stimulative over this 2-year period, but this is a good move compared to where we were. If we had gone with the Daschle amendment, as I understand it, it would have been effective only from last September until next September. It would have barely had time to work. So this amendment does bring the bonus depreciation more into the realm of workability.

Bonus depreciation is one of the few things we are doing in this legislation that literally provides for an economic stimulus. It is a very good economic stimulus because a lot of companies are understandably nervous about the economic slow-down and are hesitant to invest in their equipment. With a bonus depreciation incentive, they may be able to pull out of some of their difficulties with this additional help that will be provided.

With regard to the FMAP increase included in this amendment, these provisions will assist those who are suffering in our society today due to the economic downturn. In addition, there are States that are having tremendously difficult times meeting the needs of their citizens. The FMAP increase will provide these States with valuable resources so they can meet these demands more easily.

So I want to commend the distinguished Chairman of the Finance Committee for calling up this amendment. I particularly want to commend him for working with Senator SMITH of Oregon, who brought up the original bonus depreciation amendment but who wanted the incentive to last for 3 years. We compromised on 2 years, which I believe is a decent compromise. I want to pay my respects and compliment both of them for the work they have done on this particular amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I direct a question to the distinguished chairman of the Finance Committee. I have four amendments on which I will be very brief. My intention is, if there is no objection, to offer the four amendments, debate one of them at a time, and if someone else comes and wants to offer another amendment, they can put my amendment aside.

What is the position of the chairman on that suggestion?

Mr. BAUCUS. Mr. President, the Senator from Nevada, Mr. REID, is organizing the sequence of amendments. I think it is fine for the Senator from New Hampshire to offer his package of amendments with the understanding they come up one at a time, and if there is an amendment on this side in the interim, that amendment would be offered and we would go back to one of Senator SMITH's amendments. That is fine.

Mr. SMITH of New Hampshire. I thank the chairman.

AMENDMENTS NOS. 2732 THROUGH 2735, EN BLOC

Mr. SMITH of New Hampshire. Mr. President, I send four amendments to the desk, and I ask unanimous consent that they be called up and temporarily set aside for consideration at the appropriate time.

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

The clerk will report the amendments, en bloc.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes amendment Nos. 2732 through 2735, en bloc.

The amendments (Nos. 2732 through 2735), en bloc, are as follows:

AMENDMENT NO. 2732

(Purpose: To provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the national emergency declared by the President on September 14, 2001, and for other purposes)

At the appropriate place in the bill, insert the following:

**SEC. ____. WAIVER OF EARLY WITHDRAWAL PENALTY FOR DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY DURING THE NATIONAL EMERGENCY DECLARED BY THE PRESIDENT ON SEPTEMBER 14, 2001.**

(a) WAIVER FOR CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following:

''(G) DISTRIBUTIONS TO INDIVIDUALS PERFORMING NATIONAL EMERGENCY ACTIVE DUTY.—Any distribution to an individual who, at the time of the distribution, is a member of a reserve component called or ordered to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, during the period of the national emergency declared by the President on September 14, 2001.''.

(2) WAIVER OF UNDERPAYMENT PENALTY.—Section 6654(e)(3) of such Code (relating to waiver in certain cases) is amended by adding at the end the following:

''(C) CERTAIN EARLY WITHDRAWALS FROM RETIREMENT PLANS.—No addition to tax shall be imposed under subsection (a) with respect to any underpayment to the extent such underpayment was created or increased by any distribution described in section 72(t)(2)(G).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions made to an individual after September 13, 2001.

(b) CATCH-UP CONTRIBUTIONS ALLOWED.—

(1) INDIVIDUAL RETIREMENT ACCOUNTS.—Section 219(b)(5) of the Internal Revenue Code of 1986 (relating to deductible amount) is amended by adding at the end the following:

''(D) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—In the case of an individual who has received a distribution described in section 72(t)(2)(G), the deductible amount for any taxable year shall be increased by an amount equal to—

''(i) the aggregate amount of such distributions (not attributable to earnings) made with respect to such individual, over

''(ii) the aggregate amount of such distributions (not attributable to earnings) previously taken into account under this subparagraph or section 414(w).''.

(2) ROTH IRAS.—Section 408A(c) of such Code (relating to treatment of contributions) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following:

''(7) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—Any contribution described in section 219(b)(5)(D) shall not be taken into account for purposes of paragraph (2).''.

(3) EMPLOYER PLANS.—Section 414 of such Code (relating to definitions and special rules) is amended by adding at the end the following:

''(w) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—

''(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an applicable participant to make additional elective deferrals in any plan year.

''(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—

''(A) IN GENERAL.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

''(i) the applicable dollar amount, or

''(ii) the excess (if any) of—

''(I) the participant's compensation (as defined in section 415(c)(3)) for the year, over

''(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

''(B) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph, the applicable dollar amount with respect to a participant shall be an amount equal to—

''(i) the aggregate amount of distributions described in section 72(t)(2)(G) (not attributable to earnings) made with respect to such participant, over

''(ii) the aggregate amount of such distributions (not attributable to earnings) previously taken into account under this subsection or section 219(b)(5)(B).

''(3) TREATMENT OF CONTRIBUTIONS.—Rules similar to the rules of paragraphs (3) and (4) of subsection (v) shall apply with respect to contributions made under this subsection.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'applicable employer plan' and 'elective deferral' have the same meanings given such terms in subsection (v)(6).''.

(4) CONFORMING AMENDMENT.—Section 414(v)(2)(A)(ii)(II) of such Code (relating to limitation on amount of additional deferrals) is amended by inserting ''(other than deferrals under subsection (w))'' after ''deferrals''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to contributions in taxable years ending after December 31, 2001.

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AMENDMENT NO. 2733

(Purpose: To prohibit a State from imposing a discriminatory tax on income earned within such State by nonresidents of such State)

At the appropriate place in the bill, insert the following:

**SEC. ___. PROHIBITION ON IMPOSITION OF INCOME TAXES BY STATES ON NONRESIDENTS.**

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

**''§ 116. Prohibition on imposition of income taxes by States on nonresidents**

''Except to the extent otherwise provided in any voluntary compact between or among States, a State or political subdivision thereof may not impose a tax on income earned within such State or political subdivision by nonresidents of such State.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''116. Prohibition on imposition of income taxes by States on nonresidents.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

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AMENDMENT NO. 2734

(Purpose: To provide that tips received for certain services shall not be subject to income or employment taxes)

At the appropriate place in the bill, insert the following:

**SEC. ___. TIPS RECEIVED FOR CERTAIN SERVICES NOT SUBJECT TO INCOME OR EMPLOYMENT TAXES.**

(a) IN GENERAL.—Section 102 of the Internal Revenue Code of 1986 (relating to gifts and inheritances) is amended by adding at the end the following new subsection:

''(d) TIPS RECEIVED FOR CERTAIN SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), tips received by an individual for qualified services performed by such individual shall be treated as property transferred by gift.

''(2) QUALIFIED SERVICES.—For purposes of this subsection, the term 'qualified services' means cosmetology, hospitality (including lodging and food and beverage services), recreation, baggage handling, transportation, delivery, shoe shine, and other services where tips are customary.

''(3) ANNUAL LIMIT.—The amount excluded from gross income for the taxable year by reason of paragraph (1) with respect to each service provider shall not exceed $10,000.

''(4) EMPLOYEE TAXABLE ON AT LEAST MINIMUM WAGE.—Paragraph (1) shall not apply to tips received by an employee during any month to the extent that such tips—

''(A) are deemed to have been paid by the employer to the employee pursuant to section 3121(q) (without regard to whether such tips are reported under section 6053), and

''(B) do not exceed the excess of—

''(i) the minimum wage rate applicable to such individual under section 6(a)(1) of the Fair Labor Standards Act of 1938 (determined without regard to section 3(m) of such Act), over

''(ii) the amount of the wages (excluding tips) paid by the employer to the employee during such month.

''(5) TIPS.—For purposes of this title, the term 'tip' means a gratuity paid by an individual for services performed for such individual (or for a group which includes such individual) by another individual if such services are not provided pursuant to an employment or similar contractual relationship between such individual.''

(b) EXCLUSION FROM SOCIAL SECURITY TAXES.—

(1) Paragraph (12) of section 3121(a) of such Code is amended to read as follows:

''(12)(A) tips paid in any medium other than cash;

''(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d).'';

(2) Paragraph (10) of section 209(a) of the Social Security Act is amended to read as follows:

''(10)((A) tips paid in any medium other than cash;

''(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d) of the Internal Revenue Code of 1986 of such month.'';

and

(3) Paragraph (3) of section 3231(e) of such Code is amended to read as follows:

''(3) Solely for purposes of the taxes imposed by section 3201 and other provisions of this chapter insofar as they relate to such taxes, the term 'compensation' also includes cash tips received by an employee in any calendar month in the course of his employment by an employer if the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d).''.

(c) EXCLUSION FROM UNEMPLOYMENT COMPENSATION TAXES.—Submission(s) of section 3306 of such Code is amended to read as follows:

''(s) TIPS NOT TREATED AS WAGES.—For purposes of this chapter, the term 'wages' shall include tips received in any month only to the extent includible in gross income after the application of section 102(d) of such month.''.

(d) EXCLUSION FROM WAGE WITHHOLDING.—Paragraph (16) of section 3401(a) of such Code is amended to read as follows:

''(16)(A) as tips in any medium other than cash;

''(B) as cash tips to an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d).''

(e) CONFORMING AMENDMENT.—Sections 32(c)(2)(A)(i) and 220(b)(4)(A) of such Code are each amended by striking ''tips'' and inserting ''tips to the extent includable in gross income after the application of section 102(d))''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received after the calendar month which includes the date of the enactment of this Act.

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AMENDMENT NO. 2735

(Purpose: To allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions)

At the appropriate place in the bill, insert the following:

**SEC. ___. REAL PROPERTY TAX DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.**

(a) IN GENERAL.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following:

''(19) REAL PROPERTY TAXES.—The deduction allowed by section 164(a)(1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any payment due after December 31, 2000.

Mr. SMITH of New Hampshire. Mr. President, these amendments I have offered encompass a number of important issues, including property taxes, commuter taxes, tip taxes for those who work as waiters and waitresses for the most part, and Reservists. Those are the four categories.

Mr. President, I thank my colleagues for their courtesy in allowing me to offer four amendments. I will have a very brief discussion of each of these amendments.

AMENDMENT NO. 2735

The amendment No. 2735 is an amendment dealing with property taxes. It provides an above-the-line deduction for State and local property taxes. Right now, these taxes are only deductible for those who itemize their taxes. The nonitemizers are at the lower income levels. Therefore, this will help stimulate the economy by encouraging home purchases and home ownership for those at the lower income levels that do not itemize their taxes.

As we all know, property taxes tend to fund local education. So providing this tax deduction makes it easier for a local taxpayer to afford the quality education. As a former teacher and a parent, I believe it is very important to our economy.

It is important to understand, if a citizen makes enough money to have enough deductions to itemize taxes,

they can deduct property taxes. But what about the senior citizen who has property that has gained in value, they don't want to sell their home, and they are on a fixed income? They could be forced to sell their home to pay the property taxes—which go up every year, usually because of the schools or other costs in the community.

This gives immediate tax relief to every working American or senior citizen or anyone else who owns property, pays property taxes, but does not get a tax deduction because they do not itemize. There is a direct stimulus to the economy. Imagine being able to deduct $2,000 or $3,000 in property taxes and having that cash on hand to be used for something else, whether the purchase of a refrigerator or whatever.

If we want to stimulate the economy and help those who need it most, this is the kind of legislation that does it. I hope my colleagues will look seriously at this matter and pass it as an amendment to the stimulus package.

AMENDMENT NO. 2733

The second amendment I will speak to, No. 2733, involves a commuter tax. This prohibits the imposition of a nonresident income tax unless two States agree to a compact permitting that tax. It happens in New Hampshire; it happens in other States. A State does not have an income tax and a person who lives in a State with no income tax works in another State. That State taxes their income. It is taxation without representation. It is not fair.

This prohibits this tax from being implemented. In the long run, it is fair, and it is best for all people, no matter in what State you live. Even if you are in a State that collects those taxes, it is the issue of fairness. Is it fair for you to collect an income tax from a person who works in your State who gets no benefit? It does not mean only the interstate exchange of goods and services, it also means the exchange of labor.

One of the best ways to stimulate economic growth is allow people to work wherever they want in whatever State they want. Why make it a disincentive for the person living on the border of one State to go to another State. That is what we are doing. It is especially unfair in States such as New Hampshire, where there is no income tax, and there is no reciprocating. In the State of New Hampshire, $2 or $3 million goes out of that State into several of the surrounding States.

We all have constituents who work in neighboring States. In most cases, these constituents pay income taxes to those States; they are called commuter taxes. This is called taxation without representation, where I went to school. This is one of the issues that the colonists in our country fought over when they began to remove themselves from the authority of the King. The Declaration of Independence lists the reasons our country broke away from the Crown, and one of them was imposing taxes without our consent. That is exactly what happens in every State in America where there is an income tax for a person, say, living in Montana, who works in a neighboring State, and they have to pay the tax of that neighboring State.

It is not fair. I understand where politically it is easier for a State legislator to support an income tax on citizens who cannot vote them out of office. There is no way you can vote these people out of office for imposing these taxes, but it goes against the very principles on which our country was founded.

My amendment says if the State consents to allow its citizens to be taxed by a neighboring State, that is OK because now the constituents have an opportunity to either support or not support the legislators who imposed that. It is a very important distinction as to this amendment. If a State consents to allow citizens to be taxed by a neighboring State, fine. But right now that is not the case. They could sign an interstate compact, which would be fine, but it should be up to the States. My amendment preserves the right of citizens to be governed by their own States, not by the tax-hungry legislators of another State.

If you examine this issue, it is a States rights issue, and I urge its adoption.

AMENDMENT NO. 2734

Mr. President, the attacks of September 11 have left a great deal of devastation in their wake. Thousands perished during the attacks while tens of thousands of friends and family members are left to grieve for their loved ones. But the economic impact of those attacks continue to be felt throughout the Nation. With more than 1.6 million working men and women laid off last year, we need to look for ways to provide assistance to working individuals and their families.

The business community, particularly the travel industry, are bearing the brunt of the burden. With airline travel and hotel bookings down sharply, communities which largely depend on tourism and travel as their chief source of revenue will soon, if not already, be in the red and may soon be forced to cut vital services. It is, therefore, imperative that we pass a strong, sensible economic stimulus plan that will provide immediate relief to all Americans and stimulus to local businesses to help them weather this storm and expand employment. However, we must not overlook those who need help the most. The working poor.

Many of the these hardworking Americans supplement their often, minimum wage incomes, with tips received for their excellent service. However, this discriminatory tax is levied against those who can least afford it. Therefore, I am offering an amendment to address this unfairness in the tax code and provide direct relief to hardworking Americans. My amendment is very simple. It recognizes a tip for what it is: a gift. All tips, not exceeding $10,000 annually, would be tax-free. Result: hundreds of dollars a month remains in the pocket of hard working individuals. By exempting these monies from both income and FICA taxes, more money will be returned to the pockets of both employees and employers.

Under current law, service employees who typically receive tips are assumed to have made at least 8 percent of their gross sales in tips. Taxes are applied regardless of the actual level of the tip. The end result for these employees is that they may have to pay taxes on income they didn't receive.

By passing my amendment, the Federal Government will provide direct relief to at least 2.3 million low to middle income individuals who depend on tips to make ends meet. Industry statistics show that most of the employees that will be helped by my amendment are either students, single mothers, or employees at the beginning of their careers. My amendment will benefit millions of Americans directly, substantially, and quickly, while lifting some of the heavy burden of Government off of thousands of small businesses. My amendment eliminates the current cumbersome system under which tips cannot possibly be reported accurately. Hard working, law-abiding citizens who are given tips as a result of their extra effort do not wish to be labeled cheaters by the IRS which does not understand the realities of their work. It is time to change the tax law covering income from tips. My amendment caps the tax-free earnings at $10,000 for the small percentage who make a career of waiting on tables in high-end restaurants and resorts. For States that have a tip credit rule, this bill will not impact the employee's and employer's obligations and contributions up to the minimum wage.

Congress should show the hard working men and women of America that the Federal Government is not out of touch, and that it has some compassion for the struggle facing the millions of citizens in the service industry. By passing my amendment, we pass a common sense proposal that will directly help millions of hard-working Americans.

To reiterate, the third amendment is No. 2734, known as the tip tax. This amendment would consider tips to be gifts for income tax purposes. This would provide a great amount of much needed relief and stimulus to the hospitality and other service sectors of our economy by eliminating the tax burden imposed on these tips.

Think about the types of people who hold these jobs. There are many single mothers, working women, working hard. You have all been to restaurants and you see how hard waiters and waitresses work. Frequently these are single-income mothers who have children at home. They are working hard. This would exempt the first $10,000 of those tips from Federal income tax. That is a pretty good incentive and would help

every waitress, every waiter, every person who receives gratuities as the primary source of their income. It would help them tremendously to exempt the first $10,000.

We treat the tip income the same way—the first $10,000 a year tax free. It is good policy and good stimulus, and I urge its adoption.

In summary, again, if you work as a waitress or waiter, the first $10,000 of the money you earn in tips would be exempted from Federal taxes.

AMENDMENT NO. 2732

After the treacherous attacks of September 11, the need to increase security around the country was and continues to be imperative.

Much of the security needs were filled by National Guard and Reserve units. Many were forced to leave high or higher paying jobs than the military was able to pay. In some cases, this caused a financial burden on the men and women who were called to duty.

In order to help the Guard and Reserve units who were called up as a result of the terrorist attacks, my amendment would allow those units to access their retirement plans without paying the 10 percent penalty for early withdrawal.

The legislation would also allow them an underpayment waiver as well as a catch-up contribution without caps up to the amount they withdrew from their retirement fund.

While we have rightfully provided tax relief to the business and families involved in the September 11 attacks, we must also look for ways to provide relief to those brave men and women who have been called up to protect us from further attacks.

I ask the Senate to support the members of our National Guard and Reservists and agree to my amendment.

In conclusion—I may want to speak to these amendments a little bit later—these are four opportunities for us to help people who need help and stimulate the economy at the same time. These are working women, for the most part, single mothers, working women who have children at home, to exempt that first $10,000 in tip income; to help the reservist who is called up on active duty who has a tough time now making payments on the home; third, to help those who work in one State and have to pay taxes in that State even though they do not get any vote on it; and finally, the property tax where with the above-the-line deduction, if you don't itemize, you can deduct your property taxes.

That will help mostly seniors, those people who are on fixed incomes who are basically property poor. They do not want to sell their house. They don't want to mortgage their house. Why should they have to? They have worked all their lives for it. They can't pay the taxes on it. This will give them a chance to deduct it right off their income.

My amendment will provide tax relief to low income homeowners who do not have enough in deductions to itemize.

Giving low income working Americans an above the line tax deduction for their family home will encourage home ownership and provide a much needed economic stimulus in financially challenged neighborhoods.

School districts depend, in large part, on property taxes. Encouraging home ownership will increase greater tax dollars to these school districts and provide greater learning opportunities for our children.

As a former teacher, I believe it is very important to our children and our economy.

I ask that the Senate consider the working poor and agree to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment offered by the Senator from New Hampshire is the pending business.

Mr. SESSIONS. I ask unanimous consent to lay aside the pending amendment in order that I might introduce my own amendment, along with Senator ALLEN.

The PRESIDING OFFICER (Mr. CARPER). Is there objection?

Mr. REID. Reserving the right to object, what is the consent request?

The PRESIDING OFFICER. The Senator will repeat his request.

Mr. SESSIONS. That we lay aside the pending amendment and I and Senator ALLEN be allowed to offer an amendment.

Mr. REID. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I announce to Members that we are trying to have a consent agreement entered into within the next few minutes to have a vote on or about a quarter to 4 today on the Harkin amendment. We have an agreement that was formalized last night to alternate amendments. And that is what we have been doing. We have a formal agreement that during this stimulus package we are alternating amendments. The next two that were to be in order were two Democratic amendments. We are going to dispose of these. We are going vote on the Harkin amendment and vote on Senator ALLEN's and work our way through this matter. Senator SMITH offered four amendments. The manager on the other side can decide how to handle those. We will do what we have been doing. Unless Senator SMITH combines those into one amendment, we will spread those out, having four amendments on the other side.

I have no objection at this time to Senator SESSIONS offering the amendment in keeping with the agreement that was entered. His amendment would be offered in the normal course of the alternating amendments.

Does the Senator from Iowa agree with me?

Mr. GRASSLEY. Mr. President, if what the Senator is saying is that when it comes to a Member who offered four amendments, we would only vote on one of his amendments and alternate back and forth. Is that your goal?

Mr. REID. Yes. It doesn't matter to me how the manager of the bill handles that. It is strictly up to him.

Mr. GRASSLEY. Since we started the other day with an agreement to go back and forth with one Democratic amendment and one Republican amendment, we will stick with that.

Mr. REID. We entered into that agreement yesterday.

I withdraw my objection to Senator SESSIONS' amendment.

I ask unanimous consent that the Senate vote at 3:45 on or in relation to the Harkin amendment, there be no amendments in order prior to that time, and the time be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Alabama.

AMENDMENT NO. 2736

Mr. SESSIONS. Mr. President, I thank the Senator from Nevada for his courtesy which he displays so often.

The American Family Security and Stimulus Act is a stimulus package that I offered along with Senator ALLEN and Senator SMITH. Several other Senators also support it. It is designed to provide a stimulus to this economy and to middle-class working Americans, by emphasizing help to families who tend to be hurt most in an economic slowdown and by trying to get money into this economy in a way that can move us out of here. It is time to blast out of this recession—not ease out of it.

When we look at our budget numbers and our hopes for the future and jobs in America, what we know is that the sooner we get this economy humming again the better. It will even benefit the politicians because we will have more money in our Government Treasury. But, most importantly, it will help create jobs and income for American families and workers.

It is time for us to quit dawdling about and get moving on something that can be reached. I know the great leadership on both sides of the aisle has worked really hard. Sometimes I have been wont to call them masters of the universe, as they told us they were going to work out something. Sooner or later, they were going to get an agreement. But time has gone by and no agreement has been reached. So I suggest the plan that we would offer today—Senator ALLEN and I—is a bipartisan plan that can include much of what is in other people's plans. It also includes some items that would provide stimulus to the economy that are not special interest oriented but family oriented. So everybody should be able to rally behind them.

I will make a few brief remarks and then I will allow Senator ALLEN to

make some comments. I hope I might be able to speak on it as the day goes by.

The components of this plan include a number of items. I believe one of them that has not been given sufficient thought in this process is the requirement that we advance payment of the earned-income tax credit—a $31 billion program for low-income workers. They get that earned-income tax credit the year after they work as a refund on their tax return. If we could begin to put it on their paychecks now—it is 5 percent—they would receive maybe a 60-cent, 80-cent, or 90-cent-an-hour increase in their pay. It would advance payment maybe $10 billion or $15 billion in this fiscal year's economy when we need that advanced payment, and it would reduce next year's payment. It would be a one-time infusion of cash for hard-working Americans with low income with no cost to the budget over a 2-year period. In fact, I think that is the right approach.

I do not believe I sent my amendment to the desk. I send it at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, and Mr. HUTCHINSON proposes an amendment numbered 2736 to the language proposed to be stricken by amendment No. 2698.

Mr. SESSIONS. 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 printed in today's RECORD under ''Amendments Submitted.'')

Mr. SESSIONS. Mr. President, the cost is $15 billion this year, but it saves the Treasury $15 billion next year because that money would have been paid out earlier than would otherwise have been the case.

I ask that we accelerate the 25-percent individual income tax rate reduction that is now set at 27 to go to 25 by the year 2002, instead of 2006. We would accelerate that to this year providing families a break on their tax return. For example, an individual making $27,000 to $67,000 would receive a 2-percent break on their tax return.

We would allow penalty-free IRA withdrawals for health insurance premiums for unemployed workers. That has the potential to help people who are hurting and need health insurance. We would increase the child tax credit from $500, as it is today for the year 2001, to $1,000 per child, allowing families to receive an additional $500 tax credit on their tax returns for this year. We would do that just for 1 year because it is my belief that we need a stimulus in the economy now. It is going to phase into a $1,000 tax credit for families over 10 years, but for 1 year we would accelerate that in these economic times to provide relief for families.

We would increase from $3,000 to $5,000 the capital loss deduction. A number of plans have had that—both Democrat and Republican.

We provide a 3-month $500 tax credit for the purchase of computers for elementary and secondary students, for which Senator ALLEN is such a passionate proponent, and who will explain in detail.

We will extend the unemployment benefit by 13 weeks and provide the option for States to provide unemployment, if they choose, for part-time workers.

I think that goes beyond Senator DASCHLE's proposal and, I believe, would be very much a compromise that would be acceptable across the aisle.

We would provide $5 billion for national emergency grants to States for people who are hurting and provide temporary business relief by allowing an additional 2-year depreciation deduction of 30 percent of the adjusted basis of certain qualified properties. That is projected at an approximate $38 billion cost, and it would have a cost this year when the money is pumped into the economy. But by allowing people to take that depreciation deduction early, it would be something not available to them in the future, thereby saving Government expenditures or costs in income in the future.

That is a good package. I know Senator ALLEN wants to talk about it. I believe it is a step in the right direction. There is nothing in this that is not bipartisan. There is nothing in this that is special interest. Every bit of it is fair and just, which stimulates the economy, over $100 billion worth, without creating a bureaucracy, without creating a welfare program, and actually doing the things we want it to do.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia.

Mr. ALLEN. Mr. President, I commend Senator SESSIONS for his leadership and echo all of the comments he made in support of this measure. I strongly support, as a cosponsor, this amendment which is entitled the American Family Economic Security and Stimulus Act.

This amendment, due to the great leadership of Senator SESSIONS, as well as his ingenuity, has provided us with what I believe to be a very common sense, compassionate, pro-family package that will help stimulate the economy and help American families and businesses get through the current economic recession.

When one thinks of stimulus or stimulus policy—I know the Presiding Officer remembers the discussion on the concept of stimulus—it should be a change in policy which will induce or spur economic activity, whether it is investment or whether it is spending, that would otherwise not occur but for the change in policy.

This amendment represents a very worker-oriented, pro-family economic aid and stimulus package that will provide immediate financial relief to working families. It will ensure more of their hard-earned money stays in their wallets, and they spend it as they see fit. There is the additional $150 a month in the hands of working Americans through advanced payment on the earned-income tax credit. That is really an immediate 50 to 60 cents per hour pay raise for workers in the lowest income levels.

It increases the child tax credit to $1,000 for the current fiscal year, and it accelerates the rate reduction for the 28 percent tax bracket to 25 percent.

I thank Senator SESSIONS for including the educational opportunity tax credit in this important legislation. This is a concept that I ran on in my campaign. It is one many have heard me discuss. What I am doing in adapting this idea, the education opportunity tax credit, to a stimulus package is to create an immediate incentive for families, parents of children who are in kindergarten through 12th grade, to buy computers, educational software, or computer peripherals. It is a technology-related amendment.

Specifically, what this amendment, the Sessions-Allen amendment, would do is provide parents who have children in kindergarten through 12th grade with an immediate $2,500 tax credit to buy computers, educational software, or peripherals. It would be for only 3 months. It would provide those families with the financial means necessary to provide their children with greater educational choice and opportunities best suited to their individual needs.

Parents know the needs of their children better than anyone. We know in studies about the digital divide that youngsters who have computers at home do better in school. They stay in school. They don't drop out. This is an important way of empowering parents to provide computers and educational software and peripherals to their children.

As far as the economic stimulus of it, if the idea of education and empowering parents is not sufficient to convince my colleagues, let's recognize what this will do for the economy. We can look at the States as our laboratories for a lot of good ideas.

Experience shows in the States that even a small temporary reduction in taxes can bring about huge increases in computer sales. In South Carolina, they had a sales tax holiday on computers for only 3 days. What was the result? Computer sales increased more than tenfold, over 1,000 percent, in those 3 days. In Pennsylvania, they eliminated the sales tax on computers for 1 week. CPU sales increased sixfold in that time.

The PRESIDING OFFICER. All time controlled by the minority has expired.

Mr. ALLEN. Mr. President, I hope the Senate will support this idea of empowering parents, helping with technology, and helping out our economy

as well. It is a good, commonsense approach. I thank the Presiding Officer for giving me the additional 30 seconds.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I believe we have consent from the other side to let the Senator from Virginia speak longer.

Mr. ALLEN. I would appreciate that, Mr. President.

Mr. GRASSLEY. I ask unanimous consent to give the Senator 3 additional minutes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized for an additional 3 minutes.

Mr. ALLEN. Mr. President, as I was stating, the educational opportunity tax credit, empowering parents with a $500 tax credit for a 3-month period to buy computers and educational software and peripherals for their children, as we see from the States, works very well. It is not just the computers themselves. Again, South Carolina realized about a 664 percent increase in monitor sales and a 700 percent increase in printer sales, with only a 5 percent tax break. Pennsylvania had a similar experience.

The impact of this will be at least $5 billion of stimulus into this sector of the economy while also helping out the education of children in this country.

We know that this will have much more of an impact than that because whoever is fabricating the chips, the semiconductor chips, whoever the contractors and vendors may be, whoever the sales folks are, all of them, the computer software writers, all of those people will benefit from more business investment, more sales in the tech sector. This idea is supported by Information Technology Industries; Global Learning System; ITIC, which is the Information Technology Industry Council; John Chambers with CISCO, who is well known for his efforts in education and technology, Gateway Computers, who have seen the impact of this in the States, the Consumer Electronics Association, Radio Shack, and Circuit City.

This is a good, balanced, pro-family, pro-taxpayer, pro-jump starting, and "stimulating this economy to create more jobs" idea. I hope we will find bipartisan support for this idea that will really allow families to keep more of their money, help educate their children, and also provide the job placement and financial assistance needed to workers during this economic downturn while also making sure that businesses have the capabilities to make investments with accelerated depreciation.

I look forward to working with my colleagues as we move this country forward in a way of trusting free people and free enterprise.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, if I may, I ask unanimous consent to add as cosponsors of the Sessions-Allen amendment Senator TIM HUTCHINSON of Arkansas and Senator BOB SMITH of New Hampshire.

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

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I ask unanimous consent that the amendment of the Senator from Virginia be set aside.

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

AMENDMENT NO. 2700

Mr. GRASSLEY. Mr. President, on behalf of Senator MCCAIN, I call up amendment No. 2700, and I ask unanimous consent that it be explained and then laid aside.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. MCCAIN, for himself, Mr. ALLARD, Mr. LIEBERMAN, Ms. SNOWE, Mr. LEVIN, Mr. MURKOWSKI, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. BURNS, Mr. DURBIN, Mr. SESSIONS, Mr. DEWINE, Mr. THURMOND, Mr. SHELBY, Mr. HAGEL, Mr. LUGAR, Mr. KENNEDY, Mr. WARNER, Ms. COLLINS, Mr. HATCH, Mr. HELMS, Mr. ALLEN, Mr. KERRY, Mr. FITZGERALD, Mr. STEVENS, Mr. REID, Mr. MILLER, Mr. ROBERTS, Mr. BAYH, Mr. ENSIGN, Mr. BUNNING, Mr. CAMPBELL, Mr. NELSON of Nebraska, Mr. DODD, Mr. JEFFORDS, Mr. BROWNBACK, Mr. BIDEN, Ms. STABENOW, and Mr. COCHRAN, proposes an amendment numbered 2700 to the language proposed to be stricken by amendment No. 2698.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence)

At the appropriate place insert the following:

**SEC. ___. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN ON SALE OF PRINCIPAL RESIDENCE.**

(a) IN GENERAL.—Section 121(d) (relating to special rules) is amended by adding at the end the following:

"(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

"(A) IN GENERAL.—The running of the 5-year period described in subsection (a) shall be suspended with respect to an individual during any time that such individual or such individual's spouse is serving on qualified official extended duty as a member of a uniformed service or of the Foreign Service.

"(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified official extended duty' means any period of extended duty during which the member of a uniformed service or the Foreign Service is under a call or order compelling such duty at a duty station which is a least 50 miles from the property described in subparagraph (A) or compelling residence in Government furnished quarters while on such duty.

"(ii) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) UNIFORMED SERVICE.—The term 'uniformed service' has the meaning given such term by section 101(a)(5) of title 10, United States Code.

"(ii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges on or after the date of the enactment of this Act.

Mr. MCCAIN. Mr. President, I, along with 39 cosponsors, am proud to sponsor amendment 2700 to H.R. 622 to allow members of the Uniformed and Foreign Services, who are deployed or are away on extended active duty, to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. I am pleased to announce that Secretary of State Colin Powell fully supports this legislation and this legislation enjoys overwhelming support by the senior uniformed military leadership—the Joint Chiefs of Staff—as well as the Office of Management and Budget Director Mitch Daniels, the 31-member associations of the Military Coalition, the American Foreign Service Association, and the American Bar Association.

The average American participates in our Nation's growth through home ownership. Appreciation in the value of a home because of our country's overall economic growth allows everyday Americans to participate in our country's prosperity. Fortunately, the Taxpayer Relief Act of 1997 recognized this and provided this break to lessen the amount of tax most Americans will pay on the profit they make when they sell their homes.

The 1997 home sale provision unintentionally discourages home ownership among members of the Uniformed and Foreign Services, which is bad fiscal policy. Home ownership has numerous benefits for communities and individual homeowners. Owning a home provides Americans with a sense of community and adds stability to our Nation's neighborhoods. Home ownership also generates valuable property taxes for our Nation's communities.

This amendment will not create a new tax benefit. Let me say that again: this bill will not create a new tax benefit, it merely modifies current law to suspend the time members of the Uniformed and Foreign Services are away from home on active duty. In short, this amendment treats service members and foreign service officers fairly, by treating them like all other Americans.

The Taxpayer Relief Act of 1997 delivered sweeping tax relief to millions of Americans through a wide variety of important tax changes that affect individuals, families, investors, and businesses. It was also one of the most complex tax laws enacted in recent history.

As with any complex legislation, there are winners and losers. But in this instance, there are unintended losers: service members and Foreign Service Officers.

The 1997 act gives taxpayers who sell their principal residence a much-needed tax break. Prior to the 1997 act, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to be at least 55 years old and live in the residence for 2 of the 5 years preceding the sale. This provision primarily benefitted elderly taxpayers, while not providing any relief to younger taxpayers and their families.

Fortunately, the 1997 act addressed this issue. Under this law, taxpayers who sell their principal residence on or after May 7, 1997, are not taxed on the first $250,000 of profit from the sale; joint filers are not taxed on the first $500,000 of profit they make from selling their principal residence. The taxpayer must meet two requirements to qualify for this tax relief. The taxpayer must, first, own the home for at least 2 of the 5 years preceding the sale; and, second, live in the home as their MAIN home for at least 2 years of the last 5 years.

I applaud the bipartisan cooperation that resulted in this much-needed form of tax relief. The home sales provision sounds great and it is. Unfortunately, the second part of this eligibility test unintentionally and unfairly prohibits many of our men and women in the Armed Forces and Foreign services from qualifying for this beneficial tax relief.

Constant travel across the United States and abroad is inherent in the military and Foreign Services. Nonetheless, some service members and Foreign Service Officers choose to purchase a home in a certain locale, even though they will not live there much of the time. Under the new law, if a service member does not have a spouse who resides in the house during his or her absence or the spouse is also in the military and also must travel, that service member will not qualify for the full benefit of the new home sales provision, because no one ''lives'' in the home for the required period of time. The law is prejudiced against dual-military couples who are often away on active duty, because they would not qualify for the home sales exclusion because neither spouse ''lives'' in the house for enough time to qualify for the exclusion.

This amendment simply remedies an inequality in the 1997 law. It amends the Internal Revenue Code so that the 5-year time period is suspended while the service member or Foreign Service Officer is ordered, I underscore ordered, away from their primary home of residence. In short, active and reserve service members will still be required to live in their primary residence for 2 years, but the 5-year time period is suspended while they are stationed to such places like Afghanistan, the Philippines, Bosnia, the Persian Gulf, in the ''no man's land,'' commonly called the DMZ between North and South Korea, or anywhere else on active duty orders.

In 1998 alone, the United States had approximately 37,000 men and women deployed to the Persian Gulf region, preparing to go into combat, if so ordered. There were also 8,000 American troops deployed in Bosnia, and another 70,000 U.S. military personnel deployed in support of other commitments worldwide. That is a total of 108,000 men and women deployed outside of the United States, away from their primary home, protecting and furthering the freedoms we Americans hold so dear. Since the September 11th attacks on the United States we have asked well over 110,000 service members to deploy abroad to seek out and destroy the terrorists and their supporting organizations responsible for this barbaric deed.

We cannot afford to discourage military service by penalizing military personnel with higher taxes merely because they are doing their job. Military and Foreign service entails sacrifice, such as long periods of time away from friends and family and the constant threat of mobilization into hostile territory. We must not allow the Tax Code to heap additional burdens upon our men and women in uniform.

In my view, the way to decrease the likelihood of further inequities in the Tax Code, intentional or otherwise, is to adopt a fairer, flatter tax system that is far less complicated than our current system. But, in the meantime, we must insure that the Tax Code is as fair and equitable as possible.

The Taxpayer Relief Act of 1997 was designed to provide sweeping tax relief to all Americans, including our men and women in uniform. It is true that there are winners and losers in any tax code, but this inequity was unintended. Enacting this narrowly-tailored remedy to grant equal tax relief to the members of our Uniformed and Foreign Services restores fairness and consistently to our increasingly complex Tax Code.

I ask unanimous consent that the letters of support from the American Foreign Service Association, the Joint Chiefs of Staff, American Bar Association, the Military Coalition, the Office of Management and Budget, and the Secretary of State be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
*Washington, DC, November 30, 2001.*

The Hon. JOHN MCCAIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCAIN: I am writing in support of the legislation you have introduced to provide members of the Foreign Service, as well as military personnel, the same relief extended to other Americans in the sale of their principal residence. Your efforts on behalf of the men and women of the Foreign Service are very much appreciated.

The Tax Relief Act of 1997 has acted to the disadvantage of many members of the Foreign Service by requiring that they must live in their principal residence for two of the five years prior to sale. Much of a Foreign Service member's career is spent serving his or her country far away from that residence, thereby making it impossible for many of them to utilize the capital gains tax exclusion. Not counting the time on extended duty away from the principal residence as part of the five-year period will give to our Foreign Service personnel and their military colleagues the same tax treatment enjoyed by their fellow Americans.

Sincerely,

COLIN L. POWELL.

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JOINT CHIEFS OF STAFF,
*Washington, DC, November 27, 2001.*

The Hon. JOHN MCCAIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCAIN: I join the Service Chiefs and strongly endorse the Military Homeowners Equity Act. This legislation would correct an inequity in the Internal Revenue Code of 1997 and would afford Service members the same opportunity to build equity in a home that most other Americans enjoy.

One of the most effective ways to maintain outstanding combat capability in our military personnel is to allow them to concentrate fully on their mission without worrying excessively about the home front. This Bill would be a major step in the right direction.

Thank you for the opportunity to review the legislation, and for your efforts on behalf of our soldiers, sailors, airmen, marines, and coastguardsmen.

Sincerely,

RICHARD B. MYERS,
*Chairman.*

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CHIEF OF NAVAL OPERATIONS,
*November 21, 2001.*

The Hon. JOHN MCCAIN,
*Senate Russell Office Building, Washington, DC.*

DEAR SENATOR MCCAIN: Thank you for your efforts on behalf of our service members to correct the disparity created by the Tax Relief Act of 1997. I would like to extend my support for your legislative tax relief proposal, S. 1678 which would help relieve the hardships experienced by military homeowners and encourage more members to purchase homes.

Many military homeowners who sold their homes after the Tax Relief Act of 1997 have been unable to meet the two-year residency requirement. I ask that you also consider adding language to your proposal to make the tax relief retroactive to sales and exchanges that occurred after the 1997 act, adding a specific exception to the statute of limitations period for filing refund claims.

Please let me know if I may be of further assistance.

Sincerely,

VERN CLARK,
*Admiral, U.S. Navy.*

*October 31, 2001.*

The Hon. JOHN MCCAIN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCAIN: Your efforts to improve the quality of service enjoyed by our Navy-Marine Corps team are greatly appreciated. I would like to extend my support for the legislation that you intend to introduce to correct the tax disadvantage created by The Tax Reform Act of 1997.

The Marine Corps has been tracking several bills intended to correct this tax disadvantage. As you know, The Tax Reform Act repealed certain portions of the existing law that allowed military members to maintain the status quo with other taxpayers for exclusion of capital gains. The Act provided for an exclusion, obviously not intended to disadvantage military service members or members of the Foreign Service. In order to qualify, a taxpayer must ''own and use'' the property for two of the five years preceding the sale. Since our personnel seldom remain in one location for over three years, it is difficult to qualify for the exclusion.

Please let me know if there is any way in which I can be of assistance or service.

Semper Fidelis,

J.L. JONES,
*General, U.S. Marine Corps,*
*Commandant of the Marine Corps.*

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DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF STAFF,
*Washington, DC, November 27, 2001.*

The Hon. JOHN MCCAIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCAIN: I strongly support the legislation you have introduced, S. 1678, to correct the inequitable tax consequences suffered by many soldiers when they sell their principal residence.

As you are aware, under the 1997 Tax Relief Act, a homeowner who sells a principal residence can exclude gain of $250,000 ($500,000 for joint fliers) if the taxpayer owned and used the residence for two of the five years immediately preceding the date of sale. Unlike the previous law, the 1997 Tax Relief Act does not recognize an exception for military service. Accordingly, service members making frequent military moves are often unable to meet the two-year residency requirement required for the home sale exclusion.

Your legislation would correct this inequity by permitting service members to apply time served on extended active duty toward the use of a principal residence to qualify for the home sale exclusion. This change would allow many more service members and their families to take advantage of the home ownership tax incentives enjoyed by other Americans.

I greatly appreciate your commitment to enhance the quality of life for service members and their families. Thank you for your continued support.

Sincerely,

JOHN M. KEANE,
*General, United States Army,*
*Vice Chief of Staff.*

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HQ USAF/CC,
1670 AIR FORCE PENTAGON,
*Washington, DC, November 28, 2001.*

The Hon. JOHN MCCAIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCAIN: Your consistent commitment to improving the quality of life of our Airmen is greatly appreciated. The Air Force fully supports your Military Homeowners' Equity Act—S. 1678. This bill will correct the tax disadvantaged created by the Tax Reform Act of 1997 by allowing members of the Uniformed Services who are deployed or are away on extended active duty to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. Ideally, this legislation would be retroactive to the effective date of the Tax Reform Act.

The 1997 Tax Reform Act repealed certain portions of the existing law that allowed military members to maintain the status quo with other taxpayers for exclusion of capital gains. The Act provided for an exclusion, obviously not intended to disadvantaged military service members or members of the Foreign Service. In order to qualify, a taxpayer must ''own and use'' the property for two of the five years preceding the sale. With the frequent moves required by military service, it is often times difficult for our service members to qualify for the exclusion. Your bill corrects that inequity.

Thank you again for your continuing support and leadership.

Sincerely

JOHN P. JUMPER,
*General, USAF, Chief of Staff.*

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EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, November 15, 2001.*

The Hon. GRANT S. GREEN, JR.,
*Under Secretary for Management, Department of State, Washington, DC.*

DEAR GRANT: Thank you for your letter regarding Senator McCain's tax relief proposal. After careful review, there is a case to be made that the current capital gains tax system poses a burden on servicemen and women and foreign service officers. These men and women spend much of their careers being assigned overseas and moving from post to post. We should not penalize these Americans in effect for serving their country.

The Office of Management and Budget supports Senator McCain's proposal which would allow military and foreign service personnel equitable capital gains tax treatment. I appreciate your persistence on this matter as we continue to ensure that our Foreign Service Officers and Military service men and women enjoy such benefits especially during these difficult times.

Sincerely,

ROBIN CLEVELAND,
*Associate Director,*
*National Security Programs.*

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THE MILITARY COALITION,
*Alexandria VA, November 6, 2001.*

The Hon. JOHN MCCAIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCAIN: The Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations, representing more that 5.5 million members, plus their families and survivors, is grateful to you for introducing The Military Homeowners Equity Act—a bill that would restore capital gains tax equity for military homeowners.

Your legislation is essential to correct a serious oversight in the Taxpayer Relief Act of 1997, which inadvertently penalizes servicemembers who are assigned away from their principal residence for more than three years on government orders. Very often, servicemembers keep their homes while reassigned overseas or elsewhere in the hopes of returning to their residence. On occasions when this proves impossible, and the home must be sold to permit purchase of a new principal residence, servicemembers find themselves subjected to substantial tax liabilities—all because military orders kept them from occupying their principal residence for at least two of the five years before the sale.

The 1999, both the House and Senate passed corrective legislation (H.R. 865) as part of the Taxpayer Refund and Relief Act of 1999, but the President vetoed this bill over an unrelated issue. Your new bill will be important to resurrect this fairness issue and allow servicemembers to comply with government orders and leave home to serve their country without risking a large capital gains tax liability.

The Military Coalition pledges to work with you to seek inclusion of your bill in the pending economic stimulus package so military members can once again enjoy the same capital gains tax relief already provided to all other Americans.

Sincerely,

*The Military Coalition.*

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AMERICAN FOREIGN SERVICE ASSOCIATION,
*Washington, DC, November 5, 2001.*

The Hon. JOHN MCCAIN,
*Senate Russell Building,*
*Washington, DC.*

DEAR SENATOR MCCAIN: On behalf of the 23,000 active-duty and retired members of the Foreign Service which the American Foreign Service Association (AFSA) represents, thank you for your leadership and support with your soon-to-be introduced bill extending to the Uniformed Services and Foreign Service the tax treatment enjoyed by all other Americans when they sell their principal residence.

As you know this is an important active-duty issue for the Uniformed Services and the Foreign Service. Your bill, amending section 121(d) of the Internal Revenue Code of 1986, addresses an inequity faced by our members because of the particular nature of our profession. As you are well aware, our careers require us to live for years at a time away from our homes in duty posts around the world in service to our nation. In the case of the Foreign Service, our duty assignments range from 2–4 years. Back-to-back assignments abroad are common. It is no unusual for a member of the Foreign Service to spend six or more years abroad before returning to Washington for an assignment here. With the current two-in-five year occupancy test, many of our members in both the Uniformed Services and the Foreign Service find that we do have the same flexibility in selling our homes as enjoyed by our fellow Americans. After several years abroad, there are many reasons why we may with to sell our homes upon returning home. As with other Americans, we would like our homes to reflect and be suited-to the changes in our lives—the increase or decrease in the size of our families, divorce, retirement, promotions and the ability to pay more for a house, the schools our children would attend, etc. Yet because of current law, we cannot sell our principal residences without living in them again for two years or else pay a serious tax penalty. Your bill, gratefully, addresses these problems.

The members of the Uniformed Services and the Foreign Service have been faced with this problem since the change in the tax code in 1997. We hope that your provision can become law soon. If we can be of any assistance, please do not hesitate to contact me or Ken Nakamura, AFSA's Director of Congressional Relations at (202) 944–5517 or by e-mail at nakamura@afsa.org.

Sincerely,

JOHN K. NALAND,
*President.*

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
*November 7, 2001.*

The Hon. JOHN MCCAIN,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR MCCAIN: On behalf of the American Bar Association, I would like to commend you for your leadership in developing a proposal on the issue of the military homeowners capital gains exemption. Such legislation is needed to correct an inequity that occurred as a result of the Taxpayer Relief Act of 1997 (Public Law No. 105–34).

As you know, Section 121 of the Internal Revenue Code permits a single taxpayer to exclude up to $250,000 of the capital gains on the sale of a principal residence and permits a married couple filing jointly to exclude up to $500,000 on such a sale. Yet in order to qualify for such an exclusion, a taxpayer must have owned and used the home as a principal residence for two out of the five years prior to its sale. Otherwise, a taxpayer must pay taxes on all or a pro rata share of the capital gains on the sale of the home.

Unfortunately, this provision penalizes service members who are unable to use a principal residence for two out of the five years prior to its sale, because they are deployed overseas or required to live in military housing. The ABA urges Congress to amend Section 121 of the IRC to either: (1) treat time spent away from a principal residence while away from home on official active duty as counting towards the ownership and use requirement, or (2) suspend the ownership and use requirement for time spent away from a principal residence due to official active duty. Earlier this year, the ABA submitted comments to the Internal Revenue Service on proposed regulations regarding Section 121. A copy of our comments is enclosed for your review.

We want to thank you for your plans to rectify the inequity created for service members by Section 121. We look forward to working with you to establish a military homeowners capital gains exemption.

Sincerely,

ROBERT D. EVANS.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is set aside.

AMENDMENT NO. 2719

Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. The time has arrived for the vote with respect to the amendment of the Senator from Iowa.

Mr. BAUCUS. Is the Chair about to put the question for a vote?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act against the pending amendment, which is No. 2719, for exceeding the spending allocations of the Senate Committee on Finance.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS), the Senator from New Hampshire (Mr. GREGG), and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote ''no.''

The yeas and nays resulted—yeas 54 nays 41, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—54

| | | |
|---|---|---|
| Baucus | Durbin | Mikulski |
| Bayh | Edwards | Miller |
| Biden | Feinstein | Murkowski |
| Bingaman | Graham | Murray |
| Boxer | Harkin | Nelson (FL) |
| Breaux | Hollings | Reed |
| Byrd | Hutchinson | Reid |
| Campbell | Inouye | Rockefeller |
| Cantwell | Jeffords | Sarbanes |
| Carnahan | Johnson | Schumer |
| Carper | Kennedy | Sessions |
| Cleland | Kerry | Shelby |
| Clinton | Kohl | Snowe |
| Collins | Landrieu | Stabenow |
| Corzine | Leahy | Torricelli |
| Daschle | Levin | Warner |
| Dayton | Lieberman | Wellstone |
| Dorgan | Lincoln | Wyden |

NAYS—41

| | | |
|---|---|---|
| Allard | Feingold | McConnell |
| Allen | Fitzgerald | Nelson (NE) |
| Bennett | Frist | Nickles |
| Bond | Gramm | Roberts |
| Brownback | Grassley | Santorum |
| Bunning | Hagel | Smith (NH) |
| Chafee | Hatch | Smith (OR) |
| Cochran | Helms | Specter |
| Conrad | Hutchison | Stevens |
| Craig | Inhofe | Thomas |
| Crapo | Kyl | Thompson |
| DeWine | Lott | Thurmond |
| Domenici | Lugar | Voinovich |
| Enzi | McCain | |

NOT VOTING—5

| | | |
|---|---|---|
| Akaka | Dodd | Gregg |
| Burns | Ensign | |

The PRESIDING OFFICER (Mr. EDWARDS). On this vote the yeas are 54, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Colorado.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, for the information of Members, we are in the process of arranging a unanimous consent request to have a vote on or about 4:45 p.m. today on the Allen amendment, and the second would be on the Baucus amendment.

While we are doing that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent the quorum call be rescinded.

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

Mr. REID. I say to my friend from Virginia, if he could start his remarks, I ask his permission we be allowed to interrupt him to enter the unanimous consent agreement when that is ready.

Mr. ALLEN. You have my agreement.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2702

Mr. ALLEN. Mr. President, I wish to speak to my amendment, the Terrorist Zone Tax Exemption Act, which I believe will be the next measure on which we will be voting.

Last fall the attack on our country represented the worst of mankind, but at the same time it demonstrated the best of the American spirit.

While we as a nation are united and resolved to combat terrorism, unfortunately other things have changed as a result of these attacks. As my colleagues know, this war on terrorism has changed our definition of combatants. For terrorism targets not only military personnel and equipment but innocent men, women, and children at work in office buildings and, as we have seen, on civilian aircraft. So it is also with those tasked to respond to these attacks. Under the threat of terrorism, not only are military personnel tasked to locate and eradicate potential terrorist threats, but civilian fire, police, and rescue personnel are charged with maintaining public safety after a terrorist attack. We read about and heard about the heroic acts of firefighters, rescue personnel, and police officers—whether at the Pentagon or at the World Trade Center—who risked their lives with burning debris, toxic gases and fumes who tried and indeed did save hundreds if not thousands of lives. And like their military counterparts, they too are subject to attack and risks themselves.

As my colleagues know, our tax laws recognize that the income of those brave men and women in military uniforms fighting overseas and serving in a zone designated as a combat zone is exempt from taxation. Recognizing that the war on terrorism has sadly changed the way we look at war, and recognizing that our local and State fire police and rescue personnel are now pressed into homeland defense, we ought to similarly change our tax laws to reflect this new reality.

My Amendment would allow the income of those who are working in designated terrorist attack zones—for example, at the World Trade Center or at the Pentagon, if so designated by the President—to be exempt from Federal taxes.

The fiscal implication of this is about $205 a month for the September attack—a cost of a little over $7 million to the federal government. And it is retroactive to September 11, although we pray we will never need to use this again.

It is supported by many groups—from the International Association of Fire Chiefs, the Fraternal Order of Police with nearly 300,000 members, the National Association of Police Organizations which represents over 220,000 police officers, the Detectives' Endowment Association which represents 7,500 City of New York Detectives, and other organizations, including the Capitol Police Labor Board.

These firefighters and police and rescue personnel are heroes. They are super heroes. Let us give them this recognition to boost their morale and show our appreciation to them as they protect us here in our homeland.

I hope in a bipartisan nature we can work and vote in favor of this logical, commonsense amendment and I ask for my colleagues' support.

Mr. NICKLES. Mr. President, will the Senator yield for a question concerning the cleanup at the Pentagon or at the World Trade Center? They are still cleaning up. Under the Senator's amendment, would that still be classified as a terrorist center, and, therefore, they would still be exempt? If the cleanup lasted a year, would the cleanup crews be exempt from taxation for a year?

Mr. ALLEN. The designation of a terrorist attack zone would be made by the President. Once you get past the rescue mission, the immediate response, and when the zone is designated a recovery scene, the tax exemption ends. The intent is for this to benefit those who rush in when there is still an opportunity to save a life; those first responders who themselves are endangered by the initial attack. I would not imagine that would last for anymore than a month. And again, it is validated on a monthly basis, like the combat zone tax exemption.

Mr. NICKLES. I thank my colleague.

Mr. REID. Mr. President, I appreciate the Senator from Virginia rushing through with his presentation. It was very articulate. I appreciate his recognizing that we are trying to get this agreement before the vote.

Mr. President, I ask unanimous consent that the time until 4:45 p.m. today be equally divided with respect to the Allen amendment No. 2702 and the Baucus amendment No. 2718, that no second-degree amendments be in order to either amendment prior to the vote in relation to each amendment; that the first vote be in relation to the Allen amendment; and that regardless of the outcome there be 4 minutes equally divided prior to the vote in relation to the Baucus amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent that Senator HELMS be added as a cosponsor of amendment No. 2702.

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

Mr. ALLEN. Mr. President, does the Senator from Montana wish to discuss this amendment? I only have maybe 30 seconds, and I would be happy to yield to the Senator from Montana.

Mr. BAUCUS. I thank my good friend. I have looked at the Senator's amendment. It is a good idea. I support it. There are a few little wrinkles that I want to look at to make sure the definitions coincide with the definitions for income taxes excluded for combat zones and make sure all those declarations are the same and equitable. That is just a minor matter. We will work that out.

I commend the Senator for offering this amendment. It is a good idea.

Mr. ALLEN. Mr. President, I thank the Senator from Montana, Mr. BAUCUS, for his support. I look forward to further discussion. If there are some amendments that need to be made in the definitions, we have been working on this for several months, but nevertheless we will continue to work together on it. I conclude by saying very strongly that we need to adapt our tax policy and properly and logically provide similar tax benefits for the fire, rescue, and police personnel who are serving here in our homeland. This is where these terrorist attacks have occurred and we all agree that these heroes have responded in the true spirit of America. Please stand with our heroes, our firefighters, and police and rescue workers.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, we have two amendments pending and at least two votes at approximately 5:45. We have discussed the amendment offered by the Senator from Virginia, which I support.

I don't know whether the Senator wishes to discuss the amendment. If he doesn't, that is fine. Otherwise, I was going to ask my friend from Oregon, Senator SMITH, if he wishes to say a few words before the other votes that will occur following the vote on the amendment offered by the Senator from Virginia. That, of course, is up to my good friends from Virginia and Colorado.

Mr. ALLEN. Mr. President, I would rather make sure there is adequate discussion on the other votes. I believe there is complete agreement on my amendment.

I yield my time to the Senator so he may explain his amendment.

Mr. BAUCUS. I haven't heard anybody speak in opposition to the Senator's amendment. I think he is pretty close to his goal.

Mr. ALLEN. Ok. I had better sit down.

Mr. BAUCUS. Mr. President, I see my friend from Oregon in the Chamber.

The PRESIDING OFFICER. Who is yielding time?

Mr. BAUCUS. I yield such time as my friend from Oregon would desire.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2718

Mr. SMITH of Oregon. Mr. President, I thank the Chair and I thank the chairman of the Finance Committee for yielding time.

I learned as a little boy from my mother that if you at first don't succeed you should try and try again.

I come to the Chamber to try again on the issue of accelerated depreciation. I am proud to be joined by Senator BAUCUS. This is the Baucus-Smith amendment now. The point is simply to try and bridge the difference between the two sides on the whole idea of how best to give a meaningful stimulus to business to take advantage of this accelerated depreciation, this bonus depreciation over a period of time that on the one hand will stimulate in a timely way the economy and in another way will help the States to be able to afford this action.

I believe the Baucus-Smith amendment is the compromise that will provide real stimulus to the underlying package that is offered by the majority which, I respectfully say again, is just simply too short a period of time to be meaningful to our economy.

The point was made that my amendment over 3 years was too much time. Then surely 2 years is enough. I believe Senator BAUCUS and I have provided a compromise that will give business people time sufficient—I wish it were more—to be able to buy the equipment, do the planning, do the environmental studies, and make the investments that will allow employers to call employees back to work.

In addition, we are doing something that is very much needed by the States. That is, we will provide an increase in the Federal Medical Assistance Percentage known as FMAP. Most States, mine included, are struggling with how to continue to provide the resources for Medicaid. I understand that very well in my own State. Our State has a budget shortfall that approaches $1 billion. I have been reminded by people in my State that accelerated or bonus depreciation would only make that situation worse. I am not unmindful of that, and Senator BAUCUS and I have a way in this amendment to fix that, not just for my State but for every State.

Senator HARKIN's amendment was just defeated. I suggest that what Senator BAUCUS and I are proposing is in the same spirit of that but within the realm of financial responsibility. It is the moderate view that I believe will find over 60 votes in the Senate. I certainly hope it will.

What this does specifically, the FMAP increase will provide immediate fiscal relief to States such as Oregon which are increasingly cash strapped in the current recession as the demand for State social services rises but State revenues drop.

For example, this provision would bring an additional $97 million to Oregon in the first year. Depending on certain factors, they may get in excess of an additional $105 million in the following year, for a 2-year total of more than $205 million.

I can imagine that my State, as well as the State of the Presiding Officer, could use that assistance in this time of recession. Again, I remind both sides that whether it is former Treasury Secretary Robert Rubin or Chairman Greenspan, they have both said this will be helpful to stimulate the economy. It doesn't go too far. It is not too long. I think for business people who are on their toes and trying to make plans, it will be enough time to have the economic incentives to improve our Nation's economy.

America, moreover, is hungering for a sense that the Senate can get something done. Our proposal is that middle ground that allows us to make progress and to go to the State of the Union tonight well on the way to passing a stimulus package. There is something for both sides. But more importantly, there is something for the American people that provides real health care dollars to people in need in States with shortfalls and real business stimulus to employers so that the best social welfare we could possibly foster will be available, and that is a private sector family wage job.

Again, I believe Senator BAUCUS and I have come upon the right formula to make better the underlying proposal and to find the bipartisan support which will ultimately be essential if we are to get beyond 60 votes and get something to conference and then to the desk of the President. The American people deserve that. We should do no less.

I yield back my time to the manager of this bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a good example of how we should pass legislation; that is, working together. Senator SMITH from Oregon and I have come together and crafted an amendment which directly meets concerns of Senators. We have done it together. Is it perfect in the minds of everyone on one side of the aisle? No. Is it perfect in the minds of all Senators on the other side of the aisle? No. But is it good? Is it basically a good idea? I believe the answer is yes.

Essentially, we are going to provide for bonus depreciation for capital investment at 30 percent over a period of 2 years. The big question, I remind the Chair, is, should it be 1 year, 2 years, or 3 years? We have agreed on 30 percent for all intents and purposes. During private conversation on the floor on both sides of the aisle, somewhat presumptuously I will say that I heard, I believe, it should be 2 years. That is what it should be. We debated 3 years. That did not pass. We, in effect, debated 1 year. It did not quite reach fruition, but that certainly is not going to pass.

The PRESIDING OFFICER. The time controlled by the majority has expired.

Mr. BAUCUS. I thank the Chair. Might I ask who controls the remaining time?

The PRESIDING OFFICER. The Senator from Virginia or his designee.

Mr. GRASSLEY. Mr. President, I grant the Senator from Montana 2 more minutes.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I have about 4 minutes to comment on Senator MCCAIN's amendment. I was giving a speech and I could not be here when he brought it up. I would like to be able to use that time, if you don't need all the time. Otherwise, I will wait.

Mr. BAUCUS. That would be fine. I just have 2 minutes. That would be fine with me.

Mr. ALLARD. I would like to have 4 minutes whenever it works out.

Mr. BAUCUS. Mr. President, again, to remind all Senators, this is a compromise. It is an effort on the part of Senator SMITH of Oregon and myself to find the proper number of years of bonus depreciation. It is an effort to find the proper amount of reimbursement to States for lost Medicaid dollars. All Senators agree this is not only in the ballpark, it is probably so close to filling up the ballpark that it really cannot be improved upon a heck of a lot. I think it is a good amendment.

Further, I remind my colleagues, with the split in this body basically 50–50, this is the only way we are going to accomplish anything of consequence. That is, by sitting down and not engaging in rhetoric and preaching to people through the cameras, making them feel good, but, rather, working together to pass legislation that makes people's lives better and significantly better. That is what we are charged to do.

If you were to ask voters, do you want your Senator to make speeches just for the sake of making speeches or do you want your Senator to get something done that really makes sense for us in the State, it may not be all we want but he has done a pretty good job, clearly the answer is the latter. They want us to do something that makes sense. That is what the Senator from Oregon and I are doing.

I strongly urge my colleagues to take a good, strong look at it. It is a bipartisan amendment. It has bipartisan support. More than that, it has the support of the people of the country.

I yield back the remainder of my time.

Mr. HATCH. I rise in support of this amendment, recognizing the need for Congress to undertake immediate corrective measures to help those who have suffered the adverse effects of the recent economic downturn. And while I do support this amendment, there are issues associated with it that are of serious concern, issues which I hope will be addressed in conference.

As we have heard throughout this debate, most states are experiencing serious budget shortfalls. In fact, in my own state of Utah, many vital state programs are slated for reductions this year. I am very concerned about that situation, and sympathetic to the need to work with the States to alleviate these concerns where we are able.

But it is also true that the Federal budget is under severe pressure because of the economic slowdown, and we must be very careful when we move to authorize what amounts to new spending, especially in an entitlement program.

Obviously, we must carefully examine our budget constraints and balance the need to address the economy with the need to restrain the growth of spending.

But as I have said, I share the States' concern about the budgetary impact of the economic downturn. Many important programs are being cut-back, a serious concern to those of us who have worked so hard to weave a strong safety net.

In fact, the Utah CHIP program is no longer enrolling new children because it is running out of money. I cannot tell you how disappointed I am about this situation. Seeing the CHIP program become federal law in 1997 was probably one of my proudest accomplishments as a U.S. Senator.

And, as one of the principal authors of CHIP, it has been my hope that we can expand the program, not scale it back. However, my discussions with our Governor, Mike Leavitt, have made it perfectly clear that the State feels it has no alternative, and I respect that decision, however painful. But, perhaps if we are giving additional funds to the States to assist with the health care needs of the low income, those funds would be better used if they were provided to the CHIP program as well, or instead, since in many cases a CHIP dollar can go so much further than a Medicaid dollar.

I would also point out that increasing the Federal matching percentage for Medicaid is only a short-term solution to a long-term problem. Again, I heartily support efforts to provide greater assistance to families, especially low-income families, who are feeling the ill effects of the economic downturn. That being said, I do question whether expanding this entitlement program is absolutely the best way to address the health care needs of people who have been hurt by the economy. There are literally millions of persons who have no access to health care at all, and their needs must also be factored in to our overall spending plans.

Let me take a moment to address the FMAP funding formula itself.

The FMAP formula is an attempt to direct Federal resources to the States based on their populations in need. It is not a perfect formula, as many of us have widely acknowledged. These structural flaws must be addressed by

Congress, and I would not like to see action today which would lock into concrete, in reality or politically, a formula which needs to be reexamined.

As a related issue, we need to look at the effect of providing a 1½-percent across the board FMAP increase to States for a program which is certain to have a disproportionate impact in the various States given their differing matching percentages. For example, some States have a Federal matching percentage which is relatively high, as high as 76 percent. Others have a percentage as low as 50 percent. Obviously, a 1.5 percent increase is a substantially greater proportion of the 24 percent a State with the highest FMAP has to contribute, compared to 1.5 percent of the 50 percent a ''richer'' State must contribute.

The GAO has produced several reports which make recommendations on how this formula may be improved. Therefore, I believe that it would be prudent for Congress to carefully review the recommendations of the GAO before taking any final actions affecting FMAP policy.

In fact, I believe it might be prudent for the Finance Committee to hold a hearing on this important issue, and I would hope that the chairman might schedule one in the near future.

In addition, while I have not seen any figures on areas which are the most hard hit by the recession, I want to make certain that the areas in which we are targeting the greatest assistance under this amendment are the areas of greatest need during the downturn. Because of the way the formula is structured, these additional FMAP dollars may not be targeted to those whose access to health care was affected by the recession and the events of September 11.

Finally, it is my hope that this amendment does not follow the long tradition whereby Congress authorizes an extension for an entitlement program which for all intents and purposes becomes permanent. I certainly support the intention of this amendment, which is to provide temporary assistance to those who have suffered great hardships due to the recession and the terrorist attacks of last September. However, making these FMAP increases permanent would be a terrible mistake, especially since I believe that we would be, in essence, taking away dollars from other deserving Federal programs.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 2700

Mr. ALLARD. Mr. President, I am pleased to join Senator JOHN MCCAIN in sponsoring amendment No. 2700, the military homeowners tax equity amendment, to H.R. 622. This amendment will correct a serious, inadvertent oversight in the Taxpayer Relief Act of 1997 and provide much needed tax equity to our members of the uniformed services and the Foreign Service. The content of this amendment is the exact language as S. 1678, which Senator MCCAIN and I introduced last year.

The Taxpayer Relief Act of 1997 exempted up to $250,000–$500,000 per couple in capital gains from federal income taxes for homes occupied as a principal residence for at least 2 of the last 5 years. Unfortunately, Uniformed and Foreign Service members may have difficulty meeting the 2 year requirement. Service members are directed to move to meet the needs of the U.S. Government and may be directed to move prior to owning a residence for 2 full years. Many service members keep their homes while reassigned overseas or elsewhere in hopes of returning to their residence. On occasions when this proves impossible, the members are subjected to substantial tax liabilities.

Prior to the 1997 law, service members who were assigned overseas or otherwise away from their principal residence on military orders for an extended period of time had a special provision that allowed them to ''rollover'' capital gains. The 1997 Taxpayer Relief Act made many improvements to the tax code by replacing the capital gain ''rollover'' rules with the tax exclusion, but failed to provide for those on military orders. This amendment will correct this oversight by providing that absences from the principal residence due to serving on a qualified official duty as a member of a uniformed service or the Foreign Service be treated as using the residence in determining the exclusion of gain from the sale of such residence.

In 1999 both the House and Senate passed the Taxpayer Refund and Relief Act which included language to correct this oversight, but that act was vetoed by then-President Clinton.

S. 1678, which as I stated earlier mirrors our amendment, has support from all four service chiefs, the Chairman of the Joint Chiefs of Staff, the 31 organization members of the Military Coalition, the American Bar Association, the American Foreign Service Association.

Our service men and women face enough challenges today. They should not have to face additional tax liabilities in return for serving their country.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 2702

Mr. ALLEN. Mr. President, I yield back whatever time remains so we can proceed with the vote on amendment No. 2702.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2702. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. DODD), and the Senator from New Jersey (Mr. TORRICELLI,) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN), and the Senator from Montana (Mr. BURNS) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote ''yea.''

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

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—92

| | | |
|---|---|---|
| Allard | Edwards | McCain |
| Allen | Enzi | McConnell |
| Baucus | Feingold | Mikulski |
| Bayh | Feinstein | Miller |
| Bennett | Fitzgerald | Murkowski |
| Biden | Frist | Murray |
| Bingaman | Graham | Nelson (FL) |
| Bond | Gramm | Nelson (NE) |
| Boxer | Grassley | Nickles |
| Breaux | Hagel | Reed |
| Brownback | Harkin | Reid |
| Bunning | Hatch | Roberts |
| Byrd | Helms | Rockefeller |
| Campbell | Hollings | Santorum |
| Cantwell | Hutchinson | Sarbanes |
| Carnahan | Hutchison | Schumer |
| Carper | Inhofe | Sessions |
| Cleland | Inouye | Shelby |
| Clinton | Jeffords | Smith (NH) |
| Cochran | Johnson | Smith (OR) |
| Collins | Kennedy | Snowe |
| Conrad | Kerry | Specter |
| Corzine | Kohl | Stabenow |
| Craig | Kyl | Stevens |
| Crapo | Landrieu | Thomas |
| Daschle | Leahy | Thurmond |
| Dayton | Levin | Voinovich |
| DeWine | Lieberman | Warner |
| Domenici | Lincoln | Wellstone |
| Dorgan | Lott | Wyden |
| Durbin | Lugar | |

NAYS—2

| | |
|---|---|
| Chafee | Thompson |

NOT VOTING—6

| | | |
|---|---|---|
| Akaka | Dodd | Gregg |
| Burns | Ensign | Torricelli |

The amendment (No. 2702) was agreed to.

Mr. ALLEN. Mr. President, I thank my colleagues for their support of the amendment. I ask unanimous consent that Senators COLLINS, HELMS, and JOHN WARNER be added as cosponsors.

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

AMENDMENT NO. 2718

The PRESIDING OFFICER. There are now 4 minutes equally divided prior to a vote in relation to amendment No. 2718. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, could I have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I support bonus depreciation. I support Medicaid assistance to the States. But I do

not support 2 years of bonus depreciation. I do not support 2 years of additional spending on Medicaid for the States.

The reason is very simple. On the question of bonus depreciation, the whole purpose of this package is to encourage economic recovery, additional economic activity now. A 2-year provision reduces the stimulus, reduces the incentive to act now. That is not only my opinion, that is the opinion of the Congressional Budget Office that examined the various options before us and said: Don't do multiple years; you reduce the incentive to act now. This is the time we need additional economic activity.

Second, the history of fiscal stimulus is always that we have acted too late. We are on the brink of doing that again. A 2-year provision falls right into that trap.

The cost of this provision is $45 billion this year; $37 billion next year. That is digging the hole deeper when we have just been informed by the Congressional Budget Office that every penny of these resources will come out of the Social Security trust fund. For that reason, I will raise a budget point of order against this provision.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, on behalf of myself and also Senator SMITH of Oregon, let me make a couple of quick points.

No. 1, we know our country needs a boost, a shot in the arm. It is not totally clear, but it is far better to provide a little insurance because the economy might go south in the next couple of months or years—more than it has now. Various companies are going bankrupt. We all know about Enron, Kmart, and there will be other companies down the road. Many people are being laid off, particularly in the financial services industry, which we are going to find out about in February because they have 2- or 3-month contracts and they will be laid off a lot later. This is very important.

Second, many States are losing revenue because their economies are down. They will also lose more revenue as a consequence of the 2-year bonus depreciation. It is only proper with the passage of the Medicaid reimbursement amendment States are made whole so they do not have to cut Medicaid payments, so they do not have to cut payments to hospitals, to providers.

This amendment will allow States to refrain from making those cuts to doctors, to hospitals, other providers, and to Medicaid beneficiaries, and also prevent them from having to otherwise cut their budgets.

At the same time, we get a 2-year shot in the arm with bonus depreciation. It is a very modest provision. We all know bonus depreciation should be somewhere between 1 year and 3 years. This is where we all know it makes the most sense, 2 years. It should definitely be enacted.

I yield the remainder of my time to my friend from Oregon.

The PRESIDING OFFICER. The Senator has 11 seconds.

Mr. SMITH of Oregon. I am proud to cosponsor this legislation. If you want the middle ground, we are talking about it right now. This actually does stimulate the economy; it is insurance.

The chair of the Budget Committee, my friend, clearly is concerned about the budget. But if you want to help the budget get back into surplus, let's get our economy going. That is the most sure way to make this happen. What Senator BAUCUS and I have done is make sure that we do not leave the States high and dry.

The PRESIDING OFFICER. The time of the Senator is exhausted; 22 seconds remain.

Mr. NICKLES. I yield my colleague the remainder of my time, the 22 seconds in opposition to the amendment.

Mr. SMITH of Oregon. My last point was you can make these arguments against any expenditure. The point is, we can't leave the States high and dry as we try to stimulate the economy.

This is about real people needing jobs and health care. It is a win-win for Republicans and for Democrats. I urge the overwhelming passage of the amendment.

Mr. NICKLES. I compliment my colleague for making the point of order, and I wish to join him in that point.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator DASCHLE has asked me to announce to the Membership that this will be the last vote of the evening prior to the State of the Union Message.

The leader has indicated there will be votes next Monday.

Mr. CONRAD. Mr. President, I raise a point of order that the pending amendment violates section 311(a)(2)(B) of the Congressional Budget Act of 1974, and I ask for the yeas and nays.

Mr. BAUCUS. Mr. President, on behalf of myself and Senator SMITH of Oregon, pursuant to section 904 of the Congressional Budget Office Act of 1974, I move to waive the applicable sections of the act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN), and the Senator from Nebraska (Mr. HAGEL) and are necessarily absent.

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

The yeas and nays resulted as follows—yeas 62, nays 33.

[Rollcall Vote No. 10 Leg.]

YEAS—62

| | | |
|---|---|---|
| Allen | Durbin | Murkowski |
| Baucus | Edwards | Murray |
| Bayh | Feinstein | Nelson (FL) |
| Bennett | Fitzgerald | Nelson (NE) |
| Biden | Grassley | Reid |
| Breaux | Harkin | Roberts |
| Brownback | Hatch | Rockefeller |
| Burns | Hollings | Schumer |
| Cantwell | Hutchinson | Sessions |
| Carnahan | Hutchison | Shelby |
| Carper | Inouye | Smith (OR) |
| Cleland | Jeffords | Snowe |
| Clinton | Johnson | Specter |
| Cochran | Kerry | Stabenow |
| Collins | Kohl | Stevens |
| Corzine | Landrieu | Torricelli |
| Craig | Lincoln | Voinovich |
| Crapo | Lugar | Warner |
| Daschle | McCain | Wellstone |
| DeWine | Mikulski | Wyden |
| Domenici | Miller | |

NAYS—33

| | | |
|---|---|---|
| Allard | Enzi | Lieberman |
| Bingaman | Feingold | Lott |
| Bond | Frist | McConnell |
| Boxer | Graham | Nickles |
| Bunning | Gramm | Reed |
| Byrd | Helms | Santorum |
| Campbell | Inhofe | Sarbanes |
| Chafee | Kennedy | Smith (NH) |
| Conrad | Kyl | Thomas |
| Dayton | Leahy | Thompson |
| Dorgan | Levin | Thurmond |

NOT VOTING—5

| | | |
|---|---|---|
| Akaka | Ensign | Hagel |
| Dodd | Gregg | |

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The point of order falls.

The question is on agreeing to amendment No. 2718, as modified.

The amendment (No. 2718), as modified, was agreed to.

Mr. BAUCUS. Mr. President, 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 South Carolina.

## CONGRATULATING SENATOR BAUCUS AND THE MONTANA GRIZZLIES

Mr. HOLLINGS. Mr. President, I congratulate the Senator from Montana for his victory on a very important amendment.

I also congratulate him on an even more important victory of the Montana team and its engagement in the 1 AA college finals last month with my Purple Paladins at Furman University, an outstanding university. In fact, the temptation is for me to challenge him to an academic final.

As far as the football final, I can tell my colleagues, I watched the game and that is a monster team if I have ever seen one. It is well coached and had an outstanding performance.

I lost the bet. The bet was if I lost, I would sing ''Up With Montana,'' their song. Fortunately, the rules of the Senate say no singing.

In congratulating Senator BAUCUS, I will recite this song publicly in the Chamber of the Senate. I want everybody to listen to this:

Up with Montana, boys, down with the foe,
Good ol' Grizzlies out for a victory;
We'll shoot our backs 'round the foeman's line;
Hot time is coming now, oh, brother mine.
Up with Montana, boys, down with the foe,
Good old Grizzlies triumph today;
And the squeal of the pig will float on the air;
From the tummy of the Grizzly Bear.

Isn't that something? The Senator says they are reciting this after every game?

Mr. BAUCUS. That is right.

Mr. HOLLINGS. No wonder they play so hard.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, may I say how gracious my good friend from South Carolina has been today. Before we knew the Furman Purple Paladins and the Montana Grizzlies were going to be playing in the 1 AA playoff for the championship of the country, we made a little wager. The wager was whoever loses reads the other team's fight song on the floor of the Senate.

I say to my good friend, I have no idea what the Purple Paladins' fight song is. Had the Grizzlies not won, I certainly would know their fight song.

For many days, the Senator from South Carolina has been talking about this song. He said: Egads, is this your fight song? Is this what I have to read on the floor?

I cannot thank him enough. It was a great game. I watched it on television as well.

Mr. HOLLINGS. It was an outstanding game. I think this was the second year in a row they won the championship.

Mr. BAUCUS. That is right.

Mr. HOLLINGS. It is an outstanding college and outstanding team.

Mr. BAUCUS. I thank the Senator.

## HOPE FOR CHILDREN ACT—Continued

Mr. BAUCUS. Mr. President, I thank Senator SMITH of Oregon on the success of the last amendment. Without his help, I doubt the amendment would have been successful. We joined together and, frankly, I urge more of reaching across the aisle and accomplishing objectives that are in the best interest of the country and putting partisan politics aside.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I congratulate the Senator from Montana and suggest that never, ever has the Montana fight song been read quite like it was just read on the Senate floor.

AMENDMENT NO. 2758

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending business for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. GRAMM, Mr. ENSIGN, Mr. NICKLES, and Mr. HUTCHINSON, proposes an amendment numbered 2758 to the language proposed to be stricken by amendment No. 2698.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To remove the sunset on the repeal of the estate tax)

At the end, add the following

**SEC. . PERMANENT REPEAL OF ESTATE TAXES.**

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) by striking ''this Act'' and all that follows through ''2010.'' in subsection (a) and inserting ''this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.'', and

(2) by striking '', estates, gifts, and transfers'' in subsection (b).

Mr. KYL. Mr. President, since the sponsor of the legislation wishes to get on with the conclusion of business tonight, I will simply say this amendment, which I hope will be considered at the beginning of next week, calls for the permanent repeal of the death tax.

As all of our colleagues know, we did repeal the death tax after phasing it down over a period of years, but the repeal only lasts for 1 year before that legislation is sunsetted, and we go right back after 10 years to the death tax as it currently exists.

I do not think any of us who voted for its repeal really intended that effect. We want to make its repeal permanent, and this amendment will do that. We will have the opportunity to vote on that next week as part of the stimulus package. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

## MORNING BUSINESS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

## JOINT SESSION OF THE TWO HOUSES—THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight, Tuesday, January 29, 2002, at 9 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Nebraska is recognized.

## STIMULUS LEGISLATION

Mr. NELSON of Nebraska. Mr. President, I rise today to express support for the Daschle consensus stimulus package, and I applaud the action of the Senate in passing the Baucus amendment to provide for accelerated depreciation over 2 years and 30 percent additional depreciation, as well as assisting and holding the States harmless for any lost revenue they might otherwise receive based on the support of the Medicaid Program at the State level.

I think it is clear to most everyone that we need to have some economic stimulus. What does not seem to be clear to everyone is of what that consists. What seems to be further unclear at times is whether we need to do it a certain way for a certain period of time.

I thank Senator DASCHLE for his efforts on this issue, not just for bringing forth the economic stimulus package but doing so in such a constructive way, trying to find that which was common among most of the proposals that have been offered and to bring together consensus where consensus can be achieved.

This legislation is, at the very least, a building block for a package with which most would be hard pressed to disagree. If each of us were to come up with what we thought was the best economic stimulus for the country and put together our own package, we would have had at least 100 different bills.

In fact, if I had my way, I would probably do some of this differently, but I think when a package is put together and we take a close look, as we are, at individual ideas that might differ with the package, that might be supplemental, we are certainly seeing what the Senate is all about, and that is diverse opinions being fully debated to try to help this country out of its economic doldrums. In fact, if I had my way, I would include a provision addressing the net operating losses, or the NOLs, for a longer period of time because I think by extending the period of time it would help business shoulder the burden of the current economic downturn. So I think it is important we consider an NOL extender as well.

Over the past few months, we have heard so much talk from both sides about the need for an economic stimulus. Recently, we had the Chairman of the Fed say perhaps it was not as necessary as it might have been before, and we have heard others say we should have done it last year.

As anyone knows, there were a handful of us—maybe more than a handful—who wanted to do it last year, but that is not a reason not to do something this year in the context of where we are.

I think that is what Senator DASCHLE has offered us, an opportunity to revisit, to rethink, and to package together a stimulus package that would work for the future to help us, if not come out of the deepest of a recession, from falling further into a recession or, if we are already on the way out of the recession, to expedite the return to economic prosperity.

There will be those who will say this package is not perfect. There is not anyone who says that it is. Legislation is never perfect, but it is as close to an agreement that has presented itself.

I certainly hope to thank Senator DASCHLE for taking this action because I think it will, in fact, help us enter a threshold of progress.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Pennsylvania.

## INTERROGATION OF AL-QAIDA AND TALIBAN WAR CAPTIVES

Mr. SPECTER. Mr. President, I am writing to the President of the United States today concerning what I consider to be a very important subject, and that is the interrogation of the al-Qaida and Taliban war captives, where an issue has been raised as to whether they are prisoners of war or what is their status, with some people objecting to what is going on in the way they are being handled. There is no doubt that the captives are entitled to humane treatment. There have been inspection tours by national observers and by congressional observers. The reports are uniform that the captives are being treated humanely. They are being fed and clothed. There is medical care. They are permitted to attend to their religious activities. All of this is totally separate and apart from the basic availability of those individuals to be questioned, where information which they might provide could shed light on the possibility of additional terrorist attacks.

Having some experience as an investigator and a prosecutor, I know firsthand the value of interrogation and intensive interrogation. We are facing at this moment an enormous threat from al-Qaida. We saw what happened on September 11. There have been three terrorist alerts since then. The fact is there are al-Qaida spread all over the face of the Earth. They are in Somalia, they are in the Philippines, in Malaysia, in the Sudan. We know their tactics are based on long-term planning projects. We know they have sleeper cells. There is reason to be concerned that at any moment there could be another al-Qaida attack. We do not know where. We do not know when. We do not know if. But we have to be very vigilant.

Where these interrogations of the al-Qaida and Taliban captives might lead to some information, then that ought to be pursued, and it ought to be pursued vigorously.

As a matter of international law, there is a mistaken notion you can only ask a prisoner of war his name, rank, date of birth, and serial number. The international law experts, and I have cited them in my letter to President Bush, are in agreement that other questions may be asked. Certainly there cannot be torture. Certainly there cannot be coercion—physical coercion or mental coercion. But there is no reason why those captives cannot be questioned.

The Supreme Court of the United States has upheld deviations from standard constitutional rights where there is an imminent threat of harm. For example, in the landmark case of *Near* v. *Minnesota*, 283 U.S. 697, the issue came up on the question of prior restraint to stop the publication of a newspaper. And albeit dictum, the Supreme Court of the United States said there could be a curtailment of that kind of a fundamental constitutional right if, for example, the publication of the sailing date of a troop ship would place that ship in jeopardy. The possibility of another attack on the United States, considering what happened on September 11, we know is much more serious than an attack on a troop ship.

The Supreme Court of the United States, in a celebrated case called *New York* v. *Quarles*, 467 U.S. 649, came to the conclusion that the constitutional rights of a suspect under the *Miranda* decision could be circumvented if there was an immediate threat of danger to a police officer or the public. That matter involved a rape. A police officer pursued the suspect, saw the suspect wearing a holster, and without giving him ''Miranda'' warnings, asked where the gun was. The Supreme Court of the United States said that where there is an imminent threat to public safety, constitutional rights may be abrogated, and statements may be admissible into evidence.

But we know the very major difference between questioning for intelligence purposes and questioning for admissibility in court. I am not proposing this interrogation be continued for the purpose of obtaining evidence to use against these captives, but if there is any chance at all that this interrogation could lead to information which could thwart another terrorist attack, then it is the fundamental duty of the United States Government to pursue that kind of interrogation.

This matter is on the front pages today. It will be the subject of a lot of debate. I think it ought to be known generally that there is solid constitutional authority, international law authority, to question prisoners of war beyond name, rank, and serial number. No torture. Obviously, humane treatment. But if we can get any information which would prevent a terrorist attack, it is our duty to do so.

That is why I am writing to the President and want to make this brief statement.

I yield the floor.

## SALUTING COLONEL EDWARD A. RICE, JR.

Mr. DASCHLE. Mr. President, today I want to honor the commanding officer at Ellsworth Air Force Base—who has just returned home after directing Air Force operations over Afghanistan and who will become a brigadier general this week.

This outstanding officer, Colonel Edward A. Rice, Jr., has demonstrated his leadership abilities in a number of settings, and my fellow Senators can expect to hear more of him as he assumes new roles and responsibilities in our nation's service.

As commander of the 28th Air Expeditionary Wing, Colonel Rice directed the main Air Force combat group operating over Afghanistan from late September until mid-January. This force of 1,800 personnel and 30 planes (including B–1 bombers, B–52 bombers, and KC–10 tankers), delivered most of the ordnance that was so effective in shattering the Taliban and al Qaeda forces.

All branches of the military played a role in this first victory in the war against terrorism, but as an Air Force veteran and a South Dakotan, I am particularly proud of the achievements of Colonel Rice and the forces under his command.

Our experience in Afghanistan extends a military trend that began in our war against Iraq—the unprecedented ability of modern air power to achieve strategic objectives. Clearly our planes and munitions were markedly more precise, quicker to hit emerging targets, and generally more effective than the Soviet forces of the 1980s. A recent book labeled this trend ''The Transformation of American Air Power,'' and I believe Afghanistan will become the most recent example, joining the impressive results of the Gulf War, Kosovo, and our other Balkan campaigns.

In addition, the 28th Air Expeditionary Wing broke new ground in several areas.

Its bombers were the first to deliver our near-precision munitions in combat. These use navigational signals from GPS satellites to locate targets. They are much cheaper than laser-guided ''precision'' munitions and are not hampered by low-visibility weather conditions. Also, in coordination with ground spotters, the bombers were able to use advanced communications to reduce dramatically the time from target identification to target strike.

Despite its controversial and troubled early years, I am also pleased that the B–1 continues its strong combat performance that began during Operation Desert Fox over Iraq and extended into the war in Kosovo. Its

range and expansive bomb bays allowed it to make a round trip of nearly 6,000 miles, and also loiter over the battlefield with a variety of munitions, waiting for targets to emerge. Throughout this demanding, round-the-clock operation, Colonel Rice reports, B–1 made all scheduled takeoffs, released all weapons successfully, and delivered ordnance with excellent accuracy.

Colonel Rice returned home from this mission about two weeks ago, just in time to be promoted to brigadier general. The Senate confirmed his nomination on September 26, 2001, and the pinning ceremony occurs Friday, February 1, at Ellsworth Air Force Base.

Since arriving at Ellsworth in May 2000, Colonel Rice's performance has been impressive, and I know that as a general, he will be a tremendous asset for the Air Force. During Rice's tenure, Ellsworth has dramatically improved its maintenance performance, chalked up impressive results in its 2001 Operational Readiness Inspection, and moved to the front of the pack in Air Combat Command assessments of command, control and communication; bomb removal; and response to nuclear-biological-chemical (NBC) hazards.

The men and women of Ellsworth have also benefitted from the dedicated service of Colonel Rice's wife, Teresa. When base personnel deployed for the war against terrorism. Teresa cohosted a series of town-hall meetings with the acting base commander to update spouses and families on the status of their loved ones and to educate them on the role their family was playing to make America safe. In less stressful times, she volunteers twice a week in the base thrift shop, has been active in the Officer Spouses Club, and has organized and attended holiday parties, retirement ceremonies, promotion celebrations and farewells—too many to count.

In closing, Mr. President, it gives me great pleasure to welcome Colonel Rice back home to Ellsworth after the successful execution of his mission in Operation enduring Freedom. His remaining time in South Dakota grows short, but I know I speak for many South Dakotans when I say it has been an honor to work with him and Teresa and to call them neighbors. They are a credit to their country, and we wish them all the best.

## AMERICANS WITH DISABILITIES ACT

Mr. CLELAND. Mr. President, I rise today to bring to the Senate's attention a valuable report on the State of the Union for Americans with Disabilities. As a triple amputee, having lost my right arm and both legs in the Vietnam war, I believe that the Americans with Disabilities Act has not only helped me and others with disabilities but has also enabled society to benefit from the skills and talents of individuals with disabilities. The landmark legislation has also allowed us all to gain from their increased purchasing power and ability to use it, and has led to fuller, more productive lives for all Americans. However, there is still much to be done so I am pleased to highlight the efforts of the National Organization on Disability which celebrates the progress of the nation and works to increase access, opportunity, and inclusion for people with disabilities. I ask unanimous consent to print for the RECORD a copy of the National Organization on Disability's State of the Union 2002 for Americans with Disabilities which provides benchmarks for the current state of disability life in America, and calls for action on improvements that have still to be made.

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

### THE STATE OF THE UNION 2002 FOR AMERICANS WITH DISABILITIES

On January 29, President George W. Bush will deliver the State of the Union Address. He surely will focus heavily on the terrible attacks on the country just over four months ago, and the overwhelming national and international response to them. He also can be expected to address the core issues of the nation and his presidency, including the economy; employment; education; access to the goods and services people want and need; and strengthening the social fiber and community life that make people so proud to be Americans. He will strive to reach out to people from diverse parts of American life.

One group that we trust the President will mention—and that surely will be affected—is the disability community. As many as one in five Americans—54 million men, women and children—live with disabilities, as of course do their family members, friends, and service providers. Disabilities run a wide gamut, including mental and physical conditions; visible and non-visible ones; conditions that people are born with, or develop during their lifetimes as a result of illness, age, accident, or attack; and ones that have varying degrees of severity. But all fall within a common definition: They in some way limit people's ability to participate fully in one or more major life activities. Nobody should dismiss disability issues as unimportant to them, for any person can join the disability community in an instant.

As detailed below, Americans with disabilities remain pervasively disadvantaged in all aspects of American life. In his second week in office, President Bush sent a strong message of concern about this situation when he announced the New Freedom Initiative. Coming a decade after his father signed the Americans with Disabilities Act (ADA), the New Freedom Initiative lays out an ambitious agenda for assuring the full participation of people with disabilities in all aspects of American life. The New Freedom Initiative holds much promise. We look forward to working with the government and the American people to bring it to fruition.

The Disability Community in a Changed World September 11 and its aftermath, stunned, shook and saddened the nation. The terrorist attacks made all Americans, especially those touched by disabilities, reevaluate our lifestyles, and consider what we could change to better protect ourselves and our loved ones.

The nation was moved to learn of wheelchair users who perished while awaiting rescue when the World Trade Center towers fell. We also were inspired by the stories of several people who had severe disabilities and survived. One man escaped after walking down dozens of flights of stairs on his artificial leg, and another with the aid of his guide dog. Two wheelchair users were carried to safety by their colleagues.

These survivors, like many of the others who escaped before the towers collapsed, benefited from intensive emergency drills that had been conducted since the World Trade Center bombing in 1993. The survival is testament to how critical emergency planning and preparedness is—whether the emergency is natural, man-made or terrorist-driven. This has inspired a new focus in the disability community on disaster preparedness

According to a late 2001 Harris Poll survey released by the National Organization Disability (N.O.D.), 58 percent of people with disabilities say they do not know whom to contact about emergency plans for their community in the event of a terrorist attack or other crisis. Sixty-one percent say that they have not made plans to quickly and safely evacuate their home. Among those who are employed full or part time, 50 percent say no plans have been made to safely evacuate their workplace.

All these percentages are higher than for those without disabilities. The country as a whole has much catching up to do to be prepared, but people with disabilities lag behind everyone else. This is a critical discrepancy, because those of us with disabilities must in fact be better prepared to not be at a disadvantage in any emergency.

Intense national planning for emergencies is needed. This requires the enthusiastic cooperation of the government, business, and communities. People with disabilities should not be considered only as beneficiaries of emergency preparedness plans devised by others—they belong at the table, contributing their unique perspectives, insights and experiences, so the resultant plans will be the best for all Americans. People with disabilities must be included on community preparedness committees across the national and at the highest levels of government planning. We are pleased that Office of Homeland Security Director Tom Ridge has pledged to appoint at least one person with a disability to a high-level position in his organization.

### EMPLOYMENT

The slowing economy was a significant issue before September 11, and this situation became more critical after the terrorist attacks. This is not an easy time for anyone to enter the workforce, but that is what many people with disabilities are desperately trying to do.

Only 32 percent of Americans with disabilities of working age are employed full or part time. That number is in contrast to 81 percent of other Americans, according to the comprehensive 2000 N.O.D./Harris Survey of Americans with Disabilities. It is a national tragedy that, nearly a dozen years after the passage of the Americans with Disabilities Act, the vast majority of Americans with disabilities remain unemployed. This is not by choice; two out of three who are not employed say they would prefer to be working. Any efforts that lead to their becoming employed are good investments that will benefit these individuals, the workforce, and the economy.

President Bush has demonstrated a commitment to greater employment for people with disabilities in the New Freedom Initiative. We now call on the President and the Congress to keep employment a priority and work together toward a national goal of 38 percent employment for people with disabilities by 2005, with continuing progress toward 50 percent in the decade to follow.

Indeed, employment numbers should be increasing, if for no other reason than that

there are new ways for people to be employed. Technology offers real hope. Computers and the Internet are opening doors. People who are deaf use ''instant messaging'' to have real-time conversations; people who are blind use voice-synthesis technology to write the read documents and website information; and people with limited ability to get to an office have new ways to work from home. Use of the Internet by people with disabilities is growing rapidly, in fact at twice the pace of other Americans.

Too often, even when people with disabilities find jobs, they are low-level, low-paying jobs. Yet it is well documented that employers find employees with disabilities excel at all levels. In the healthcare and education sectors, for example, there is room for many more people with disabilities.

The disability community is troubled by two recent employment-related Supreme Court decisions that undercut this group's primary civil rights law, the Americans with Disabilities Act. Last February's Garrett v. Alabama decision threatened the implementation of the ADA. This month's decision in Toyota v. Williams continues a disturbing trend by the Court to narrow the ADA's protections, and caused one of the 1990 law's Congressional authors to suggest revisiting the statute so that it meets the goal of expansive, not restrictive, coverage for workers with disabilities. People with disabilities belong in the workforce, and Congress must indeed make it a priority to strengthen and defend the legislation that affirms employment as a natural expectation. The Supreme Court will hear other cases that test the ADA. The Court must recognize that when it interprets the will of Congress and the Constitution, it has the opportunity to strengthen rather than weaken the ADA—and strengthening it reflects the will of the vast majority of Americans.

INCOME LEVELS

It is not surprising, given the lower rate of employment for people with disabilities, that a significant income gap exist between those with and without disabilities. People who have disabilities are roughly three times as likely to live in poverty, with annual household incomes below $15,000 (29 percent versus 10 percent). Conversely, people with disabilities are less than half as likely to live in households that earn more than $50,000 annually (16 percent versus 39 percent). This income gap contributes to and compounds the disadvantages that people with disabilities face.

ACCESS TO TRANSPORTATION

People who have disabilities often have insufficient access to transportation, with 30 percent citing this as a problem—three times the rate of the non-disabled. This creates a catch-22 situation: How can one have a job if one cannot get to it? How can one afford transportation if one does not have a job? There is an urgent need for more and better disability-friendly transportation in the cities and towns of America.

ACCESS TO HEALTH CARE

Health care is also less accessible to Americans with disabilities, who often are the citizens needing it most. Due in large part to their limited employment and reduced discretionary income, people with disabilities are more than twice as likely to delay needed health care because they cannot afford it (28 percent versus 12 percent of others).

There is a critical need for further legislation to protect people with disabilities who need medical treatment, and aid them in getting their needed medications. Congress and the Administration must pass the patients' bill of rights; expand health insurance coverage to cover all Americans, including those who are not employed; and ensure that peoples' opportunities to fully participate in life activities are not artificially restricted by their limited access to healthcare.

EDUCATION

Opportunity begins, in so many ways, with education. Currently, young people with disabilities are more than twice as likely to drop out of high school (22 percent versus 9 percent), and only half as likely to complete college (12 percent versus 23 percent). Education for students with disabilities is a critical priority. Students with special needs must be given the chance to develop their skills and their minds so they can be prepared for the workforce of the future. In the first decade of the new millennium, America should dramatically close these gaps in opportunities for students with disabilities.

It bodes well that Congress has increased funding for the Individuals with Disabilities Education Act (IDEA) 19 percent this year to $7.5 billion. This investment will pay huge dividends for the students and families impacted by the IDEA, and for the country.

Tremendous progress has been made in ''mainstreaming'' students with disabilities since the IDEA was first introduced nearly three decades ago. Mainstreaming is a win/win situation that increases opportunities for those students, and also acclimates other students to peer interaction. Youngsters who have friends and acquaintances with disabilities learn to move beyond the disability and judge the real person. They grow up expecting to interact with diverse people in the workforce and in their communities, dissolving prejudices and stereotypes in the process.

COMMUNITY LIFE

It is in the communities of this nation that its 54 million citizens with disabilities go about their daily lives, and this is where these citizens need to be involved. Great progress has been made; commitments from mayors and other leaders have transformed many communities. Disability advocates, no longer willing to be separated from the rest of society, have pushed their communities into becoming more accessible and welcoming places. There is much work still to be done.

Thirty-five percent of people with disabilities say they are not at all involved with their communities, compared to 21 percent of their non-disabled counterparts. Not surprisingly then, those with disabilities are one and a half times as likely to feel isolated from others or left out of their community than those without disabilities.

The current efforts for disaster mobilization are one example of an opportunity for the disability community to remind civic leaders of their responsibility to plan for all citizens. This work may open dialogue in many new and productive directions with regard to overall community efforts.

RELIGIOUS LIFE

Faith and religious life are important for many Americans. Churches, synagogues and mosques need to be accessible to all who wish to worship. With the theme ''Access: It begins in the heart,'' thousands of houses of worship have enrolled in the Accessible Congregations Campaign. Hopefully many other congregations in the country also will commit to identifying and removing barriers of architecture, communications and attitudes that prevent people with disabilities from practicing their faith.

POLITICAL INVOLVEMENT

Citizens with disabilities want to vote, and are doing so at increasing rates. What had been a 20 percentage point participation gap—31 percent versus more than 50 percent—in the 1996 Presidential election was halved when 41 percent of voting-aged citizens with disabilities cast ballots in 2000. This followed a national get-out-the-disability-vote effort. But many polling places remain inaccessible to wheelchair users and others with limited mobility. Once inside the building, others encounter voting machines they cannot use. Persons with limited vision or hand strength are particularly disadvantaged at the polls. People with disabilities want to vote on election day, at the polls, just like everyone else.

Technological improvements now available could make voting at the polls possible for nearly all people with disabilities. All that is needed is the will, or a legal requirement, to put such voting machines into use. The contested 2000 Presidential Election showed that every vote counts. The disability community is determined to have full enfranchisement.

Late in 2001, the House of Representatives passed a bill that did not adequately address the above issues. The Senate's version of the bill, currently under review, is far more promising. Millions of voters and potential voters will be tracking this legislation in the hope that it will improve the voting system for all Americans. None of the barriers that have kept citizens with disabilities from voting should be allowed to remain by the time of the 2004 Presidential election, and the disability community calls on the government at all levels to ensure these obstacles are removed.

THE OVERALL PICTURE

A clear majority of people with disabilities, 63 percent, say that live has improved for the disability community in the past decade. But when asked about life satisfaction, only 33 percent say they are very satisfied with their life in general—half as many as among those without disabilities. There is much room for improvement, and the disability community looks to the President and his Administration, the Congress, and all those in a position of community leadership to work proactively and productively with us to ensure that no person with a disability is left behind.

Anyone with a disability perspective who travels abroad returns impressed by the way America is, in many ways, the world leader in access, opportunity, and inclusion for people with disabilities. Much progress has been made, and many walls of exclusion have been leveled. People with disabilities celebrate the progress of this nation, and also remain dedicated to the vision of a day when all people, no matter how they are born or what conditions they acquire, will be full and equal participants in American life. This is our dream for the State of the Union.

## 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 June 5, 1997 in Washington, D.C. A gay man was attacked by a person yelling anti-gay epithets. The assailant, Bobbie Eugene Ross, 30, was charged with simple assault, making threats of bodily harm, and possession of a prohibited weapon.

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, we can change hearts and minds as well.

## A REPORT ON OUR NATION'S GUN LAWS

Mr. LEVIN. Mr. President, the Brady Campaign to Prevent Gun Violence recently published a report highlighting the progress made in state laws to protect children from guns and gun violence. The evaluation focused on a number of laws addressing juvenile possession of guns, safe storage, childproof guns, background checks and carrying concealed weapons, among other issues. The nation as a whole received a grade of C+. However, 29 States received grades of D or F. The report reveals the fact that our Nation's gun laws are a patchwork providing uneven and often ineffective protection for our Nation's children. In fact, the death rate of youth in the 7 States that received an F grade was 33 percent higher than the average firearms death rate for the 10 States that received an A or a B. This discrepancy illustrates the need for common sense gun safety laws and is a strong argument for Federal action.

Last year, I cosponsored a bill introduced by Senator DURBIN, the Children's Firearm Prevention Act. Under this bill, adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition would be held liable if the weapon is taken by a child and used to kill or injure themselves or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to a bill President Bush signed into law during his tenure as the Governor of Texas. I support this bill and hope the Senate will act on it during this Congress.

## ENDING THE WORST FORMS OF CHILD LABOR AND FORCED LABOR IN THE COCOA AND CHOCOLATE INDUSTRY WORLDWIDE

Mr. HARKIN. Mr. President, we all know that values matter to Americans. It is also becoming increasingly clear that they matter inside the global marketplace as well as outside. That explains why, according to a recent nationwide poll, 77 percent of Americans said they would likely look for a label when purchasing if there was a label on some products to indicate that they were made without the use of exploitive child labor.

Most Americans also understand that in today's complex, interwoven global economy, some of our cherished values come into conflict with one another in new and different ways and require very difficult trade-offs. For example, more free trade and free enterprise, as practiced in the real world versus more economic fairness, social justice and environmental sustainability. Recognizing this creative tension, 76 percent of Americans in a recent nationwide poll on globalization said they would pay more and buy a piece of clothing for $25 that is certified as not made in a sweatshop instead of buying the same article of clothing for $20 if they were not sure how it was made. Most Americans clearly want to bring our fundamental values—a sense of fair play, universal respect for human rights and worker rights, better stewardship of our shared environment, and more hope and equal opportunity for our children and grandchildren—into the conduct of international business and investment. But so far the global marketplace isn't readily giving American consumers and investors that choice.

Then what were we to do when the Knight-Ridder newspapers in June, 2001 brought us—a nation of chocaholics—face to face with child slavery in the production and harvesting of cocoa beans in the Ivory Coast. This impoverished West African country exports more than 40 percent of the world's supply of this agricultural commodity.

To his credit, Congressman ELLIOTT ENGEL from New York immediately saw the contradiction and reacted with outrage. He took to the House floor last summer and won passage of an amendment to the House version of the fiscal year 2002 Agriculture Appropriations bill on a very lop-sided, bipartisan vote. His amendment would have provided $250,000 for the Food and Drug Administration, FDA, to come up with a label to attach to all chocolate products for sale and distribution in the U.S. within one year to attest that they were made without any child slave labor. While both the FDA and the chocolate companies quickly protested that such a goal was unrealistic and impossible to attain, I shared Congressman ENGEL's resolve that clear and decisive corrective action had to be taken.

Accordingly, I called representatives of the major chocolate companies to a meeting early last July to underscore the seriousness of the forced child labor problem that had been exposed in their chain of production and to determine what they planned to do about it. I also reminded them at that time that U.S. law currently prohibits the importing of any products made, whole or in part, with forced or indentured child labor. And Senator KOHL, our Agriculture Appropriations Subcommittee chairman, and I gave notice of our intent to offer an amendment on the Senate floor, if need be, as early as last September. This set the stage for a series of lengthy, intense negotiations, set in motion by Senator KOHL, between ourselves and representatives of the major chocolate companies and cocoa bean processors.

I insisted from our first meeting that to avoid Senate legislation, the industry would have to meet two requirements:

First, they would have to commit to a set of principles and a time-bound action plan to eliminate the worst forms of child labor, including but not limited to forced child labor, throughout their chain of production and as a matter of the utmost urgency.

Second, if and when we might arrive at a mutually-acceptable framework agreement, they—the industry—would have to take that framework agreement to the other, non-industry stakeholders with an interest and expertise in child labor problem-solving and persuade them to participate as full partners in hammering out and fulfilling all of the requirements in this agreement on a mutually-acceptable basis and according to firm, prescribed deadlines.

I am happy to say these fundamental requirements were met when the Harkin-Engel Protocol on the Worst Forms of Child Labor in the Cocoa and Chocolate Industry was signed and announced publicly last October 1. This unprecedented framework agreement that will result in a credible, public certification system of industry-wide global standards within 4 years to attest that cocoa beans and all of their derivative products have been produced without any of the worst forms of child labor as clearly defined in ILO Convention No. 182.

We knew at the outset that it would not be easy to achieve this breakthrough. While there were strong, initial objections raised about labeling by some industry spokespersons, it also became clear in the course of our negotiations that a reliable labeling system could be developed, given the political will and incentives to do so. Officials of the ILO and some company representatives themselves acknowledged it could be achieved in this far-flung industry in 3–5 years. It was a matter of how quickly industry-wide standards could be defined, implemented, and subjected to effective, independent monitoring, and public reporting by all major stakeholders.

Let me be clear. The Harkin-Engel Protocol on the Worst Forms of Child Labor is a very good agreement, but it is not perfect. It is a breakthrough that sets out a specific, finite timetable during which something will be built incrementally that has never existed before—the capacity to publicly and credibly certify worldwide that cocoa beans and all of the products made from them have been produced and processed free of any of the worst forms of child labor.

Mr. President, I ask unanimous consent to have copies of this unprecedented agreement and its underlying principles re-printed in their entirety in the RECORD following my remarks. It is to be called the Protocol For The Growing And Processing Of Cocoa Beans In A Manner That Complies With ILO Convention 182 Concerning The Prohibition And Immediate Action

For The Elimination Of The Worst Forms Of Child Labor.

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

(See Exhibit 1.)

Mr. HARKIN. I want to briefly highlight key provisions that together make this framework agreement a real breakthrough:

First, it requires the industry to publicly acknowledge the use of forced child labor and to assume primary responsibility, including financial responsibility, for ending these intolerable practices. This is only fair and right.

Second, it requires the industry to partner and bargain every step of the way with the other major stakeholders cocoa producers, organized labor, nongovernmental organizations, consumer groups and governments among them—who have an interest and expertise in achieving the abolition of the worst forms of child labor in this sector. Last December 1, all of these stakeholders hammered out and signed a mutually-acceptable joint statement that recognizes and affirms their shared commitment to act together with urgency to eliminate the worst forms of child labor in the cocoa and chocolate business. I ask unanimous consent that this public statement also appear in the RECORD at the conclusion of my remarks.

Furthermore, by next May, a binding, public memorandum of cooperation must be agreed among all of the major stakeholders that establishes a joint program of research, information exchange, and action to enforce internationally-recognized standards to eliminate the worst forms of child labor and forced labor from this sector of agriculture and food processing worldwide.

Third, by next July, this industry will have made its initial down-payment of funds to establish a new international foundation to oversee and sustain over time the global effort to eliminate the worst forms of child labor and forced labor in the growing and processing of cocoa beans and their derivative products. This will be a private, non-profit foundation governed and administered by all of the major stakeholders. The support of field projects in the Ivory Coast and other cocoa-exporting countries along with the establishment of a clearinghouse on best practices to eliminate the worst forms of child labor will be among its initial purposes.

Fourth, this framework agreement must yield within 4 years the first-ever global capacity in this sector to publicly and credibly certify that the cocoa and chocolate products we eat and enjoy every day have been produced without any child slavery or use of any of the worst forms of child labor. This will be a giant step forward. A very diverse set of stakeholders has publicly committed ourselves for the first time in America and abroad to rooting out and ending the worst forms of child labor and forced labor, wherever they exist. The resulting system of public certification should take us 99 percent of the way during the next 4 years toward a credible and effective means of empowering consumers to reliably do the right thing. It would be my hope and expectation at that point in time, if not sooner, that one or many of the stakeholder companies will take the final step and decide for itself that it is in their own interest as well as the public interest to give their customers what most consumers in America and around the world want—products with a reliable label ensuring that none of the worst forms of child labor have been associated with their production.

Now I want to conclude my statement by recalling the life and vision of a great American, Milton Hershey, whose legacy from the 20th century is relevant to the 21st century challenge that has brought the Harkin-Engel Protocol into being. He grew up in family in Pennsylvania that was almost always broke and constantly on the move. Neighbors remembered seeing him as a boy going about the streets barefoot, selling berries door-to-door. But as a young man, he started a small company making caramels—The Lancaster Caramel Company—and built it into a thriving interstate business. At the age of 33, he was wealthier than he had ever dreamed. That was even before he started the Hershey Chocolate Company in a back corner of his caramel factory. The rest is history, as he went on to give America our first five-cent milk chocolate candy bar and became fabulously rich.

But it was Hershey's philanthropic example that stands out and is most relevant. In 1909, just 6 years after breaking ground for his first chocolate factory, he and his wife set up a trust fund to found a school for poor, orphaned boys. The Hershey Industrial School continues to flourish today, having provided a good home and a better chance in life for nearly a century for countless thousands of American children in need. In fact, at a comparative young age, he donated his entire estate to the Hershey Trust Fund for the benefit of the school, including land and all of his stock valued at more than $60 million in 1918.

Today, Milton Hershey's remarkable gift is worth more than $5 billion and the school is one of the richest private education institutions in our country. It continues to provide a home and quality education to more than 1,000 students every year—girls and boys of all races and religions who come mostly from broken families in poor inner-city neighborhoods.

If he was alive today, I think he would approve of this unprecedented framework agreement and the collaborative, child labor problem-solving process it has set in motion. He wouldn't see these child slaves in the Ivory Coast as children of a lesser god. Surely, he would open his heart and his wallet to do no less for the impoverished and powerless children of the Ivory Coast, Brazil, Ghana, Indonesia, and all the other cocoa-producing countries. All of the stakeholders in this breakthrough agreement should do no less. Now we have to roll up our sleeves, go to work building certification capacity, and meet all of the deadlines to confidently eliminate the worst forms of child labor and forced labor from the cocoa and chocolate business worldwide once and for all. In so doing, we will have hopefully blazed a new trail and provided a worthy model that is transferable to other industries where millions of child laborers work in darkness and without prospects for a brighter future.

EXHIBIT 1

CHOCOLATE MANUFACTURERS ASSOCIATION,
*Vienna, VA.*

PROTOCOL FOR THE GROWING AND PROCESSING OF COCOA BEANS AND THEIR DERIVATIVE PRODUCTS IN A MANNER THAT COMPLIES WITH ILO CONVENTION 182 CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORM OF CHILD LABOR

Guiding Principles:

OBJECTIVE—Cocoa beans and their derivative products should be grown and processed in a manner that complies with International Labor Organization (ILO) Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. ILO Convention 182 is attached hereto and incorporated herein by reference.

RESPONSIBILITY—Achieving this objective is possible only through partnership among the major stakeholders: governments, global industry (comprised of major manufacturers of cocoa and chocolate products as well as other, major cocoa users), cocoa producers, organized labor, non-governmental organizations, and consumers. Each partner has important responsibilities. This protocol evidences industry's commitment to carry out its responsibilities through continuation and expansion of ongoing programs in cocoa-producing countries and through the other steps described in this document.

CREDIBLE, EFFECTIVE PROBLEM SOLVING—In fashioning a long-term solution, the problem-solving process should involve the major stakeholders in order to maximize both the credibility and effectiveness of the problem-solving action plan that is mutually-agreed upon.

SUSTAINABILITY—A multi-sectoral infrastructure, including but independent of the industry, should be created to develop the action plan expeditiously.

ILO EXPERTISE—Consistent with its support for ILO Convention 182, industry recognizes the ILO's unique expertise and welcomes its involvement in addressing this serious problem. The ILO must have a ''seat at the table'' and an active role in assessing, monitoring, reporting on, and remedying the worst forms of child labor in the growing and processing of cocoa beans and their derivative products.

Key Action Plan and Steps to Eliminate the Worst Forms of Child Labor:

(1) Public Statement of Need for and Terms of an Action Plan—Industry has publicly acknowledged the problem of forced child labor in West Africa and will continue to commit significant resources to address it. West African nations also have acknowledged the problem and have taken steps under their

own laws to stop the practice. More is needed because, while the scope of the problem is uncertain, the occurrence of the worst forms of child labor in the growing and processing of cocoa beans and their derivative products is imply unacceptable. Industry will reiterate its acknowledgment of the problem and in a highly-public way will commit itself to this protocol.

(2) Formation of Mutli-Sectoral Advisory Groups—By October 1, 2001, an advisory group will be constituted with particular responsibility for the on-going investigation of labor practices in West Africa. By December 1, 2001, industry will constitute a broad consultative group with representatives of major stakeholders to advise in the formulation of appropriate remedies for the elimination of the worst forms of child labor in the growing and processing of cocoa beans and their derivative products.

(3) Signed Joint Statement on Child Labor to Be Witnessed at the ILO—By December 1, 2001, a joint statement made by the major stakeholders will recognize, as a matter of urgency, the need to end the worst form of child labor in connection with the growing and processing of West African cocoa beans and their derivative products and the need to identify positive developmental alternatives for the children removed from the worst forms of child labor in the growing and processing of cocoa beans and their derivative products.

(4) Memorandum of Cooperation—By May 1, 2002, there will be a binding memorandum of cooperation among the major stakeholders that establishes a joint action program of research, information exchange, and action to enforce the internationally-recognized and mutually-agreed upon standard to eliminate the worst forms of child labor in the growing and processing of cocoa beans and their derivative products and to establish independent means of monitoring and public reporting on compliance with those standards.

(5) Establishment of Joint Foundation—By July 1, 2002, industry will establish a joint international foundation to oversee and sustain efforts to eliminate the worst forms of child labor in the growing and processing of cocoa beans and their derivative products. This private, not-for-profit foundation will be governed by a Board comprised of industry and other, non-government stakeholders. Industry will provide initial and on-going, primary financial support for the foundation. The foundation's purposes will include field projects and a clearinghouse on best practices to eliminate the worst forms of child labor.

(6) Building Toward Credible Standards—In conjunction with governmental agencies and other parties, industry is currently conducing baseline-investigative surveys of child labor practices in West Africa to be completed by December 31, 2001. Taking into account those surveys and in accordance with the other deadlines prescribed in this action plan, by July 1, 2005, the industry in partnership with other major stakeholders will develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification, consistent with applicable federal law, that cocoa beans and their derivative products have been grown and/or processed without any of the worst forms of child labor.

We, the undersigned, as of September 19, 2001 and henceforth, commit the Chocolate Manufacturers Association, the World Cocoa Foundation, and all of our members wholeheartedly to work with the other major stakeholders, to fulfill the letter and spirit of this Protocol, and to do so in accordance with the deadlines prescribed herein.

Mr. Larry Graham, Chocolate Manufacturers Association.

Mr. William Guyton, World Cocoa Foundation.

WITNESSETH

We hereby witness the commitment of leaders of the cocoa and chocolate industry evidenced on September 19, 2001 and henceforth to fulfill the letter and spirit of this Protocol to eliminate the worst forms of child labor from this sector as a matter of urgency and in accordance with the terms and deadlines prescribed herein.

Senator Tom Harkin, Senator Herbert Kohl, Congressman Eliot Engel.

Ambassador Youssoufou Bamba, Embassy of the Ivory Coast.

Mr. Frans Roselaers, Director, International Labor Organization.

Mr. Ron Oswald, Catering, Tobacco and Allied Workers' Associations (IUF).

Mr. Kevin Bales, Free The Slaves.

Ms. Linda Golodner, National Consumers League.

Ms. Darlene Adkins, The Child Labor Coalition.

We personally support the protocol entered into by industry Protocol for the Growing and Processing of Cocoa Beans and their Derivative products In a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor and look forward to its successful execution which we support wholeheartedly.

Gary Guittard, Guittard Chocolate Company.

Edmond Opler, Jr., World's Finest Chocolate, Inc.

Bradley Alford, Nestle Chocolate & Confections USA.

Richard H. Lenny, Hershey Food Corporation.

Paul Michaels, M&M/Mars, Inc.

G. Allen Andreas, Archer Daniels Midland Company.

Henry Bloomer, Jr., Bloomer Chocolate Company.

Andreas Schmid, Barry Callebaut AG.

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ASSOCIATION OF THE CHOCOLATE, BISCUIT AND CONFECTIONERY INDUSTRIES OF THE EU,
*Brussels, Belgium, September 3, 2001.*

PROTOCOL FOR THE GROWING AND PROCESSING OF COCOA BEANS AND THEIR DERIVATIVE PRODUCTS IN A MANNER THAT COMPLIES WITH ILO CONVENTION 182 CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR

CAOBISCO is the Association of the Chocolate, Biscuit and Confectionery industries of the European Union with Association Members in Switzerland, Norway, Hungary and Poland, representing through its National Associations circa 1800 companies in Europe.

CAOBISCO, in addition to its own actions on this important issue, endorses the initiatives taken in the United States by political representatives, the industry and other stakeholders.

CAOBISCO associates itself with the above Protocol. CAOBISCO will also ensure that the appropriate political authorities in Europe are made fully conversant with the guiding principles of this Protocol and that there is complementarity between these principles and parallel actions pursued in Europe.

HANS RYSGAARD,
*President.*
DAVID ZIMMER,
*Secretary General.*

EUROPEAN COCOA ASSOCIATION,
*Brussels, Belgium, September 4, 2001.*

PROTOCOL FOR THE GROWING AND PROCESSING OF COCOA BEANS AND THEIR DERIVATIVE PRODUCTS IN A MANNER THAT COMPLIES WITH ILO CONVENTION 182 CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR

ECA is a trade association representing the European cocoa sector and includes companies from the entire cocoa industry chain. Members are cocoa converters, industrial chocolate producers, traders or are involved in warehousing and/or in related logistical aspects. Together, ECA members represent close to 75% of Europe's cocoa beans grinding, 50% of Europe's industrial chocolate production and 40% of world production of cocoa liquor, butter and powder.

The issue of exploitative child labour clearly requires the commitment of governments as well as co-operation across the entire cocoa chain. In this context, the ECA will continue to play an active role, and hence welcomes the protocol as a valuable step toward the definition of an international response by all concerned parties.

It may be expected that the European regulators and industry, taking into consideration their own external environment and relationship with the West African origin countries, will reach similar conclusions that will comfort the needed global approach. ECA, like Caobisco, will ensure that there is complementarity between the above initiative and parallel actions being pursued in Europe.

ROBERT A. ZEHNDER,
*Secretary General.*

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INTERNATIONAL COCOA ORGANIZATION,
*London, September 11, 2001.*

PROTOCOL FOR THE GROWING AND PROCESSING OF COCOA BEANS AND THEIR DERIVATIVE PRODUCTS IN A MANNER THAT COMPLIES WITH ILO CONVENTION 182 CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORSE FORMS OF CHILD LABOUR

The International Cocoa Organisation (ICCO) is an intergovernmental institution created in 1972 under the auspices of the United Nations, with the aim to monitor the international cocoa market, for the benefit of both cocoa exporters and importers.

There are 42 member countries in the Organisation, of which 19 are exporting members and 22 importing members.

Exporting members are: Benin, Brazil, Cameroon, Cote d'Ivoire, Dominican Republic, Ecuador, Gabon, Ghana, Grenada, Jamaica, Malaysia, Nigeria, Papua New Guinea, Peru, Sao Tome and Principe, Sierra Leone, Togo, Trinidad and Tobago, Venezuela.

Importing members are: Austria, Belgium/Luxembourg; Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Netherlands, Norway, Portugal, Russian Federation, Slovak Republic, Spain, Sweden, Switzerland, United Kingdom.

The ICCO fully endorses the initiative taken in the United States, by political representatives, the industry and other stakeholders. This is in line with the Resolution adopted in June 2001 by the International cocoa council, on agricultural working practices, and with the provisions of Article 49 of the International cocoa agreement 1993, regarding fair labour standards.

The ICCO supports the above mentioned PROTOCOL.

The ICCO encourages its member Governments to investigate and eradicate any criminal child labour activity that might

exist in their territory in the field of agricultural working practices, in close co-operation with UNICEF, ILO, FAO and the private sector.

The ICCO has decided to include in the design of its relevant projects, activities in support of member countries in the eradication of unlawful practices concerning child labour.

KOUAMÉ EDOUARD,
*Executive Director.*

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JOINT STATEMENT, November 30, 2001

The Association of the Chocolate, Biscuit and Confectionery Industries of the EU, the Chocolate Manufacturers Association of the USA, the Confectionery Manufacturers Association of Canada, the Cocoa Association of London and the Federation for Cocoa Commerce, the Cocoa Merchants Association of America, the European Cocoa Association, the International Office of Cocoa, Chocolate and Confectionery, the World Cocoa Foundation, the Child Labor Coalition, Free The Slaves, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations, and the National Consumers League (sometimes hereinafter the ''Signatories'') recognize the urgent need to identify and eliminate child labour in violation of International Labour Organization (''ILO'') Convention 182 with respect to the growing and processing of cocoa beans and their derivative products. The Signatories also recognize the need to identify and eliminate practices in violation of ILO Convention 29 with equal urgency.

The Signatories affirm their support for the International Labour Organization's (LIO) mission to improve working conditions worldwide, as exemplified in the ILO Declaration on Fundamental Principles and Rights at Work. We also share the view that practices in violation of ILO Conventions 182 (the ''worst forms of child labour'') and 29 (''forced labour'') result from poverty and a complex set of social and economic conditions often faced by small family farmers and agricultural workers, and that effective solutions to address these violations must include action by appropriate parties to improve overall labour standards and access to education.

The Signatories support the framework provided in the Protocol signed by the Chocolate Manufacturers Association and the World Cocoa Foundation on September 19, 2001, which provides for cooperation and for credible, problem solving in West Africa, where a specific program of research, information exchange, and action is immediately warranted. This Joint Statement expresses the shared commitment of the Signatories to work collaboratively toward the goal of eliminating the worst forms of child labour and forced labour in cocoa growing.

The strategies developed as part of this process will only be credible to the public and meet the expectations of consumers if there is committed engagement on the part of governments, global industry (comprised of major manufacturers of cocoa and chocolate products as well as other, major cocoa users), cocoa producers, labour representatives, non-governmental organizations, and consumers that have joined this process.

The Signatories recognize the need to work in concert with the ILO because the ILO will play an important role in identifying positive strategies, including developmental alternatives for children engaged in the worst forms of child labour and adults engaged in forced labour in the growing and processing of cocoa beans and their derivative products.

The strategies to be developed will be effective only if they are comprehensive and part of a durable initiative. The steps to be taken to sustain this initiative include: (i) execution of a binding memorandum of cooperation among the Signatories that establishes a joint action program of research, information exchange, and action to enforce the internationally-recognized and mutually-agreed upon standards to eliminate the worst forms of child labour in the growing and processing of cocoa beans and their derivative products; (ii) incorporation of this research that will include efforts to determine the most appropriate and practicable independent means of monitoring and public reporting in compliance with those standards; and (iii) establishment of a joint foundation to oversee and sustain efforts to eliminate the worst forms of child labour and forced labour in the growing the processing of cocoa beans and their derivative products. The Signatories welcome industry's commitment to provide initial and ongoing, primary financial support for the foundation.

We anticipate that other parties may be able to play a positive role in our important work. Subject to mutual consent by the Signatories, additional parties may be invited to sign onto this statement in the future.

Witnessed by the International Labour Organization this 30th day of November, 2001. Geneva, Switzerland.

Mr. Frans Roselaers, International Labor Organization.

Mr. David Zimmer, CAOBISCO.

Mr. Lawrence Graham, Chocolate Manufacturers Association of the USA.

Mr. John Rowesome, Confectionery Manufacturers Association of Canada.

Mr. Phil Sigley, Federation for Cocoa Commerce.

Mr. Thomas P. Hogan, Cocoa Merchants Association of America.

Mr. Robert Zehnder, European Cocoa Association.

Mr. Tom Harrison, International Office of Cocoa, Chocolate and Confectionery.

Mr. Bill Guyton, World Cocoa Foundation.

Ms. Darlene Adkins, The Child Labor Coalition.

Mr. Kevin Bales, Free the Slaves.

Mr. Ron Oswald, Allied Workers' Associations (IUF).

Ms. Linda Golodner, National Consumers League.

ASSOCIATION OF THE CHOCOLATE, BISCUIT AND CONFECTIONERY INDUSTRIES OF THE EU, CHOCOLATE MANUFACTURERS ASSOCIATION, CONFECTIONERY MANUFACTURERS ASSOCIATION OF CANADA, EUROPEAN COCOA ASSOCIATION,
*December 1, 2001.*

INTERNATIONAL ALLIANCE JOINS FORCES TO ADDRESS CHILD LABOUR ABUSE IN THE WEST AFRICAN COCOA SECTOR

The global cocoa and chocolate industry today joined a diverse group of partners to sign a joint statement re-affirming the urgent need to end the worse forms of child labour and forced labour in cocoa cultivation and processing in West Africa. The joint statement was signed by representatives of non-governmental organisations, anti-slavery and human rights experts, consumer groups and labour representatives. The International Labor Organization (ILO) witnessed signature of the statement.

The problems of the worst forms of child labour and forced labour are complex and can only effectively be addressed with the commitments of all the partners signing the statement today, together with governments. The global cocoa and chocolate industry is committed to playing an active part in this initiative. A significant effort is under way to asses the precise scope of the problem through independent investigative surveys. The data of the surveys will be analysed by experts during the first quarter of next year.

Today's joint statement is in keeping with the commitments made by industry to address the worst forms of child labour and forced labour. On 19 September this year, industry developed and signed a protocol, which lays out an action plan to combat the problem, with input from governments and human rights experts. Active implementation of the industry Protocol began in October this year.

In addition, industry has constituted a Broad Consultative Group to advise in the formulation of appropriate remedies for the elimination of the worst forms of child labour and forced labour in the growing and processing of cocoa beans. The signatories to the joint statement have been invited to join the Broad Consultative Group.

The signatories to the joint statement are: Cocoa and Chocolate Industry, The Association of the Chocolate, Biscuit and Confectionery Industries of the EU (CAOBISCO), International Labour Organisation (Witnessing); The Chocolate Manufacturers Association of the USA (CMA), Free The Slaves; The Confectionery Manufacturers Association of Canada (CMAC), The Child Labor Coalition; The Cocoa Association of London (CAL), The National Consumers League; The Cocoa Merchants Association of America (CMAA), The Federation for Cocoa Commerce (FCC), The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF); The European Cocoa Association (ECA); The World Cocoa Foundation (WCF); The International Office of Cocoa, Chocolate and Confectionery (IOCCC).

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## CHINESE MILITARY'S USE OF FOREIGN TECHNOLOGY

Mr. KYL. Mr. President, a recent article in the Far Eastern Economic Review on China's use of foreign technology to modernize its military explains the far-reaching impact of China's purchase of foreign technology on that country's military capabilities. For example, it describes Rolls Royce's recent sale to China of 90 Spey jet engines, some of which will likely be used for the Chinese military's JH–7 fighter bombers. The technology used in these engines is admittedly dated; but some are concerned that the sale may represent the beginning of a larger relationship between Rolls Royce and China. The article also details China's growing reliance on Russian-designed aircraft, missiles, and navy destroyers and submarines. A February 2001 article in Jane's Intelligence Review described the relationship further, stating:

> Between 1991 and 1996 Russia sold China an estimated $1 billion worth of military weapons and related technologies each year. That figure doubled by 1997. In 1999 the two governments increased the military assistance package for a second time. There is now a five-year program (until 2004) planning $20 billion worth of technology transfers.

Perhaps of even greater concern is that, according to the Wisconsin Project on Nuclear Arms Control, the United States approved $15 billion in ''strategically sensitive exports'' to China during the 1990s. These exports included equipment that can be used to design nuclear weapons, build nuclear

weapons components, improve missile designs, and build missile components. And it is important to remember China's primary objective in acquiring these and other military technologies, to be able to defeat our long-standing, democratic ally Taiwan in a conflict quickly enough to prevent American military intervention.

Last September, the Senate passed S. 149, the Export Administration Act of 2001. S. 149 was approved despite serious concerns of some, including myself, that the U.S. export control process is ineffective in stopping the export of militarily sensitive technologies to countries, like China, that pose a potential military threat to the United States or to U.S. interests abroad. S. 149, if enacted into law, would allow China to import even more sensitive technology than it has in the past. It would decontrol a number of dual-use technologies, including items used to make nuclear weapons and long-range missiles.

I urge my colleagues to take a moment to read the Far Eastern Economic Review article, and to consider the impact on China's military capabilities of foreign technology purchases and, more importantly, the potential long-term ramifications of further weakening the U.S. export control process.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Far Eastern Economic Review, Jan. 24, 2002]

CHINA—ARMS

(By David Lague in Hong Kong)

Buying Some Major Muscle: The People's Liberation Army is shopping for foreign arms and the latest military technology with a vengeance; Costing tens of billions of dollars a year, this drive will change the face of its forces at war and is unsettling some foreign governments.

In the field of frustration and broken dreams that for many foreign firms is the China market, arms dealers and suppliers of technology to boost military firepower have discovered their El Dorado.

International arms-trade monitors estimate that China is now the world's biggest arms importer as it steps up a drive to re-equip the People's Liberation Army so that, if necessary, it has the strength to recover Taiwan by force and can deter intervention by the United States in a cross-strait conflict.

From supersonic fighters and missiles to computer-aided-design software the PLA and its associated civilian agencies are filling order books across the world.

''In my view, practically every area of PLA modernization is affected by the acquisition, utilization, absorption or development of foreign technology,'' says PLA watcher Richard Fisher of the Jamestown Foundation in Washington.

The Stockholm International Peace Research Institute in its 2001 yearbook noted that China had become the world's biggest importer of arms in 2000, mainly through deliveries of ships and combat aircraft from Russia. These imports were valued at close to $3 billion, more than twice any other buyer's tally. In the secretive world of the international arms trade, the true value of Chinese offshore orders is difficult to uncover. Defence experts estimate up to half of Russia's $4 billion in military sales last year went to China. When combined with imports of so-called dual-use technology—equipment and know-how with military as well as civilian applications—most analysts expect the total to be much higher.

To pay for what Fisher described as its international military ''spending spree,'' Beijing announced in March last year that its published defence budget was jumping more than 17% to $17.2 billion. Real annual spending, including payments for foreign weapons and technology, is estimated by many analysts at more than $60 billion. The government is already signalling that it plans further defence-budget increases this year.

The main beneficiaries of Chinese spending: Russia and Israel, since the West imposed an arms embargo in retaliation of the 1989 Tiananmen Massacre. U.S. and European makers of nonlethal military hardware and dual-use technology are, however, eager suppliers.

The independent U.S. Wisconsin Project on Nuclear Arms Control calculates that Washington approved some $15 billion in strategically sensitive exports to China in the decade up to 1999. These included advanced computers needed to design and test nuclear weapons, machine tools for making missile parts and specialized equipment used for making military semiconductors.

Some key customers for U.S. technology are the China Precision Machinery Import-Export Corp., a maker of anti-ship missiles, the National University of Defense Technology, which designs weapons, and Huawei Technologies—accused by Washington of helping Iraq improve its air-defense system.

In recent years, much international attention has focused on sensational allegations of Chinese espionage at U.S. nuclear-arms laboratories. But far from having to steal much of the latest military technology, Beijing is simply buying it.

''Western companies want to get into this market,'' says Taipei-based PLA analyst Tsai Min-yen of the Taiwan Research Institute. ''The way they can build contacts with China is to sell these dual-use or nonlethal technologies.''

Even such top Western firms as British engine-maker Rolls-Royce are looking for a piece of the action. It sells defense equipment as part of its broader aerospace, marine and energy business in China—though it is reluctant to give details of its military sales.

Rolls-Royce confirmed to the REVIEW that it recently supplied up to 90 Spey jet engines and spares to China that defence analysts believe the PLA intends to fit on to its JH–7 fighter-bombers—also being modified with modern radar and long-range missiles.

Rolls-Royce spokesman Martin Brodie says that the company first supplied this engine type to China in the 1970s and continues to support that original deal. ''The details of our support are, as with most companies, a matter of commercial confidence,'' he says.

The PLA needs more of the reliable Spey engines because it failed to copy those it received earlier and hasn't designed a local replacement. Rolls-Royce argues its Spey engines incorporate 1960s technology, implying they will not significantly boost PLA power. In contrast, Asia-based Western defense officials say the Pentagon objected to the latest deal on the grounds that it would enhance the PLA's capabilities.

Rolls-Royce indicates more defense-related business is on its mind. On a visit in October, Chief Executive John Rose discussed ''current cooperation and opportunities for the future'' with officials from China's Commission on Science, Technology and Industry for National Defense, according to a company statement.

Earlier British technology sales proved a boost to the PLA. In 1996, Racal Corp., now part of the French Thales Group, sold up to eight Skymaster long-range airborne radars to be fitted on PLA Navy Y–8 aircraft. Britain at the time justified the sale by saying it would help Beijing against rampant smuggling. Since then, the specialist defence press has reported that these aircraft are used to assist Chinese missile warships locate distant targets.

Other British sales are aimed at civilian use but seem to offer clear military advantages. Surrey Satellite Technology, perhaps the world's leading micro-satellite maker, has played a major role developing China's infant micro-satellite industry with technology transferred to China through a joint venture with Beijing's elite Qinghua University. Specialists have warned that this type of technology is vitally important for the Chinese military to mount combined air and sea operations in the Taiwan Strait.

Company spokeswoman Audrey Nice rejects any link between Surrey's technology and the Chinese military. ''The PLA does not exist as far as Surrey is concerned,'' she says. ''There are no defence applications whatsoever.'' However, she is unable to rule out Chinese military access to data from satellites launched as a result of the joint-venture collaboration. ''The satellite is owned by Qinghua University,'' says Nice, adding that any questions should be directed to the university.

To reduce its dependence on foreign suppliers, China is investing heavily in research and development to build a military industrial base. In the meantime, the PLA armoury resembles an overflowing shopping trolley at an international arms bazaar—with imported arms and technology ordered before the Tiananmen embargo being gradually introduced and combined with the newer purchases.

Should China go to war in the near future over Taiwan, its air force will rely on front-line Russian-designed strike aircraft alongside locally built fighters based on an Israeli design partially funded by the U.S.

Other Chinese-made aircraft will carry Russian and Israeli missiles and find their targets with British and Israeli radar and electronics. The navy will deploy a combination of powerful new Russian warships and submarines alongside locally built ships fitted with U.S. and Ukrainian engines and Italian torpedoes. French companies have supplier air-warfare missiles, tactical command-and-control systems and helicopters.

On land, the PLA will field modern Russian tanks and artillery. Many armoured vehicles will be protected with advanced Israeli-designed armour cladding. Older Chinese tanks have Israeli gun and gunsight systems.

Overhead, satellites built with British and German help will keep watch on the battlefield, fix positions for ground forces and feed target data to ships and aircraft. Meanwhile China's nuclear deterrent will be mounted on launchers improved with assistance supplied by the U.S.

Beijing isn't shy about its growing power. When one of the PLA navy's latest class of warship, the sleek 8,000-tonne guided-missile destroyer Shenzhen, berthed in Hong Kong in November after visiting Europe, it was touted as an example of how China was capable of building world-class warships.

That may be an exaggeration with most Western counterparts. But by regional standards, the Shenzhen's Ukrainian gas turbines,

French Crotale air-defense missiles, Russian YJ–2 anti-ship missiles and two Russian Ka–28 anti-submarine-warfare helicopters make it formidable vessel.

While the arms merchants pile in, there are clear signs of unease in some foreign capitals about the scale of China's arms-buying bonanza and the danger to regional security. For the U.S. and regional governments, the main concern is that short-term corporate greed is overpowering Western fears of arming a potential enemy of the future to the teeth.

Reflecting such official unease, New York-based satellite-maker Loral Space & Communications agreed with the U.S. Justice Department this month to pay a record $14 million fine to settle charges that it may have illegally given satellite know-how to Beijing.

Hughes Electronics of California is also expected to settle with Washington over its role in similar technology leaks.

A U.S. Congressional committee in 1999 accused both companies of helping overcome serious shortcomings in Chinese rocket launchers following an expensive series of failed satellite launches in the mid-1990s. Since then, China launched more than 30 satellites without a hitch. There are strong suspicions in Washington that the PLA's nuclear missiles carried on the same launchers and aimed at the U.S. are now more reliable because of information from U.S. firms.

At the same time as the probes into Hughes and Loral, Washington forced Israel to cancel a $1.25 billion sale of up to five Russian-built aircraft equipped with Israeli-made Phalcon early warning radar to the PLA. Such aircraft would be crucial in coordinating large-scale operations over the Taiwan Strait.

Anxious to keep its good relations as an arms supplier with Beijing, Tel Aviv is now negotiating to pay compensation to China for backing out of the deal. Diplomats say that discussions between both sides earlier this month in Beijing also covered what other hardware may be supplied by Israel.

But regardless of international pressure on sellers, tension across the Taiwan Strait is likely to prolong the feast for arms makers. As China's power grows, so does Taiwan's demand for yet more weapons to ensure parity. The Bush administration last year agreed to supply Taipei with its biggest arms package in decades, including a group of up to eight submarines that alone will cost more than $4 billion.

Watching the arms race, some analysts are questioning the wisdom of China buying hardware from such a range of suppliers. For a start, the logistical and technical support needed to maintain so many different weapons systems is a major challenge. And it takes more than just advanced hardware to be a military power. Training, military doctrine and the integration of weapons and sensors are also vital. There is also the danger that in trying to keep pace with Western firepower, China might overextend itself financially—as the Soviet Union did.

Nevertheless, analysts such as Tsai in Taipei believe that the sheer pace of its spending is allowing China to close the military gap with the U.S. and the rest of the West fast enough to pose a real security threat for Taiwan. ''It is unnecessary for China to catch up with the West in all fields,'' he says. ''They just need enough to deter the U.S. from becoming involved in the Taiwan Strait.''

## FORMER WISCONSIN GOVERNOR JOHN REYNOLDS

Mr. FEINGOLD. Mr. President, one of Wisconsin's great progressives died a few days ago. Former Wisconsin Governor John Reynolds passed away on January 6. He was 80.

The son of an Attorney General, and the grandson of a Representative in the State Assembly, John Reynolds came from one of Wisconsin's most distinguished political families, and he himself was the model of what public service should mean.

Reynolds, a native of Green Bay, was one of the founding fathers of the modern Democratic Party of Wisconsin, but his roots were in the Progressive Party of Robert and Phil La Follette. His grandfather was elected to the State Assembly as a Progressive Republican, and his father, who served as the State's Attorney General, was chairman of the independent Progressive Party.

John Reynolds, like his father, served as Wisconsin's Attorney General. He was the State's Governor from 1963 to 1965, and was appointed by President Johnson to serve as a Federal Judge in Wisconsin's Eastern District where he served as Chief Judge from 1971 until 1986.

But as impressive as it is, that resume does not do him justice. In memorializing John Reynolds, the Wisconsin State Journal wrote that his true legacy was his support of the rule of law and equal rights under the U.S. Constitution. Indeed, he may be remembered best as a civil rights advocate. His most famous decision as a judge was his 1976 order that Milwaukee schools be desegregated.

As columnist John Nichols wrote of him, ''John Reynolds never surrendered the Progressive vision that the political and economic rights of individuals must be protected against encroachments by corporate and political elites bent on self-service.''

In 1963, as a sitting Governor, John Reynolds supported civil rights demonstrations. In a statement he made in support of those demonstrations, John Reynolds said: ''The time is long past when Americans can be content with foot-dragging in civil rights. Those who have urged caution forget that those who suffer the pains of discrimination suffer them every day.''

Those words ring true today. They are a mark of the greatness of John Reynolds, a greatness that did not come from the offices he held, but from his principled compassion and political courage.

## NATIVE AMERICAN TRUST FUNDS

Mr. JOHNSON. Mr. President, I rise today to express my deep concern for the outlook of the trust fund management system. I have requested on numerous occasions that the Department of the Interior to consult with tribes on this issue. I understand this is difficult, given the scope and expanse of the approximate 560 Tribes in the United States, but it must be done in a far more meaningful manner than has been the case up until now.

Tribes feel that the Department of the Interior has presented a plan, and are simply going through the motions of ''consultation.'' The very idea of consultation is not to formulate a plan and then impose it upon the interested party. It is to work with the effected parties and formulate a plan together. This is the essence of consultation between the Federal Government and Indian Country; it is at the heart of true government-to-government relationship.

The present and future challenge the Department of the Interior, Bureau of Indian Affairs and the Office of Special Trustee face are a high priority for South Dakota's Indian tribes. As a member of both the Senate Indian Affairs Committee, as well as, the Appropriations Committee, I look forward to working on efforts to improve the quality of services provided by the Department, and to protect the interests of tribes in my state of South Dakota and across the country.

The issue of Trust Fund mismanagement is one of the most urgent problems we are faced with in Indian Country. Of all the extraordinary circumstances we find in Indian Country, and especially in South Dakota, I do not think there is any more complex, more difficult and more shocking then the circumstances we have surrounding trust fund mismanagement.

This problem has persisted literally for generations, and continues today. Administrations of both political parties have been inadequate in the response, and the level of direction and the resource provided by Congresses over past decades has also been sadly inadequate. The Federal Government, by law, is to be the trustee for Native American people. When the Trust Fund Management Act of 1994 has passed, I was hopeful that this accounting situation would at last be remedied. Unfortunately, this has not been the case.

In 1996, I was appointed by Chairman YOUNG to the Congressional Task Force on Indian Trust Fund Management, to review and study the management and reconciliation of funds administered by the Department of the Interior's Office of Trust Fund Management. Those meetings were informative but far from productive as three years and many millions of dollars later, this problem still persists.

My concern remains, where are we now, and what does the Department hope to accomplish from the creation of another bureau? Far too much time and resources have been exhausted attempting to remedy this deplorable situation, which affects far too many of South Dakota's poorest people.

This is one of the most urgent problems we face in Indian Country, and there are so many more problems that flow from, or the solutions stem from the inability to come to terms with this issue. Congress has reviewed his issue over 10 times in recent years. We should not have to continue to revisit this issue ten more times to get it solved.

On January 21, 2002, The Sioux Falls Argus Leader published an editorial entitled ''Tribes Capable of Managing Own Trust Funds.'' I commend this editorial to my colleagues. It urges Secretary Norton and the Assistant Secretary for Indian Affairs, Neal McCaleb, in the strongest possible terms, to consult with tribes.

The Federal Government is fond of saying that it will operate ''government to government'' with Indian tribes, but then too often it consults after the fact in an insulting manner. It is time to give tribes greater responsibility over their assets and their budgets.

It is imperative that we remedy this situation. More years will go by and more opportunities to correct this great injustice will be passed unless Congress and the administration at last give resolution of this trust fund crisis the attention and the resources it deserves.

Mr. President, I ask unanimous consent that The Sioux Falls Argus Leader editorial be printed in the RECORD.

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

[From the Argus Leader, Jan. 21, 2002]

TRIBES CAPABLE OF MANAGING OWN TRUST FUNDS—GOVERNMENT NEEDS COOPERATION

(By the Editorial Staff)

At a meeting in Albuquerque, N.M., tribes vigorously opposed a plan by the Department of Interior and Bureau of Indian Affairs to create a new agency to manage Indian trusts.

The same thing happened at a meeting in Minneapolis.

And again in Oklahoma City.

And most recently in Rapid City.

Each time, the reason was the same. Plans to create the new Bureau of Indian Trust Asset Management were developed by the Interior Department and BIA, without consulting a single tribe.

''Decisions for Indian people should be made by Indian people. Let us do it,'' said Tom Ranfranz, Flandreau Santee Sioux tribal chairman. ''We're good people. We know banking, we know business, we know farming. Let us do it.'' Amen.

If there's one main problem with white-Native American relations during the years we've been a nation, it's just this: Whites always think they know what's best for Indians.

Guess what, it's not always true. Literally billions of dollars are at stake in whatever is decided. The trust fund is built up from money—about $500 million a year—taken from grazing, agriculture, mining, oil production, logging and right-of-way easements. The BIA has managed the fund and doled out money to tribes and individuals.

We say ''managed'' in a loose sort of way. The BIA can't account for at least $2.4 billion supposed to have been collected and handed out since 1972. Maybe the money is there and maybe it isn't. No one knows.

That has led to an ongoing lawsuit against the Department of Interior, and each time the parties are in court, revelations of mismanagement seem to get more bizarre. Most recently, it was determined that the computer system used for the trust fund was so horrible just about anybody could hack into it—despite millions of dollars in studies and recommendations on how to fix the problems.

A judge shut down the system entirely, delaying payments to thousands of people around the country.

Now, the government officials who created the mess are telling the tribes they have the solution. Part of it is to put former BIA Director Ross Swimmer in charge of the new agency.

This is the same Swimmer who lost millions of dollars in coal revenue for the Navahos through an unfair agreement he negotiated.

This is the same Ross Swimmer who destroyed a Cherokee Nation corporation by making bad loans to corporation members.

Tribal officials are howling about the appointment of Swimmer, and for good reason.

They've suggested, instead, a task force of tribal representatives from around the country to come up with a better way of doing things. There are some disagreements about how that would work, but it is clearly the right solution.

Interior Secretary Gale Norton and BIA Director Neal McCaleb seem to have good intentions. It appears they want to undo this long-standing mess and replace the current operation with something that works. For that, we praise them.

But whatever they do will never work unless it's done in consultation with the tribes. To even try to do otherwise is ludicrous. If they think tribes will buy in to the current plan, they're deluding themselves.

## ORDERS FOR RECESS, JOINT SESSION, ADJOURNMENT, UNTIL MONDAY, FEBRUARY 4, 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until this evening at 8:30 p.m.; further, that at 8:40 p.m. the Senate proceed to the House Chamber for the joint session, and that following the joint session the Senate adjourn under the provisions of S. Con. Res. 95 until the hour of 1 p.m. Monday, February 4; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each; further, that at 2 p.m. the Senate resume consideration of H.R. 622.

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

Mr. REID. Mr. President, I have conferred with the majority leader and he has indicated there will be votes Monday. They will be after 5 p.m.

## ADDITIONAL STATEMENTS

### CONGRATULATIONS TO MR. AND MRS. PAVEL

• Mrs. MURRAY. Mr. President, I rise today to pay tribute to Donald and Anne Pavel of Shelton, WA, in celebration of their 50th wedding anniversary on January 31, 2002.

Mr. and Mrs. Pavel are life-long residents of Shelton. Mr. Pavel graduated from Shelton High School and went on to a 20-year career in the U.S. Air Force, which included decorated service during the Korean conflict. In 1969, he retired from the Air Force as a Master Sergeant. Following his service to this country, Mr. Pavel started his own successful dump truck business, Pavel Trucking. His company worked on many major projects in Washington State, including the ''Loop'' around the Olympic Peninsula. Mr. Pavel operated Pavel Trucking until his retirement.

Mrs. Pavel also graduated from Shelton High School and then received her nursing degree from St. Joseph's Hospital in Tacoma, WA. In addition to raising her family and pursuing her nursing career, Mrs. Pavel, a member of the Skokomish Tribe, was active in tribal politics. She was the Skokomish Tribe's first Judge and served as Chairwoman and General Counsel President of the Tribe for a number of years. Mrs. Pavel also served as the Tribe's first Health Director, overseeing the first dental and health clinics on the reservation.

Mr. and Mrs. Pavel have six children: three daughters, Victoria, Barbara, and Mary; and three sons, Joseph, Michael and Gregg, whom they lost in 1997. They are also blessed with nine grandchildren. All of the Pavel children graduated from Shelton High School and attended college and/or graduate school in Washington State. Today they are engaged in fulfilling careers, ranging from fisheries management to education.

I ask the Senate to join me in sending my warmest congratulations to Mr. and Mrs. Pavel for this very important wedding anniversary. I wish them many more happy years together. It is an honor and a privilege to represent them in the U.S. Senate.•

### TRIBUTE TO JAMES RAYMOND TOULOUSE

• Mr. DOMENICI. Mr. President, I rise today to pay tribute to James Raymond Toulouse who passed away on January 24, 2002. My heartfelt sympathies go out to his family and friends.

James was born in Albuquerque, NM, in 1919, and graduated from Albuquerque High School in 1936. He also graduated from the University of New Mexico in 1940 and received a law degree in 1949 from Georgetown Law School. Prior to entering law school, James served during WW II as a Specialist A Second Class in the United States Navy. His education and dedication to his country served him well during his successful law career.

Since 1949, James actively practiced law often representing cases involving civil rights. His work did not go unnoticed. For his work on behalf of the Albuquerque Chapter of the NAACP in 1985, James received their ''Keeping the Dream Alive Award.'' In 1986, the New Mexico Bar Association awarded him the Courageous Advocacy Award. In addition, Rodney Barker in his 1992 book, ''The Broken Circle,'' wrote an

account of James' representation of Navajo rights.

New Mexico has lost an invaluable native who advocated for the rights of others. I want to take this opportunity to salute the lifetime achievements of James Raymond Toulouse. I join with his family and friends in mourning his loss.●

## TRIBUTE TO ROBERT K. KRICK

● Mr. JEFFORDS. Mr. President, today I honor Mr. Robert K. Krick on his recent retirement from the National Park Service and for his distinguished career as a Civil War historian and preservationist. Mr. Krick joined the National Park Service in 1966, working both at Fort McHenry National Monument and Fort Necessity National Battlefield. In 1972, he became the Chief Historian at Fredericksburg & Spotsylvania National Military Park. It is a position he held for twenty-nine years until his retirement last month.

During his tenure at Fredericksburg & Spotsylvania National Military Park—an area which comprises four battlefields—the total amount of park acreage grew from under 3000 to over 8000 today. Nearly half of all the historians at Civil War battlefield parks learned their trade under Bob Krick. His contributions to the preservation of historic land are numerous. Bob's tireless efforts to expand and improve the National Park Service will continue to be appreciated by the millions of individuals who visit these historic areas each year.

Although preservation of Civil War battlefields was a large part of Bob's career, he found the time to become a distinguished author and scholar. He has written 12 books, including ''Stonewall Jackson at Cedar Mountain,'' and ''Conquering the Valley: Stonewall Jackson at Cross Keys and Port Republic, as well as countless articles and book reviews. His works will undoubtedly influence future generations.

More than a decade ago I began touring various battlefields with Bob and several other Civil War historians. We relived Jackson's battles of the 1862 campaign and retraced the Union campaign of 1864. With Bob by my side, I was able to visualize the 1862 battles and could feel Jackson's presence. I came away from the trip with the strong feeling that it was my responsibility as a U.S. Senator to help preserve this part of our national heritage. Since that time I have been dedicated to preserving our Nation's most cherished and sacred lands. As a first step, I introduced legislation that directed the Park Service to undertake a study of Civil War sites. Congress responded by passing legislation, in 1991, that created a national Civil War Sites Advisory Commission. Composed of distinguished historians, supported by a staff of National Park Service experts, the commission for two years studied the remaining Civil War Battlefields. The 1993 report presented a plan of action for protecting what remained of the Civil War Battlefields. Since 1993, I have helped to secure $19 million in Federal funds to preserve these priceless links to America's past.

Although much work has been done in the last decade to preserve battlefields, there is a lot to do as our nation's history is still being demolished and bulldozed at an alarming pace. Bob will continue to be a preservation leader as a Board member of the Richmond Battlefields Association. I look forward to working with and calling upon Bob for advice in the future.●

## COMMEMORATING THE LIFE OF THOMAS J. CLEAR, JR.

● Mr. DOMENICI. Mr. President, I rise today to join the people of Albuquerque, NM, in mourning the loss of Thomas J. Clear, Jr. He helped to establish a better way of life for his family and the people of New Mexico. He was a friend to all.

Respected throughout the State, Thomas was known for his friendship and dedication to the things that he loved, his friends and family. He first came to New Mexico as a student at the University of New Mexico where Thomas dedicated his studies to education, but also where he met the love of his life and future wife of 50 years, Iris. After he completed law school, Thomas and Iris again returned to New Mexico in order to begin what would be a long and dedicated legal career serving the people of New Mexico.

Friends say that Thomas was able to serve New Mexicans so well because he truly cared about their best interests, and he served to protect those interests. He will be remembered for more than just his legal and adversarial roles by the people of New Mexico, he will be known for the love and friendship he provided to all of those who he came in contact with.

Thomas died last week surrounded by family and friends, much the same way as he spent his life. He was devoted to the interests of his family and the people of New Mexico. Mr. President, I share the grief of the friends and family of Thomas and my heartfelt condolences go out to them.●

## THE RETIREMENT OF ELEANOR TOWNS

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to a dedicated and distinguished public servant. Eleanor Towns, Regional Forester for the United States Forest Service's Southwestern Region, is retiring at the end of this month. Eleanor ''Ellie'' Towns will conclude more than two decades of outstanding achievement with the Forest Service.

For the past four years, Ellie has served as the Regional Forester in New Mexico. In this position, she served as one of nine regional foresters in the agency and assumed leadership of 11 National Forests and 4 National Grasslands comprising more than 20 million acres of National Forest System lands in Arizona and New Mexico. Prior to this, Ellie was the Director of Lands for the Forest Service in Washington, DC and director of Lands, Soils, Water, and Minerals for the Rocky Mountain Region, headquartered in Denver, CO. She joined the Forest Service in 1978 and worked in a number of progressively responsible positions. She came to the Forest Service from the Bureau of Land Management. Ellie holds a bachelor's degree from the University of Illinois, a master's degree from the University of New Mexico, and a juris doctor degree from the University of Denver's College of Law.

I am pleased and gratified that my work in the Senate has allowed me to get to know Ellie. We worked together in preserving the Valles Caldera National Preserve and in securing additional funding for hazardous fuels projects to reduce fire threats to communities adjacent to national forests. She also testified before the Energy and Natural Resources Committee several times and I can honestly say that she was one of the best witnesses the Forest Service has ever sent up here.

Ellie's dedication and enthusiasm have provided the Forest Service with effective, professional management and direction. During her tenure, she has been successful in building strong relationships with many Forest Service partners and customers. In so doing, Ellie has garnered the respect, admiration and trust of here employees as well as all of those who have worked with her. She also promoted a collaborative stewardship in caring for the land and serving the people who own them. We will miss her, and I know that the Forest Service will miss her even more.

The Forest Service and the nation owe Ellie Towns a great deal of gratitude for her fine work at the Forest Service, I wish her the best in all of her future endeavors.●

## HONORING THE PROMOTION OF COLONEL EDWARD RICE TO BRIGADIER GENERAL

● Mr. JOHNSON. Mr. President, I rise today to congratulate the commander of Ellsworth Air Force Base's 28th Bomber Wing on his promotion to brigadier general.

On February 1, 2002, Colonel Edward A. Rice, Jr., will pin on his first star, and I cannot think of a member of the Air Force more deserving of this promotion. I have known Colonel rice since May 2000, when he took command of the 28th Bomber Wing at Ellsworth, in my home state of South Dakota. Ellsworth is home to one of the Air Force's two B–1B wings, with 26 aircraft and more than 3,500 military and civilian members assigned. Colonel Rice joined a distinguished line of commanders of the wing, and has become the fifth consecutive commander to be promoted to brigadier general.

Colonel Rice has recently returned from Diego Garcia, where he was the commander of the 28th Air Expeditionary Wing, overseeing the entire B–1B operation for the ongoing war against terror, Operation Enduring Freedom. In addition to coordinating bombing missions from the command center on the ground, Colonel Rice added to his more than 3,600 hours of air time in combat aircraft by flying bombing missions against Taliban and al-Quaida controlled strongholds in Afghanistan. I applaud the efforts of Colonel Rice and all of the men and women in Operation Enduring Freedom. Since joining Congress in 1987 I have appreciated the professionalism, hard work, and commitment to excellence of Ellsworth's commanders and personnel. Colonel Rice has added to that tradition, and under his leadership the effectiveness of the B–1B, especially in recent operations in Afghanistan, has proven again why that aircraft is the backbone of our Nation's bomber fleet.

Colonel Rice graduated from the Air Force Academy in Colorado Springs, Colorado, in 1978, and went to flight school to become a B–52 pilot. He also has experience flying aircraft that include the B–1 and the B–2 Stealth bomber.

Throughout his distinguished career, Colonel Rice has held a variety of significant operational positions including commander of the 34th Bomb Squadron at Castle Air Force Base, CA; deputy commander of the 509th Operations Group, at Whiteman Air Force Base in MO; and commander of the 552nd Operations Group, at tinker Air Force Base, OK.

Colonel Rice served as a White House fellow from 1990–1991. The program selects midcareer professionals for a variety of assignments, usually from outside of their normal field of expertise. Colonel Rice worked in the office of the Secretary of Health and Human Services.

In 1994 and 1995, Colonel Rice served on a blue-ribbon government panel examining the military's structure in the post-Cold War era. Colonel Rice moved to the West Wing of the White House in 1997, when he was named deputy executive secretary to the National Security Council. He served in the White House until he was assigned to Ellsworth for his first command of a combat bomb wing.

I would like to take this opportunity to congratulate Colonel Rice, his wife Teresa, and their children, on this well-deserved promotion.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON THE STATE OF THE UNION MESSAGE FROM THE PRESIDENT—PM 65

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table.

*To the Congress of the United States:*

Mr. Speaker, Vice President CHENEY, Members of Congress, distinguished guests, and fellow citizens:

As we gather tonight, our Nation is at war, our economy is in recession, and the civilized world faces unprecedented dangers. Yet the state of our Union has never been stronger.

We last met in an hour of shock and suffering. In four short months, our Nation has comforted the victims . . . begun to rebuild New York and the Pentagon; rallied a great coalition; captured, arrested, and rid the world of thousands of terrorists; destroyed Afghanistan's terrorist training camps; saved a people from starvation; and freed a country from brutal oppression.

The American flag files again over our embassy in Kabul. Terrorists who once occupied Afghanistan now occupy cells at Guantanamo Bay. And terrorist leaders who urged followers to sacrifice their lives are running for their own.

America and Afghanistan are now allies against terror . . . we will be partners in rebuilding that country . . . and this evening we welcome the distinguished interim leader of a liberated Afghanistan: Chairman Hamid Karzai.

The last time we met in this chamber, the mothers and daughters of Afghanistan were captives in their own homes, forbidden from working or going to school. Today women are free, and are part of Afghanistan's new government, and we welcome the new Minister of Women's Affairs, Doctor Sima Samar.

Our progress is a tribute to the spirit of the Afghan people, to the resolve of our coalition, and to the might of the United States military. When I called our troops into action, I did so with complete confidence in their courage and skill—and tonight, thanks to them, we are winning the war against terror. The men and women of our armed forces have delivered a message now clear to every enemy of the United States: Even seven thousand miles away, across oceans and continents, on mountaintops and in caves—you will not escape the justice of this Nation.

For many Americans, these four months have brought sorrow, and pain that will never completely go away. Every day a retired firefighter returns to Ground Zero, to feel closer to his two sons who died there. At a memorial in new York, a little boy left his football with a note for his lost father: ''Dear Daddy, Please take this to Heaven. I don't want to play football until I can play with you again someday.'' Last month, at the grave of her husband, Micheal, a CIA officer and Marine who died in Mazar-e Sharif, Shannon Spann said these words of farewell: ''Semper Fi, my love.'' Shannon is with us tonight.

Shannon, I assure you and all who have lost a loved one that our cause is just, and our country will never forget the debt we owe Micheal and all who gave their lives for freedom.

Our cause is just, and it continues. Our discoveries in Afghanistan confirmed our worst fears, and show us the true scope of the task ahead. We have seen the depth of our enemies' hatred in videos where they laugh about the loss of innocent life. And the depth of their hatred is equaled by the madness of the destruction they design. We have found diagrams of American nuclear power plants and public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities, and thorough descriptions of landmarks in America and throughout the world.

What we have found in Afghanistan confirms that—far from ending there—our war against terror is only beginning. Most of the 19 men who hijacked planes on September 11th were trained in Afghanistan's camps—and so were tens of thousands of others. Thousands of dangerous killers, schooled in the methods of murder, often supported by outlaw regimes, are now spread throughout the world like ticking time bombs—set to go off without warning.

Thanks to the work of our law enforcement officials and coalition partners, hundreds of terrorists have been arrested. Yet tens of thousands of trained terrorists are still at large. These enemies view the entire world as a battlefield, and we must pursue them wherever they are. So long as training camps operate, so long as nations harbor terrorists, freedom is at risk—and America and our allies must not, and will not, allow it.

Our Nation will continue to be steadfast, and patient, and persistent in the pursuit of two great objectives. First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. Second, we must prevent the terrorists and regimes who seek chemical, biological, or nuclear weapons from threatening the United States and the world.

Our military has put the terror training camps of Afghanistan out of business, yet camps still exist in at least a dozen countries. A terrorist underworld—including groups like Hamas, Hezbollah, Islamic Jihad, and Jaish-i-Mohammed—operates in remote jungles and deserts, and hides in the centers of large cities.

While the most visible military action is in Afghanistan, America is acting elsewhere. We now have troops in the Philippines helping to train that country's armed forces to go after terrorist cells that have executed an American, and still hold hostages. Our soldiers, working with the Bosnian government, seized terrorists who were plotting to bomb our embassy. Our navy is patrolling the coast of Africa to block the shipment of weapons and the establishment of terrorist camps in Somalia.

My hope is that all nations will heed our call, and eliminate the terrorist parasites who threaten their countries, and our own. Many nations are acting forcefully. Pakistan is now cracking down on terror, and I admire the leadership of President Musharraf. But some governments will be timid in the face of terror. And make no mistake: If they do not act, America will.

Our second goal is to prevent regimes that sponsor terror from threatening America or our friends and allies with weapons of mass destruction.

Some of these regimes have been pretty quiet since September 11th. But we know their true nature. North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens.

Iran aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people's hope for freedom.

Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens—leaving the bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections—then kicked out the inspectors. This is a regime that has something to hide from the civilized world.

States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.

We will work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction. We will develop and deploy effective missile defenses to protect America and our allies from sudden attack. And all nations should know: America will do what is necessary to ensure our Nation's security.

We will be deliberate, yet time is not on our side. I will not wait on events, while dangers gather. I will not stand by, as peril draws closer and closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.

Our war on terror is well begun, but it is only begun. This campaign may not be finished on our watch—yet it must be and it will be waged on our watch.

We cannot stop short. If we stopped now—leaving terror camps intact and terror states unchecked—our sense of security would be false and temporary. History has called America and our allies to action, and it is both our responsibility and our privilege to fight freedom's fight.

Our first priority must always be the security of our Nation, and that will be reflected in the budget I send to Congress. My budget supports three great goals for America: We will win this war, we will protect our homeland, and we will revive our economy.

September 11th brought out the best in America, and the best in this Congress, and I join the American people in applauding your unity and resolve. Now Americans deserve to have this same spirit directed toward addressing problems here at home. I am a proud member of my party—yet as we act to win the war, protect our people, and create jobs in America, we must act first and foremost not as Republicans, not as Democrats, but as Americans.

It costs a lot to fight this war. We have spent more than a billion dollars a month—over 30 million dollars a day—and we must be prepared for future operations. Afghanistan proved that expensive precision weapons defeat the enemy and spare innocent lives, and we need more of them. We need to replace aging aircraft and make our military more agile to put our troops anywhere in the world quickly and safely. Our men and women in uniform deserve the best weapons, the best equipment, and the best training—and they also deserve another pay raise. My budget includes the largest increase in defense spending in two decades, because while the price of freedom and security is high, it is never too high—whatever it costs to defend our country, we will pay it.

The next priority of my budget is to do everything possible to protect our citizens and strengthen our Nation against the ongoing threat of another attack. Time and distance from the events of September 11th will not make us safer unless we act on its lessons. America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad, and increased vigilance at home.

My budget nearly doubles funding for a sustained strategy of homeland security, focused on four key areas: bioterrorism, emergency response, airport and border security, and improved intelligence. We will develop vaccines to fight anthrax and other deadly diseases. We will increase funding to help states and communities train and equip our heroic police and firefighters. we will improve intelligence collection and sharing, expand patrols at our borders, strengthen the security of air travel, and use technology to track the arrivals and departures of visitors to the United States.

Homeland security will make America, not only stronger, but in many ways better. Knowledge gained from bioterrorism research will improve public health, stronger police and fire departments will mean safer neighborhoods, stricter border enforcement will help combat illegal drugs.

And as government works to better secure our homeland, America will continue to depend on the eyes and ears of alert citizens. A few days before Christmas, an airline flight attendant spotted a passenger lighting a match. The crew and passengers quickly subdued the man, who had been trained by al-Qaida, and was armed with explosives. The people on that airplane were alert, and as a result, likely saved nearly 200 lives—and tonight we welcome and thank flight attendants Hermis Moutardier and Christina Jones.

Once we have funded our national security and our homeland security, the final great priority of my budget is economic security for the American people. To achieve these great national objectives—to win the war, protect the homeland, and revitalize our economy—our budget will run a deficit that will be small and short term so long as Congress restrains spending and acts in a fiscally responsible way. We have clear priorities and we must act at home with the same purpose and resolve we have shown overseas: We will prevail in the war, and we will defeat this recession.

Americans who have lost their jobs need our help and I support extending unemployment benefits, and direct assistance for health care coverage. Yet American workers want more than unemployment checks—they want a steady paycheck. When America works, America prospers, so my economic security plan can be summed up in one word: jobs.

Good jobs begin with good schools—and here we've made a fine start. Republicans and Democrats worked together to achieve historic education reform so no child in America will be left behind. I was proud to work with Members of both parties—Chairman JOHN BOEHNER and Congressman GEORGE MILLER, Senator JUDD GREGG—and I was so proud of our work I even had nice things to say about my friend TED KENNEDY. The folks at the Crawford coffee shop couldn't quite believe it—but our work on this bill shows what is possible if we set aside posturing and focus on results.

There is more to do. We need to prepare our children to read and succeed in school with improved Head Start and early childhood development programs. We must upgrade our teacher colleges and teacher training and

launch a major recruiting drive with a great goal for America: a quality teacher in every classroom.

Good jobs also depend on reliable and affordable energy. This Congress must act to encourage conservation, promote technology, build infrastructure, and it must act to increase energy production at home so America is less dependent on foreign oil.

Good jobs depend on expanded trade. Selling into new markets creates new jobs, so I ask Congress to finally approve Trade Promotion Authority. On these two key issues, trade and energy, the House of Representatives has acted to create jobs—and I urge the Senate to pass this legislation.

Good jobs depend on sound tax policy. Last year, some in this hall thought my tax relief plan was too small—and some thought it was too big. But when those checks arrived in the mail, most Americans thought tax relief was just about right. Congress listened to the people and responded by reducing tax rates, doubling the child credit, and ending the death tax. For the sake of long-term growth and to help Americans plan for the future, let's make these tax cuts permanent.

The way out of this recession, the way to create jobs, is to grow the economy by encouraging investment in factories and equipment, and by speeding up tax relief so people have more money to spend. For the sake of American workers, let's pass a stimulus package.

Good jobs must be the aim of welfare reform. As we re-authorize these important reforms, we must always remember the goal is to reduce dependency on government and offer every American the dignity of a job.

Americans know economic security can vanish in an instant without health security. I ask Congress to join me this year to enact a Patients' Bill of Rights, to give uninsured workers credits to help buy health coverage, to approve an historic increase in spending for veterans' health, and to give seniors a sound and modern Medicare system that includes coverage for prescription drugs.

A good job should lead to security in retirement. I ask Congress to enact new safeguards for 401(k) and pension plans, because employees who have worked hard and saved all their lives should not have to risk losing everything if their company fails. Through stricter accounting standards and tougher disclosure requirements, corporate America must be made more accountable to employees and shareholders and held to the highest standards of conduct.

Retirement security also depends upon keeping the commitments of Social Security—and we will. We must make Social Security financially stable and allow personal retirement accounts for younger workers who choose them.

Members, you and I will work together in the months ahead on other issues: productive farm policy; a cleaner environment; broader home ownership, especially among minorities; and ways to encourage the good work of charities and faith-based groups. I ask you to join me on these important domestic issues in the same spirit of cooperation we have applied to our war against terrorism.

During these last few months, I have been humbled and privileged to see the true character of this country in a time of testing. Our enemies believed America was weak and materialistic, that we would splinter in fear and selfishness. They were as wrong as they are evil.

The American people have responded magnificently, with courage and compassion, strength and resolve. As I have met the heroes, hugged the families, and looked into the tired faces of rescuers, I have stood in awe of the American people.

And I hope you will join me in expressing thanks to one American for the strength, and calm, and comfort she brings to our Nation in crisis: our First Lady, Laura Bush.

None of us would ever wish the evil that was done on September 11th, yet after America was attacked, it was as if our entire country looked into a mirror, and saw our better selves. We were reminded that we are citizens, with obligations to each other, to our country, and to history. We began to think less of the goods we can accumulate, and more about the good we can do.

For too long our culture has said, ''If it feels good, do it.'' Now America is embracing a new ethic and a new creed: ''Let's roll.'' In the sacrifice of soldiers, the fierce brotherhood of firefighters, and the bravery and generosity of ordinary citizens, we have glimpsed what a new culture of responsibility could look like. We want to be a Nation that serves goals larger than self. We have been offered a unique opportunity, and we must not let this moment pass.

My call tonight is for every American to commit at least two years—four thousand hours over the rest of your lifetime—to the service of your neighbors and your Nation.

Many are already serving and I thank you. If you aren't sure how to help, I've got a good place to start. To sustain and extend the best that has emerged in America, I invite you to join the new USA Freedom Corps. The Freedom Corps will focus on three areas of need: responding in case of crisis at home, rebuilding our communities, and extending American compassion throughout the world.

One purpose of the USA Freedom Corps will be homeland security. America needs retired doctors and nurses who can be mobilized in major emergencies, volunteers to help police and fire departments, transportation and utility workers well-trained in spotting danger.

Our country also needs citizens working to rebuild our communities. We need mentors to love children, especially children whose parents are in prison, and we need more talented teachers in troubled schools. USA Freedom Corps will expand and improve the good efforts of AmeriCorps and Senior Corps to recruit more than 200,000 new volunteers.

And America needs citizens to extend the compassion of our country to every part of the world. So we will renew the promise of the Peace Corps, double its volunteers over the next five years, and ask it to join a new effort to encourage development, and education, and opportunity in the Islamic world.

This time of adversity offers a unique moment of opportunity—a moment we must seize to change our culture. Through the gathering momentum of millions of acts of service and decency and kindness, I know: We can overcome evil with greater good.

And we have a great opportunity during this time of war to lead the world toward the values that will bring lasting peace. All fathers and mothers, in all societies, want their children to be educated and live free from poverty and violence. No people on earth yearn to be oppressed, or aspire to servitude, or eagerly await the midnight knock of the secret police.

If anyone doubts this, let them look to Afghanistan, where the Islamic ''street'' greeted the fall of tyranny with song and celebration. Let the skeptics look to Islam's own rich history—with its centuries of learning, and tolerance, and progress.

America will lead by defending liberty and justice because they are right and true and unchanging for all people everywhere. No nation owns these aspirations, and no nation is exempt from them. We have no intention of imposing our culture—but America will always stand firm for the non-negotiable demands of human dignity: the rule of law, limits on the power of the state, respect for women, private property, free speech, equal justice, and religious tolerance.

America will take the side of brave men and women who advocate these values around the world—including the Islamic world—because we have a greater objective than eliminating threats and containing resentment. We seek a just and peaceful world beyond the war on terror.

In this moment of opportunity, a common danger is erasing old rivalries. America is working with Russia, China, and India in ways we never have before to achieve peace and prosperity. In every region, free markets and free trade and free societies are proving their power to lift lives. Together with friends and allies from Europe to Asia, from Africa to Latin America, we will demonstrate that the forces of terror cannot stop the momentum of freedom.

The last time I spoke here, I expressed the hope that life would return to normal. In some ways, it has. In others, it never will. Those of us who have lived through these challenging times have been changed by them. We've

come to know truths that we will never question: Evil is real, and it must be opposed. Beyond all differences of race or creed, we are one country, mourning together and facing danger together. Deep in the American character, there is honor, and it is stronger than cynicism. Many have discovered again that even in tragedy—especially in tragedy—God is near.

In a single instant, we realized that this will be a decisive decade in the history of liberty—that we have been called to a unique role in human events. Rarely has the world faced a choice more clear or consequential.

Our enemies send other people's children on missions of suicide and murder. They embrace tyranny and death as a cause and a creed. We stand for a different choice—made long ago, on the day of our founding. We affirm it again today. We choose freedom and the dignity of every life.

Steadfast in our purpose, we now press on. We have known freedom's price. We have shown freedom's power. And in this great conflict, my fellow Americans, we will see freedom's victory.

Thank you, and may God bless the United States of America.

GEORGE BUSH.

THE WHITE HOUSE, *January 29, 2002*.

## MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1762. An act to amend the Higher Education Act of 1965 to establish fixed interest rates for student and parent borrowers, to extend current law with respect to special allowances for lenders, and for other purposes.

H.R. 700. An act to reauthorize the Asian Elephant Conservation Act of 1997.

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD).

## 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. BREAUX:

S. 1904. A bill to suspend temporarily the duty on railway electric multiple unit (EMU) gallery commuter coaches of stainless steel; to the Committee on Finance.

By Mr. ROCKEFELLER (by request):

S. 1905. A bill to amend title 38, United States Code, to enhance veterans' programs and the ability of the Department of Veterans Affairs to administer them; to the Committee on Veterans' Affairs.

By Mr. CLELAND (for himself and Mr. MILLER):

S. 1906. A bill to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the ''Major Lyn McIntosh Post Office Building''; to the Committee on Governmental Affairs.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 1907. A bill to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Con. Res. 95. A concurrent resolution providing for conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 822

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 822, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issues to acquire renewable resources on land subject to conservation easement.

S. 829

At the request of Mr. BROWNBACK, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. 1476

At the request of Mr. CLELAND, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. SMITH), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1476, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1516

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1516, a bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

S. 1566

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1566, a bill to amend the Internal Revenue code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes.

S. 1644

At the request of Mr. CAMPBELL, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1895

At the request of Mr. FITZGERALD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1895, a bill to require investment advisers to make prominent public disclosures of ties with companies being analyzed by them, and for other purposes.

AMENDMENT NO. 2702

At the request of Mr. ALLEN, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Virginia (Mr. WARNER), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2702.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 2702 supra.

AMENDMENT NO. 2717

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 2717 proposed to H.R. 622, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

AMENDMENT NO. 2718

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH ) was added as a cosponsor of amendment No. 2718.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 2718 supra.

AMENDMENT NO. 2719

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 2719.

AMENDMENT NO. 2722

At the request of Mr. ALLARD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 2722.

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 2722 supra.

AMENDMENT NO. 2723

At the request of Mr. DOMENICI, the names of the Senator from Missouri (Mr. BOND) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of amendment No. 2723.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (by request):

S. 1905. A bill to amend title 38, United States Code, to enhance veterans' programs and the ability of the Department of Veterans Affairs to administer them; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

This ''by-request'' bill would, among other things, include care for newborn children of women veterans provided by a contract provider among those medical services VA is allowed to provide, authorize VA to provide dental care to former Prisoners of War, POW, and change the definition of ''minority veterans'' to conform to the new Race & Ethnic Standards used in Federal statistical reporting and in the 2000 U.S. Census.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

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

S. 1905

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

**SECTION 1. TABLE OF CONTENTS.**

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

Sec. 1. Table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—VETERANS HEALTH-CARE IMPROVEMENTS

Sec. 101. Care for Newborn Children of Enrolled Women Veterans.
Sec. 102. Outpatient Dental Care for All Former Prisoners of War.
Sec. 103. Pay Comparability for Director, Nursing Service.

TITLE II—VETERANS' BENEFIT PROGRAMS

Sec. 201. Limitation on provision of certain benefits.
Sec. 202. Clarification of procedures regarding disqualification of certain individuals for memorialization in veterans cemeteries.
Sec. 203. Clarification of the period for appealing rulings of the Board of Veterans' Appeals.

TITLE III—VA PROGRAM ADMINISTRATION IMPROVEMENTS

Sec. 301. Repeal of Cap on Number of Non-Career Members of Senior Executive Service Serving in VA.
Sec. 302. Repeal of Preceding-Service Requirement for VA Deputy Assistant Secretaries.
Sec. 303. Revolving Supply Fund Amendments.
Sec. 304. Redefinition of ''minority group member'' in 38 U.S.C. §544(d).

**SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS HEALTH-CARE IMPROVEMENTS

**SEC. 101. CARE FOR NEWBORN CHILDREN OF ENROLLED WOMEN VETERANS.**

Section 1701 is amended:

(a) in subsection (6),

(1) by striking out ''and'' at the end of paragraph (A);

(2) by adding ''and'' at the end of paragraph (B); and

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

''(C) care for newborn children.''; and

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

''(11) The term ''care for newborn children'' means care provided to an infant of a woman veteran enrolled in the VA health care system. Such care may be provided until the mother is discharged from the hospital after delivery of the child or for 14 days after the date of birth of the child, whichever period is shorter, and only if the Department contracted for the delivery of the child.''.

**SEC. 102. OUTPATIENT DENTAL CARE FOR ALL FORMER PRISONERS OF WAR.**

Section 1712(a)(1)(F) is amended by striking out ''for a period of not less than 90 days''.

**SEC. 103. PAY COMPARABILITY FOR DIRECTOR, NURSING SERVICE.**

(a) Section 7306(a)(5) is amended by adding at the end thereof, ''The position shall be exempt from the provisions of section 7451 of this title and shall be paid at the maximum rate payable to a Senior Executive Service employee under 5 U.S.C. §§5304(g) and 5382.''.

(b) Section 7404(d) is amended by deleting ''section'' the first time it appears and inserting in its place ''sections 7306(a)(5) and''.

TITLE II—VETERANS' BENEFIT PROGRAMS

**SEC. 201. LIMITATION ON PROVISION OF CERTAIN BENEFITS.**

(a) PROHIBITIONS.—(1) Section 112 is amended by adding at the end the following new subsection:

''(c) A certificate shall not be furnished under this program on behalf of a deceased veteran described in section 2411(b) of this title.''

(2) Section 2301 is amended by adding at the end the following new subsection:

''(f) A flag shall not be furnished under this section on behalf of a deceased veteran described in section 2411(b) of this title.''

(3) Section 2306 is amended by adding at the end the following new subsection:

''(f)(1) A headstone or marker shall not be furnished under subsection (a) for the unmarked grave of an individual described in section 2411(b) of this title.

''(2) A memorial headstone or marker shall not be furnished under subsection (b) for the purpose of commemorating an individual described in section 2411(b) of this title.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to deaths occurring on or after the date of its enactment.

**SEC. 202. CLARIFICATION OF PROCEDURES REGARDING DISQUALIFICATION OF CERTAIN INDIVIDUALS FOR MEMORIALIZATION IN VETERANS CEMETERIES.**

Section 2411(a)(2) is amended—

(1) by striking ''The prohibition'' and inserting ''In the case of a person described in subsection (b)(1) or (b)(2), the prohibition''; and

(2) by striking ''or finding under subsection (b)'' and inserting ''referred to in subsection (b)(1) or (b)(2), respectively''.

**SEC. 203. CLARIFICATION OF THE PERIOD FOR APPEALING RULINGS OF THE BOARD OF VETERANS APPEALS.**

(a) CLARIFICATION.—Paragraph (1) of section 7266(a) is amended by striking ''notice of the decision is mailed pursuant to section 7104(e) of this title'' and inserting ''a copy of the decision, pursuant to section 7104(e) of this title, is mailed or sent to the claimant's representative or, if the claimant is not represented, mailed to the claimant''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to Board of Veterans' Appeals decisions made on or after the date of enactment of this Act.

**TITLE III—VA PROGRAM ADMINISTRATION IMPROVEMENTS**

**SEC. 301. REPEAL OF CAP ON NUMBER OF NON-CAREER MEMBERS OF SENIOR EXECUTIVE SERVING IN VA.**

(a) Section 709(a) is repealed.

(b) Section 709 is amended by re-designating subsections (b) and (c) as subsections (a) and (b), respectively.

**SEC. 302. REPEAL OF PRECEDING-SERVICE REQUIREMENT FOR VA DEPUTY ASSISTANT SECRETARIES.**

(a) Section 308(d)(2) is repealed.

(b) Section 308 is amended by deleting ''(1)'' from subsection (d).

**SEC. 303. REVOLVING SUPPLY FUND AMENDMENTS.**

Section 8121(a) is amended—

(1) by adding ''and for medical supplies, equipment, and services for the Department of Defense'' after ''Department'';

(2) in paragraph (2), by adding ''of the Department and the Department of Defense'' after ''appropriations''; and

(3) in paragraph (3), by adding ''of the Department and the Department of Defense'' after ''appropriations''.

**SEC. 304. REDEFINITION OF "MINORITY GROUP MEMBER" IN 38 U.S.C. §544(d).**

Section 544(d) is amended to read as follows:

''(d) In this section, the term ''minority group member'' means an individual who is—

(1) American Indian or Alaska Native;

(2) Asian;

(3) African American;

(4) Native Hawaiian or other Pacific Islander; or

(5) Hispanic, Spanish, or Latino.''

THE SECRETARY OF VETERANS AFFAIRS,
*Washington, DC, January 9, 2002.*

Hon. RICHARD B. CHENEY,
*President of the Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: I am transmitting a draft bill to enhance a number of veterans'

programs and our ability to manage them. Details regarding the context and justification of the bill's 10 provisions are provided in the enclosed section-by-section analysis. If enacted, this legislation would:

Sec. 101—authorize VA to provide medical care for newborn children of enrolled women veterans;

Sec. 102—authorized VA to provide outpatient dental care to more former prisoners of war;

Sec. 103—establish pay comparability for the Director of the Nursing Service with other VHA executives;

Sec. 201—prohibit provision of presidential memorial certificates, burial flags, and headstones and markers on behalf of individuals who have committed capital crimes;

Sec. 202—clarify procedures relating to the prohibition against allowing individuals who had committed capital crimes to be interred or memorialized in national veterans' cemeteries;

Sec. 203—clarify current law regarding the date on which the 120-day period for appeal of a Board of Veterans' Appeals decision to the U.S. Court of Appeals for Veterans Claims begins to run;

Sec. 301—conform the VA 5-percent limitation on non-career SES members to the Government-wide 10-percent limitation;

Sec. 302—eliminate the requirement that at least two-thirds of VA deputy assistant secretaries must have served continuously for 5 years in the Federal civil service immediately prior to their appointments;

Sec. 303—authorize the Department of Defense to purchase medical items and services through VA's Revolving Supply Fund; and

Sec. 304—conform the current-law definition of minority veterans to the new Race & Ethnic Standards used in Federal statistical reporting and in the 2000 U.S. Census.

I request that this bill be promptly considered and enacted.

Advise has been received from the Office of Management and Budget that, from the standpoint of the Administration's program, there is no objection to enactment of this draft bill.

Sincerely yours,

ANTHONY J. PRINCIPI.

Enclosures.

## SECTION-BY-SECTION ANALYSIS AND JUSTIFICATION

### SECTION 101—CARE FOR NEWBORN CHILDREN OF ENROLLED WOMEN VETERANS

Section 101 would amend the definition of medical services that VA may provide to veterans to include care provided by a contract provider to newborn children of women veterans. To receive this benefit, a veteran must be enrolled in the VA health care system. VA would contract for this care until the mother is discharged from the hospital after delivery of the child or for 14 days after the birth of the child, whichever period is shorter, and only if VA contracted for delivery of the child. After childbirth, some veterans may need this limited benefit to give them time to apply for medical assistance. Offering this care would also be consistent with the normal pregnancy and delivery coverage in the community.

The discretionary-cost estimate for enactment of this proposal is as follows:

| Fiscal year | Cost |
|---|---|
| 2002 | $5,344,795 |
| 2003 | 5,451,691 |
| 2004 | 5,560,725 |
| 2005 | 5,671,939 |
| 2006 | 5,785,378 |
| 2007 | 5,901,085 |
| 2008 | 6,019,107 |
| 2009 | 6,139,489 |
| 2010 | 6,262,279 |
| 2011 | 6,387,525 |
| Total | 55,524,013 |

### SECTION 102—OUTPATIENT DENTAL CARE FOR ALL FORMER PRISONERS OF WAR

Section 102 would authorize VA to provide outpatient dental care to former prisoners of war (POW's) regardless of the length of their detention or internment. Currently, the law only permits VA to provide such care to former POW's who were detained or interned for 90 days or more. This provision is needed to ensure that former POW's receive all needed care for conditions that may be attributable to the privations of their service.

There would be insignificant costs resulting from enactment of this proposal.

### SECTION 103—PAY COMPARABILITY FOR DIRECTOR, NURSING SERVICE

This section of the draft bill would amend section 7306(a)(5) to exempt the position of the Director of Nursing Service, VA's chief nurse executive, from the nurse-pay restrictions in section 7451 and require that the Director of Nursing Service be paid at a rate comparable to that of other non-physician (SES) VA executives. The current pay-rate disparity is unjustified.

There are no significant costs associated with this proposal.

### SECTION 201—LIMITATION ON PROVISION OF CERTAIN BENEFITS

Section 201 of the draft bill would amend sections 112, 2301, and 2306 of title 38, United States Code, to prohibit VA, in the case of a death occurring after the date of enactment, from furnishing a presidential memorial certificate, a burial flag, a headstone or marker, or a memorial headstone or marker on behalf of a person barred from burial or memorialization in a national cemetery by operation of 38 U.S.C. §2411. Section 112 currently authorizes the Secretary of Veterans Affairs to conduct a program for honoring the memory of deceased veterans by preparing and sending to eligible recipients a certificate bearing the signature of the President and expressing the country's grateful recognition of the veteran's service in the Armed Forces. Section 2301(a) currently requires the Secretary to furnish a burial flag to drape the casket of any deceased veteran who: (1) was a veteran of any war or of service after January 31, 1955; (2) served at least one enlistment; (3) was released from active service for a disability incurred or aggravated in the line of duty; or, (4) was entitled to receive retirement pay at age 60 based on service in the Reserves or National Guard. Section 2306(a) currently requires the Secretary to furnish on request a headstone or marker for the unmarked grave of: (1) any individual buried in a national cemetery; (2) many individuals eligible for burial in a national cemetery but not buried there; (3) Civil War soldiers; (4) spouses, surviving spouses, and children of certain eligible individuals, when buried in a state veterans' cemetery; and (5) certain reservists and retired reservists with 20 years of service. Section 2306(b) currently requires the Secretary to furnish on request a memorial headstone or marker for the purpose of commemorating a veteran or the spouse or surviving spouse of a veteran, whose remains are unavailable.

Section 2411 of title 38, United States Code, prohibits burial in a national cemetery of persons who: (1) have been convicted of a Federal capital crime and sentenced to death or life imprisonment; (2) have been convicted of a State capital crime and sentenced to death or life imprisonment without parole; or, (3) are found administratively by clear and convincing evidence to have committed such a crime but not been convicted due to death or flight to avoid prosecution. This provision would amend sections 112, 2301, and 2306 to prohibit the furnishing of presidential memorial certificates, burial flags, headstones or markers, and memorial headstones or markers by VA on behalf of these three classes of persons. This amendment is a limited and logical extension of the section 2411 prohibition that would avoid placing the United States in the position of honoring at the time of death a person who has committed a heinous crime.

There is no cost associated with this proposal.

### SECTION 202—CLARIFICATION OF PROCEDURES REGARDING DISQUALIFICATION OF CERTAIN INDIVIDUALS FOR MEMORIALIZATION IN VETERANS CEMETERIES

Section 202 of the draft bill would amend Section 2411 of title 38, United States Code, to correct a technical defect in the prohibition against the interment or memorialization in a cemetery operated by the National Cemetery Administration (or in Arlington National Cemetery) of certain persons who have committed Federal or state capital crimes. Under Section 2411(a), the Secretary of Veterans Affairs (or the Secretary of the Army, with respect to Arlington National Cemetery) may not inter the remains of or memorialize in such a cemetery: (1) a person who has been convicted of a Federal capital crime for which the person was sentenced to death or life imprisonment; (2) a person who has been convicted of a state capital crime for which the person was sentenced to death or life imprisonment without parole; or (3) a person who is found administratively to have committed a Federal or state capital crime, but to have avoided conviction of such crime by reason of unavailability for trial due to death or flight to avoid prosecution. Administrative findings regarding the third category of persons would be made by the Secretary of Veterans Affairs in the case of a VA national cemetery and the Secretary of the Army in the case of Arlington National Cemetery.

Section 2411(a)(2) provides that the prohibitions against interment and memorialization do not apply unless the appropriate Secretary has received from the Attorney General, in the case of a Federal capital crime, or an appropriate state official, in the case of a state capital crime, written notice of a disqualifying conviction or administrative finding before approval of an application for interment or memorialization. The notification requirement appears to have been included in error with respect to a case involving an administrative finding that an individual had committed a capital offense but was not convicted by reason of unavailability for trial due to death or flight to avoid prosecution. Since the Secretary of Veterans Affairs or the Secretary of the Army would have made the finding in the first place, there would appear to be no reason to require the Attorney General or an appropriate state official provide written notice to the Secretary concerned regarding that Secretary's own finding. Nonetheless, persons requesting interment services may argue that the interment prohibition is inoperative in the absence of such notice. Accordingly, we believe the reference to notification of administrative findings should be removed.

There is no cost associated with this proposal.

### SECTION 203—CLARIFICATION OF THE PERIOD FOR APPEALING RULINGS OF THE BOARD OF VETERANS' APPEALS

Section 203 of the draft bill would clarify an ambiguity created by past legislation.

Section 7266(a)(1) of title 38, United States Code, provides that, to obtain review by the United States Court of Appeals for Veterans Claims (Court) of a final Board of Veterans' Appeals (Board) decision, a person adversely affected by the decision must file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to 38 U.S.C. §7104(e). Before its amendment by the Veterans' Benefits Improvements Act of 1996, Pub. L. No. 104–275, 110 Stat. 3322, Section 7104(e) required the Board to promptly mail a copy of its decision to the claimant and the claimant's authorized representative, if any. The Court had construed those provisions as requiring, if a claimant is represented, the accomplishment of both mailings to begin the 120-day appeal period. See Paniag v. Brown, 10 Vet. App. 265, 267 (1997).

As amended by Section 509 of Pub. L. No. 104–275, 110 Stat. at 3344, Section 7104(e) now requires the Board to promptly mail a copy of its written decision to the claimant and, if the claimant has an authorized representative, to mail a copy of its written decision to the authorized representative or send a copy of its written decision to the authorized representative by any means reasonably likely to provide the representative with the decision as timely as if it were mailed first class. Thus, under Section 7104(e) as amended, the Board must still notify a claimant's representative, if any, but such notice may be made by mailing or sending the representative a copy of the decision. Although Section 7104(e) was so amended, no corresponding change was made to Section 7266(a)(1)'s reference to ''mail[ing] pursuant to Section 7104(e).'' See Dippel v. West, 12 Vet. App. 466, 470 (1999) (noting that Congress did not change Section 7266(a) and that Section 7104(e)'s plain meaning would suggest that Section 7266(a)(1)'s reference to ''mail pursuant to Section 7104(e)'' does not cover a decision sent pursuant to Section 7104(e)(2)(B)).

The amendment to former Section 7104(e) without a corresponding change to Section 7266(a)(1) has created an ambiguity. It is not clear when the 120-day appeal period prescribed by Section 7266(a)(1) begins if a claimant is represented and the Board mails copies of its decision to the claimant and the claimant's representative, but mails them on different days. Section 7266(a)(1) does not specify whether the appeal period in that situation begins on the date of mailing to the claimant, on the date of mailing to the representative, on the date of the earlier of both mailings, or on the date of the later of both mailings.

The draft bill would clarify that matter. Section 241 of the bill would amend Section 7266(a)(1) to require, for initiation of Court review of a final Board decision, that a notice of appeal be filed within 120 days after a copy of the decision, pursuant to Section 7104(e), is mailed or sent to the claimant's representative or, if the claimant is not represented, mailed to the claimant. Thus, the 120-day appeal period would begin when the Board mails or sends a copy of its decision to the claimant's authorized representative or, if the claimant is not represented, when the Board mails a copy of its decision to the claimant. We have chosen the date of mailing or sending to the representative, if any, because generally a representative stands in the claimant's place for the purpose of receiving notice of the decision. If the appeal period were to begin on the date of mailing to the claimant, a delay in providing notice of the decision to the representative could compromise the representative's ability to timely advise the claimant. Beginning the appeal period on the date of mailing or sending notice to the representative would maximize the time available to the representative to advise the claimant as to the best course of action.

Section 2(b) of the draft bill would make the amendment to Section 7266(a)(1) apply to any Board decision made on or after the date of enactment of this Act.

No costs or savings would result from enactment of this provision.

SECTION 301—REPEAL OF CAP ON NUMBER OF NON-CAREER MEMBERS OF THE SENIOR EXECUTIVE SERVICE SERVING IN VA

Section 301(a) of the bill would repeal the current statutory limitation applicable to VA on the number of non-career members of the SES that may serve in the Department. Currently, that number may not exceed five-percent (5%) of the average number of senior executives employed in Senior Executive Service positions in the Department during the preceding fiscal year. This provision would not affect the Government-wide ten-percent (10%) limitation that generally applies to other agencies and departments. Section 301(b) would also make conforming amendments to 38 U.S.C. 709.

The Department would greatly benefit from being able to avail itself further of the experience and expertise of executive-level professionals from the private sector, as we restructure fundamental Departmental processes to improve the timely delivery of both health care services and benefits to veterans. The proposed flexibility in staffing would better position VA to increase its knowledge of successful private sector business practices, identify those that have application to VA, and successfully implement them. This, in turn, would enable VA to better meet the expectations of the beneficiaries of VA's programs. The proposal is consistent with the Government's policy of partnering with the private sector to improve Government performance.

VA would remain subject to the ten-percent (10%) Government-wide limitation on non-career SES positions, which OPM administers. The current five-percent (5%) cap on the number of non-career members of the Senior Executive Service is applicable only to VA. While mindful and appreciative of Congress' intention to limit policitization of the Department when it established VA as an Executive Department in 1988, we nonetheless believe that the number of non-career SES members appointed to VA positions should be based on the actual current leadership needs of the Department, as determined by the Administration, subject to the ten-percent (10%) Government-wide limitation. There would be no costs associated with enactment of this provision.

SECTION 302—REPEAL OF PRECEDING-SERVICE REQUIREMENT FOR VA DEPUTY ASSISTANT SECRETARIES

Section 302 of the draft bill would repeal section 308(d)(2), which now requires at least two-thirds of VA's Deputy Assistant Secretaries (DAS's) to have served continuously for five years in the Federal Civil Service in the Executive Branch immediately prior to their appointments. This requirement was established in 1988 to maintain the institutional memory and the Department's tradition of career service. However, this limitation has, in practice, proven to be overly prescriptive. It prevents utilization of highly competent people not meeting the criteria. Because the stringent continuous five-year service requirement applies to all but one-third of the DAS positions, it has required VA to utilize these limited ''non-career'' DAS slots for ''career'' appointees who are not political appointees but who simply fail to meet the service requirement. This includes career employees who have moved from the private sector, within the last five years. This limits the pool of candidates from which the Secretary may select his leadership team. We recommend eliminating the existing service requirement. VA could establish its own standards for these high-level positions, addressing Congress' original concerns of institutional memory and the tradition of career service while still providing needed flexibility for selecting the best-qualified persons.

No costs are associated with enactment of this provision.

SECTION 303—REVOLVING SUPPLY FUND AMENDMENTS

Section 303 would expand the services of the Revolving Supply Fund (38 U.S.C. §8121), to permit the Department of Defense (DOD) to enter into interagency agreements with the Revolving Supply Fund (Supply Fund) for the procurement of certain items and services under the purchase authority of the Supply Fund. Purchases would be limited to medical items and services, e.g., pharmaceuticals, medical/surgical supplies, equipment, and systems and consulting services. Currently, only offices funded by VA appropriations may purchase under that authority. DOD and other Federal agencies enter into interagency agreements with the Supply Fund under the Economy Act (31 U.S.C. §1535).

Congress traditionally has favored consolidated purchases because the increased buying power provides additional procurement leverage and resulting cost savings. Most recently, Congress, in §210 of the Veterans Millennium Health Care and Benefits Act (P.L. 106–117), required VA and DOD to jointly report on the cooperation between the two Departments in procuring pharmaceuticals, medical supplies and equipment. It is clear that Congress holds VA and DOD accountable for achieving efficiencies through the consolidation of contracting and logistics responsibilities.

The legislation, if enacted, would provide additional incentives for DOD to purchase medical items and services directly or through joint procurements from the Supply Fund, e.g., the ordering agencies' obligations remain payable in full from the appropriation initially charged irrespective of when performance occurs; and VA Supply Fund program managers are better able to negotiate contracts for bona fide high priority items because frantic year-end spending is eliminated.

The enactment of this proposal would not result in any cost to VA. The Supply Fund operates entirely upon fees assessed for services rendered.

SECTION 304—REDEFINITION OF ''MINORITY GROUP MEMBER'' IN 38 U.S.C. §544(d)

Section 306 is a technical amendment to 38 U.S.C. §544(d) to change the definition of minority veterans to make it conform to the new Race & Ethic Standards used in Federal statistical reporting and in the 2000 U.S. Census. The amendment would not change eligibility or entitlement to existing or future benefits. No costs would result from enactment of this proposal.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 95—PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following current

resolution; which was considered and agreed to:

S. CON. RES. 95

*Resolved by the Senate (the House of Representatives concurring)*, That when the Senate recesses or adjourns at the close of business on Tuesday, January 29, 2002, it stand recessed or adjourned until noon on Monday, February 4, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Tuesday, January 29, 2002, it stand adjourned until noon on Monday, February 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2728. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table.

SA 2729. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2730. Mr. SPECTER (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2731. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2732. Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra.

SA 2733. Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra.

SA 2734. Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra.

SA 2735. Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra.

SA 2736. Mr. SESSIONS (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. HUTCHINSON, and Mr. BROWNBACK) proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra.

SA 2737. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2738. Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted an amendment intended to be proposed by her to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2739. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2740. Mr. GRAMM (for himself, Mr. MILLER, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2741. Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2742. Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2743. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2744. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2745. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2746. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2747. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2748. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2749. Mr. GRAMM (for himself, Mr. MILLER, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2750. Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2751. Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2752. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2753. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2754. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2755. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2756. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2757. Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra; which was ordered to lie on the table.

SA 2758. Mr. KYL (for himself, Mr. GRAMM, Mr. ENSIGN, Mr. NICKLES, and Mr. HUTCHINSON) proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) supra.

SA 2759. Mrs. HUTCHISON (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2760. Ms. COLLINS (for herself, Mr. WARNER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 622, supra; which was ordered to lie on the table.

SA 2761. Ms. COLLINS (for herself, Mr. WARNER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 622, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2728.** Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. MODIFICATIONS TO SMALL ISSUE BOND PROVISIONS.**

(a) INCREASE IN AMOUNT OF QUALIFIED SMALL ISSUE BONDS PERMITTED FOR FACILITIES TO BE USED BY RELATED PRINCIPAL USERS.—

(1) IN GENERAL.—Clause (i) of section 144(a)(4)(A) (relating to $10,000,000 limit in certain cases) is amended by striking ''$10,000,000'' and inserting ''$20,000,000''.

(2) COST-OF-LIVING ADJUSTMENT.—Section 144(a)(4) is amended by adding at the end the following:

''(G) COST-OF-LIVING ADJUSTMENT.—In the case of a taxable year beginning in a calendar year after 2002, the $20,000,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.''.

(3) CLERICAL AMENDMENT.—The heading of paragraph (4) of section 144(a) is amended by striking ''$10,000,000'' and inserting ''$20,000,000''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to—

(A) obligations issued after the date of the enactment of this Act, and

(B) capital expenditures made after such date with respect to obligations issued on or before such date.

(b) DEFINITION OF MANUFACTURING FACILITY.—

(1) IN GENERAL.—Section 144(a)(12)(C) (relating to definition of manufacturing facility) is amended to read as follows:

''(C) MANUFACTURING FACILITY.—For purposes of this paragraph, the term 'manufacturing facility' means any facility which is used in—

''(i) the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property),

''(ii) the manufacturing, development, or production of specifically developed software products or processes if—

''(I) it takes more than 6 months to develop or produce such products,

''(II) the development or production could not with due diligence be reasonably expected to occur in less than 6 months, and

''(III) the software product or process comprises programs, routines, and attendant documentation developed and maintained for use in computer and telecommunications technology, or

''(iii) the manufacturing, development, or production of specially developed biobased or bioenergy products or processes if—

''(I) it takes more than 6 months to develop or produce,

''(II) the development or production could not with due diligence be reasonably expected to occur in less than 6 months, and

''(III) the biobased or bioenergy product or process comprises products, processes, programs, routines, and attendant documentation developed and maintained for the utilization of biological materials in commercial or industrial products, for the utilization of renewable domestic agricultural or forestry materials in commercial or industrial products, or for the utilization of biomass materials.

''(D) RELATED FACILITIES.—For purposes of subparagraph (C), the term 'manufacturing facility' includes a facility which is directly and functionally related to a manufacturing facility (determined without regard to subparagraph (C)) if—

''(i) such facility, including an office facility and a research and development facility, is located on the same site as the manufacturing facility, and

''(ii) not more than 40 percent of the net proceeds of the issue are used to provide such facility,

but shall not include a facility used solely for research and development activities.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to obligations issued after the date of the enactment of this Act.

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**SA 2729.** Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

**SEC. ___. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

''(A) CONTRIBUTIONS BY NON-CORPORATE TAXPAYERS.—In the case of a charitable contribution of food, paragraph (3) shall be applied without regard to whether or not the contribution is made by a corporation.

''(B) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this section, in the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, cannot or will not be sold, the fair market value of such contribution shall be determined—

''(i) without regard to such internal standards, such lack of market, or such circumstances, and

''(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

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**SA 2730.** Mr. SPECTER (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table, as follows:

At the end of title V, add the following:

**SEC. . FUNDING FOR RAILROAD TRACK REHABILITATION, PRESERVATION, AND IMPROVEMENT.**

There is appropriated to the Department of Transportation for the Federal Railroad Administration for fiscal year 2002, out of any funds in the Treasury not otherwise appropriated, $350,000,000 for capital grants to be made by the Secretary of Transportation for rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Funds appropriated by the preceding sentence shall remain available until expended.

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**SA 2731.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie to the table; as follows:

At the appropriate place, insert the following:

**TITLE ____—TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

**SEC. ___02. FEDERAL-STATE AGREEMENTS.**

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this title, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section ____03 shall not exceed the amount established in such account for such individual.

**SEC. ___03. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.**

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the greater of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during

the individual's benefit year under such law; or

(B) 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

**SEC. ___04. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS TITLE.**

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

**SEC. ___05. FINANCING PROVISIONS.**

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section ___04(a)) to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section ___04(a) which are payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

**SEC. ___06. FRAUD AND OVERPAYMENTS.**

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this title to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

**SEC. ___07. DEFINITIONS.**

In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

**SEC. ___08. APPLICABILITY.**

An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

## TITLE ___—ASSISTANCE FOR MEDICAID COVERAGE

**SEC. ___01. TEMPORARY INCREASES OF MEDICAID FMAP.**

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2002.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters in fiscal year 2002, before the application of this section.

(b) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR FIRST CALENDAR QUARTER OF FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for the first calendar quarter in fiscal year 2003, before the application of this section.

(c) GENERAL 1.50 PERCENTAGE POINTS INCREASE FOR CALENDAR YEAR 2002.—Notwithstanding any other provision of law, but subject to subsections (f) and (g), for each State for the second, third, and fourth calendar quarters in fiscal year 2002 and the first calendar quarter of fiscal year 2003, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 1.50 percentage points.

(d) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES FOR CALENDAR YEAR 2002.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsections (f) and (g), the FMAP for a high unemployment State for the second, third, and fourth calendar quarters in fiscal year 2002 and the first calendar quarter in fiscal year 2003 (and any subsequent calendar quarter in calendar year 2002 or the first calendar quarter in fiscal year 2003 regardless of whether the State continues to be a high unemployment State for any such calendar quarter) shall be increased (after the application of subsections (a), (b), and (c)) by 1.50 percentage points.

(2) HIGH UNEMPLOYMENT STATE.—

(A) IN GENERAL.—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive months beginning on or after June 2001 and ending with the second month before the beginning of the calendar quarter, the State has an average seasonally adjusted unemployment rate that exceeds the average weighted unemployment rate during such period. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(B) AVERAGE WEIGHTED UNEMPLOYMENT RATE DEFINED.—For purposes of subparagraph (A), the ''average weighted unemployment rate'' for a period is—

(i) the sum of the seasonally adjusted number of unemployed civilians in each State and the District of Columbia for the period; divided by

(ii) the sum of the civilian labor force in each State and the District of Columbia for the period.

(e) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, with respect to the second, third, and fourth calendar quarters fiscal year 2002 and the first calendar quarter in fiscal year 2003, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 6 percentage points of such amounts.

(f) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); and

(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(g) STATE ELIGIBILITY.—A State is eligible for an increase in its FMAP under subsection (c) or (d) or an increase in a cap amount under subsection (e) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on October 1, 2001.

(h) DEFINITIONS.—In this section:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

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**SA 2732.** Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

**SEC. ___. WAIVER OF EARLY WITHDRAWAL PENALTY FOR DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY DURING THE NATIONAL EMERGENCY DECLARED BY THE PRESIDENT ON SEPTEMBER 14, 2001.**

(a) WAIVER FOR CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following:

''(G) DISTRIBUTIONS TO INDIVIDUALS PERFORMING NATIONAL EMERGENCY ACTIVE DUTY.—Any distribution to an individual who, at the time of the distribution, is a member of a reserve component called or ordered to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, during the period of the national emergency declared by the President on September 14, 2001.''.

(2) WAIVER OF UNDERPAYMENT PENALTY.—Section 6654(e)(3) of such Code (relating to waiver in certain cases) is amended by adding at the end the following:

''(C) CERTAIN EARLY WITHDRAWALS FROM RETIREMENT PLANS.—No addition to tax shall be imposed under subsection (a) with respect to any underpayment to the extent such underpayment was created or increased by any distribution described in section 72(t)(2)(G).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions made to an individual after September 13, 2001.

(b) CATCH-UP CONTRIBUTIONS ALLOWED.—

(1) INDIVIDUAL RETIREMENT ACCOUNTS.—Section 219(b)(5) of the Internal Revenue Code of 1986 (relating to deductible amount) is amended by adding at the end the following:

''(D) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—In the case of an individual who has received a distribution described in section 72(t)(2)(G), the deductible amount for any taxable year shall be increased by an amount equal to—

''(i) the aggregate amount of such distributions (not attributable to earnings) made with respect to such individual, over

''(ii) the aggregate amount of such distributions (not attributable to earnings) previously taken into account under this subparagraph or section 414(w).''.

(2) ROTH IRAS.—Section 408A(c) of such Code (relating to treatment of contributions) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following:

''(7) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—Any contribution described in section 219(b)(5)(D) shall not be taken into account for purposes of paragraph (2).''.

(3) EMPLOYER PLANS.—Section 414 of such Code (relating to definitions and special rules) is amended by adding at the end the following:

''(w) CATCH-UP CONTRIBUTIONS FOR CERTAIN DISTRIBUTIONS.—

''(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an applicable participant to make additional elective deferrals in any plan year.

''(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—

''(A) IN GENERAL.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

''(i) the applicable dollar amount, or

''(ii) the excess (if any) of—

''(I) the participant's compensation (as defined in section 415(c)(3)) for the year, over

''(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

''(B) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph, the applicable dollar amount with respect to a participant shall be an amount equal to—

''(i) the aggregate amount of distributions described in section 72(t)(2)(G) (not attributable to earnings) made with respect to such participant, over

''(ii) the aggregate amount of such distributions (not attributable to earnings) previously taken into account under this subsection or section 219(b)(5)(B).

''(3) TREATMENT OF CONTRIBUTIONS.—Rules similar to the rules of paragraphs (3) and (4) of subsection (v) shall apply with respect to contributions made under this subsection.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'applicable employer plan' and 'elective deferral' have the same meanings given such terms in subsection (v)(6).''.

(4) CONFORMING AMENDMENT.—Section 414(v)(2)(A)(ii)(II) of such Code (relating to limitation on amount of additional deferrals) is amended by inserting ''(other than deferrals under subsection (w))'' after ''deferrals''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to contributions in taxable years ending after December 31, 2001.

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**SA 2733.** Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

**SEC. ___. PROHIBITION ON IMPOSITION OF INCOME TAXES BY STATES ON NONRESIDENTS.**

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

**''§ 116. Prohibition on imposition of income taxes by States on nonresidents**

''Except to the extent otherwise provided in any voluntary compact between or among States, a State or political subdivision thereof may not impose a tax on income earned within such State or political subdivision by nonresidents of such State.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''116. Prohibition on imposition of income taxes by States on nonresidents.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

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**SA 2734.** Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

**SEC. ___. TIPS RECEIVED FOR CERTAIN SERVICES NOT SUBJECT TO INCOME OR EMPLOYMENT TAXES.**

(a) IN GENERAL.—Section 102 of the Internal Revenue Code of 1986 (relating to gifts and inheritances) is amended by adding at the end the following new subsection:

''(d) TIPS RECEIVED FOR CERTAIN SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), tips received by an individual for qualified services performed by such individual shall be treated as property transferred by gift.

''(2) QUALIFIED SERVICES.—For purposes of this subsection, the term 'qualified services' means cosmetology, hospitality (including lodging and food and beverage services), recreation, baggage handling, transportation, delivery, shoe shine, and other services where tips are customary.

''(3) ANNUAL LIMIT.—The amount excluded from gross income for the taxable year by reason of paragraph (1) with respect to each service provider shall not exceed $10,000.

''(4) EMPLOYEE TAXABLE ON AT LEAST MINIMUM WAGE.—Paragraph (1) shall not apply to tips received by an employee during any month to the extent that such tips—

''(A) are deemed to have been paid by the employer to the employee pursuant to section 3121(q) (without regard to whether such tips are reported under section 6053), and

''(B) do not exceed the excess of—

''(i) the minimum wage rate applicable to such individual under section 6(a)(1) of the Fair Labor Standards Act of 1938 (determined without regard to section 3(m) of such Act), over

''(ii) the amount of the wages (excluding tips) paid by the employer to the employee during such month.

''(5) TIPS.—For purposes of this title, the term 'tip' means a gratuity paid by an individual for services performed for such individual (or for a group which includes such individual) by another individual if such services are not provided pursuant to an employment or similar contractual relationship between such individual.''

(b) EXCLUSION FROM SOCIAL SECURITY TAXES.—

(1) Paragraph (12) of section 3121(a) of such Code is amended to read as follows:

''(12)(A) tips paid in any medium other than cash;

''(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d).'';

(2) Paragraph (10) of section 209(a) of the Social Security Act is amended to read as follows:

''(10)((A) tips paid in any medium other than cash;

''(B) cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d) of the Internal Revenue Code of 1986 of such month.''; and

(3) Paragraph (3) of section 3231(e) of such Code is amended to read as follows:

''(3) Solely for purposes of the taxes imposed by section 3201 and other provisions of this chapter insofar as they relate to such taxes, the term 'compensation' also includes cash tips received by an employee in any calendar month in the course of his employment by an employer if the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d).''.

(c) EXCLUSION FROM UNEMPLOYMENT COMPENSATION TAXES.—Submission (s) of section 3306 of such Code is amended to read as follows:

''(s) TIPS NOT TREATED AS WAGES.—For purposes of this chapter, the term 'wages' shall include tips received in any month only to the extent includible in gross income after the application of section 102(d) of such month.''.

(d) EXCLUSION FROM WAGE WITHHOLDING.—Paragraph (16) of section 3401(a) of such Code is amended to read as follows:

''(16)(A) as tips in any medium other than cash;

''(B) as cash tips to an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is $20 or more and then only to the extent includible in gross income after the application of section 102(d).''

(e) CONFORMING AMENDMENT.—Sections 32(c)(2)(A)(i) and 220(b)(4)(A) of such Code are each amended by striking ''tips'' and inserting ''tips to the extent includable in gross income after the application of section 102(d))''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received after the calendar month which includes the date of the enactment of this Act.

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**SA 2735.** Mr. SMITH of New Hampshire proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

**SEC. . REAL PROPERTY TAX DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.**

(a) IN GENERAL.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following:

''(19) REAL PROPERTY TAXES.—The deduction allowed by section 164(a)(1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any payment due after December 31, 2000.

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**SA 2736.** Mr. SESSIONS (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. HUTCHINSON, and Mr. BROWNBACK) proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

At the end, add the following:

**DIVISION II—AMERICAN FAMILY ECONOMIC SECURITY AND STIMULUS**

**SECTION 1. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This division may be cited as the ''American Family Economic Security and Stimulus Act''.

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—ADVANCE PAYMENT OF EARNED INCOME CREDIT

Sec. 101. Additional requirements to ensure greater use of advance payment of earned income credit.
Sec. 102. Extension of advance payment of earned income credit to all eligible taxpayers.

TITLE II—INDIVIDUAL PROVISIONS

Sec. 201. Acceleration of 25 percent individual income tax rate.
Sec. 202. Temporary expansion of penalty-free retirement plan distributions for health insurance premiums of unemployed individuals.
Sec. 203. Increase in child tax credit.
Sec. 204. Temporary increase in deduction for capital losses of taxpayers other than corporations.
Sec. 205. Nonrefundable credit for elementary and secondary school expenses.

TITLE III—UNEMPLOYMENT ASSISTANCE

Sec. 301. Short title.
Sec. 302. Federal-State agreements.
Sec. 303. Temporary extended unemployment compensation account.
Sec. 304. Payments to States having agreements for the payment of temporary extended unemployment compensation.
Sec. 305. Financing provisions.
Sec. 306. Fraud and overpayments.
Sec. 307. Definitions.
Sec. 308. Applicability.
Sec. 309. Special Reed Act transfer in fiscal year 2002.

TITLE IV—NATIONAL EMERGENCY GRANTS

Sec. 401. National emergency grant assistance for workers.

TITLE V—TEMPORARY BUSINESS RELIEF PROVISIONS

Sec. 501. Special depreciation allowance for certain property acquired after December 31, 2001, and before January 1, 2004.

TITLE VI—ADDITIONAL PROVISIONS

Sec. 601. Emergency designation.

**TITLE I—ADVANCE PAYMENT OF EARNED INCOME CREDIT**

**SEC. 101. ADDITIONAL REQUIREMENTS TO ENSURE GREATER USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.**

Not later than February 1, 2002, the Secretary of the Treasury by regulation shall require—

(1) each employer of an employee who the employer determines receives wages in an amount which indicates that such employee would be eligible for the earned income credit under section 32 of the Internal Revenue Code of 1986 to provide such employee with a simplified application for an earned income eligibility certificate, and

(2) require each employee wishing to receive the earned income tax credit to complete and return the application to the employer within 30 days of receipt.

Such regulations shall require an employer to provide such an application within 30 days of the hiring date of an employee and at least annually thereafter. Such regulations shall further provide that, upon receipt of a completed form, an employer shall provide for the advance payment of the earned income credit as provided under section 3507 of the Internal Revenue Code of 1986.

**SEC. 102. EXTENSION OF ADVANCE PAYMENT OF EARNED INCOME CREDIT TO ALL ELIGIBLE TAXPAYERS.**

(a) IN GENERAL.—Section 3507(b) of the Internal Revenue Code of 1986 (relating to earned income eligibility certificate) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3507(c)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting ''has 1 or more qualifying children and'' before ''is not married,''.

(2) Section 3507(c)(2)(C) of such Code is amended by striking ''the employee'' and inserting ''an employee with 1 or more qualifying children''.

(3) Section 3507(f) of such Code is amended by striking ''who have 1 or more qualifying children and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

**TITLE II—INDIVIDUAL PROVISIONS**

**SEC. 201. ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.**

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking ''27.0%'' and inserting ''25.0%'', and

(2) by striking ''26.0%'' and inserting ''25.0%''.

(b) REDUCTION NOT TO INCREASE MINIMUM TAX.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking ''($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($49,000 in the case of taxable years beginning in 2001, $52,200 in the case of taxable years beginning in 2002 or 2003, and $50,700 in the case of taxable years beginning in 2004)''.

(2) Subparagraph (B) of section 55(d)(1) is amended by striking ''($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($35,750 in the case of taxable years beginning in 2001, $37,350 in the case of taxable years beginning in 2002 or 2003, and $36,600 in the case of taxable years beginning in 2004)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) SECTION 15 NOT TO APPLY.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

**SEC. 202. TEMPORARY EXPANSION OF PENALTY-FREE RETIREMENT PLAN DISTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS OF UNEMPLOYED INDIVIDUALS.**

(a) IN GENERAL.—Subparagraph (D) of section 72(t)(2) is amended by adding at the end the following new clause:

''(iv) SPECIAL RULES FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION AFTER

SEPTEMBER 10, 2001, AND BEFORE JANUARY 1, 2003.—In the case of an individual who receives unemployment compensation for 4 consecutive weeks after September 10, 2001, and before January 1, 2003—

''(I) clause (i) shall apply to distributions from all qualified retirement plans (as defined in section 4974(c)), and

''(II) such 4 consecutive weeks shall be substituted for the 12 consecutive weeks referred to in subclause (I) of clause (i).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this division.

**SEC. 203. INCREASE IN CHILD TAX CREDIT.**

(a) IN GENERAL.—The table contained in section 24(a)(2) (relating to per child amount) is amended by striking all matter preceding the second item and inserting the following:

| "In the case of any taxable year beginning in— | "The per child amount is— |
|---|---|
| 2001 | $1,000 |
| 2002, 2003, or 2004 | 600''. |

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

**SEC. 204. TEMPORARY INCREASE IN DEDUCTION FOR CAPITAL LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.**

(a) IN GENERAL.—Subsection (b) of section 1211 (relating to limitation on capital losses for taxpayers other than corporations) is amended by adding at the end the following flush sentence:

''Paragraph (1) shall be applied by substituting '$5,000' for '$3,000' and '$2,500' for '$1,500' in the case of taxable years beginning in 2001 or 2002.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

**SEC. 205. NONREFUNDABLE CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.**

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

**''SEC. 25C. CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.**

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who maintains a household which includes as a member one or more qualifying students (as defined in subsection (b)(1)), there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses with respect to such students which are paid or incurred by the taxpayer during such taxable year.

''(b) DOLLAR LIMIT ON AMOUNT CREDITABLE.—The amount of qualified elementary and secondary education expenses paid or incurred during any taxable year which may be taken into account under subsection (a) shall not exceed $500.

''(c) QUALIFYING STUDENT.—For purposes of this section, the term ''qualifying student'' means a dependent of the taxpayer (within the meaning of section 152) who is enrolled in school on a full-time basis.

''(d) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means computer technology or equipment expenses.

''(2) COMPUTER TECHNOLOGY OR EQUIPMENT.—The term 'computer technology or equipment' has the meaning given such term by section 170(e)(6)(F)(i) and includes Internet access and related services and computer software if such software is predominately educational in nature.

''(e) SCHOOL.—For purposes of this section, the term 'school' means any public, charter, private, religious, or home school which provides elementary education or secondary education (through grade 12), as determined under State law.

''(f) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

''(g) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.

''(h) TERMINATION.—This section shall not apply to expenses paid or incurred after the date which is 90 days after the date of the enactment of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B), as added and amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking ''23 and 25B'' and inserting ''23, 25B, and 25C''.

(2) Section 25(e)(1)(C) is amended by striking ''23 and 1400C'' and by inserting ''23, 25C, and 1400C''.

(3) Section 25(e)(1)(C), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by inserting ''25C,'' after ''25B,''.

(4) Section 25B, as added by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking ''section 23'' and inserting ''sections 23 and 25C''.

(5) Section 26(a)(1), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(6) Section 1400C(d) is amended by inserting ''and section 25C'' after ''this section''.

(7) Section 1400C(d), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(8) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 26 the following new item:

''Sec. 25C. Credit for elementary and secondary school expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this division.

## TITLE III—UNEMPLOYMENT ASSISTANCE

**SEC. 301. SHORT TITLE.**

This title of this division may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

**SEC. 302. FEDERAL-STATE AGREEMENTS.**

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before March 15, 2001);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(4) filed an initial claim for regular compensation on or after March 15, 2001.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 303 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of temporary extended unemployment compensation in lieu of extended compensation to individuals who otherwise meet the requirements of this section. Such an election shall not require a State to trigger off an extended benefit period.

**SEC. 303. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.**

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(3) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

**SEC. 304. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.**

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

**SEC. 305. FINANCING PROVISIONS.**

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

**SEC. 306. FRAUD AND OVERPAYMENTS.**

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of temporary extended unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such temporary extended unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such temporary extended unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

**SEC. 307. DEFINITIONS.**

In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

**SEC. 308. APPLICABILITY.**

An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

**SEC. 309. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.**

(a) REPEAL OF CERTAIN PROVISIONS ADDED BY THE BALANCED BUDGET ACT OF 1997.—

(1) IN GENERAL.—The following provisions of section 903 of the Social Security Act (42 U.S.C. 1103) are repealed:

(A) Paragraph (3) of subsection (a).

(B) The last sentence of subsection (c)(2).

(2) SAVINGS PROVISION.—Any amounts transferred before the date of enactment of this division under the provision repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as last in effect before such date of enactment.

(b) SPECIAL TRANSFER IN FISCAL YEAR 2002.—Section 903 of the Social Security Act is amended by adding at the end the following:

''Special Transfer in Fiscal Year 2002

''(d)(1) The Secretary of the Treasury shall transfer (as of the date determined under paragraph (5)) from the Federal unemployment account to the account of each State in the Unemployment Trust Fund the amount determined with respect to such State under paragraph (2).

''(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to—

''(A) the amount which would have been required to have been transferred under this section to such account at the beginning of fiscal year 2002 if—

''(i) section 709(a)(1) of the Temporary Extended Unemployment Compensation Act of 2002 had been enacted before the close of fiscal year 2001, and

''(ii) section 5402 of Public Law 105–33 (relating to increase in Federal unemployment account ceiling) had not been enacted,

minus

''(B) the amount which was in fact transferred under this section to such account at the beginning of fiscal year 2002.

''(3)(A) Except as provided in paragraph (4), amounts transferred to a State account pursuant to this subsection may be used only in the payment of cash benefits—

''(i) to individuals with respect to their unemployment, and

''(ii) which are allowable under subparagraph (B) or (C).

''(B)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable as—

''(I) regular compensation, or

''(II) additional compensation, upon the exhaustion of any temporary extended unemployment compensation (if such State has

entered into an agreement under the Temporary Extended Unemployment Compensation Act of 2002), for individuals eligible for regular compensation under the unemployment compensation law of such State.

''(ii) Any additional compensation under clause (i) may not be taken into account for purposes of any determination relating to the amount of any extended compensation for which an individual might be eligible.

''(C)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable to 1 or more categories of individuals not otherwise eligible for regular compensation under the unemployment compensation law of such State, including those described in clause (iii).

''(ii) The benefits paid under this subparagraph to any individual may not, for any period of unemployment, exceed the maximum amount of regular compensation authorized under the unemployment compensation law of such State for that same period, plus any additional compensation (described in subparagraph (B)(i)) which could have been paid with respect to that amount.

''(iii) The categories of individuals described in this clause include the following:

''(I) Individuals who are seeking, or available for, only part-time (and not full-time) work.

''(II) Individuals who would be eligible for regular compensation under the unemployment compensation law of such State under an alternative base period.

''(D) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment beginning after the date of enactment of this subsection.

''(4) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law and public employment offices (including in connection with benefits described in paragraph (3) and any recipients thereof), subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection).

''(5) Transfers under this subsection shall be made by December 31, 2001, unless this paragraph is not enacted until after that date, in which case such transfers shall be made within 10 days after the date of enactment of this paragraph.''

(c) LIMITATIONS ON TRANSFERS.—Section 903(b) of the Social Security Act shall apply to transfers under section 903(d) of such Act (as amended by this section). For purposes of the preceding sentence, such section 903(b) shall be deemed to be amended as follows:

(1) By substituting ''the transfer date described in subsection (d)(5)'' for ''October 1 of any fiscal year''.

(2) By substituting ''remain in the Federal unemployment account'' for ''be transferred to the Federal unemployment account as of the beginning of such October 1''.

(3) By substituting ''fiscal year 2002 (after the transfer date described in subsection (d)(5))'' for ''the fiscal year beginning on such October 1''.

(4) By substituting ''under subsection (d)'' for ''as of October 1 of such fiscal year''.

(5) By substituting ''(as of the close of fiscal year 2002)'' for ''(as of the close of such fiscal year)''.

(d) TECHNICAL AMENDMENTS.—(1) Sections 3304(a)(4)(B) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by inserting ''or 903(d)(4)'' before ''of the Social Security Act''.

(2) Section 303(a)(5) of the Social Security Act is amended in the second proviso by inserting ''or 903(d)(4)'' after ''903(c)(2)''.

(e) REGULATIONS.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

## TITLE IV—NATIONAL EMERGENCY GRANTS

### SEC. 401. NATIONAL EMERGENCY GRANT ASSISTANCE FOR WORKERS.

(a) ELIGIBILITY FOR GRANTS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (2), by striking ''and'',

(2) in paragraph (3), by striking the period and inserting ''; and'', and

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

''(4) from funds appropriated under section 174(c), to a State to provide employment and training assistance and the assistance described in subsections (f) and (g) to dislocated workers affected by a plant closure, mass layoff, or multiple layoffs if the Governor certifies in the application for assistance that the attacks of September 11, 2001, contributed importantly to such plant closures, mass layoffs, and multiple layoffs, and to independently owned businesses and proprietorships.''.

(b) USE OF FUNDS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following new subsections:

''(f) COBRA CONTINUATION COVERAGE PAYMENT REQUIREMENTS.—

''(1) IN GENERAL.—Funds made available to a State under paragraph (4) of subsection (a) may be used by the State to assist a participant in the program under such paragraph by paying up to 75 percent of the participant's and any dependents' contribution for COBRA continuation coverage of the participant and dependents for a period not to exceed 10 months.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'COBRA continuation coverage' means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or section 8905a of title 5, United States Code.

''(g) GOVERNMENT INTERVENTION SUPPLEMENTS.—

''(1) PERSONAL INCOME.—Using funds made available under subsection (a)(4), a State may provide personal income compensation to a dislocated worker described in such subsection if—

''(A) the worker is unable to work due to direct Federal Government intervention, as a result of a direct response to the terrorist attacks which occurred on September 11, 2001, leading to—

''(i) closure of the facility at which the worker was employed, prior to the intervention; or

''(ii) a restriction on how business may be conducted at the facility; and

''(B) the facility is located within an area in a State in which a major disaster or emergency was certified by the Governor.

''(2) BUSINESS INCOME.—Using funds made available under subsection (a)(4), a State may provide business income compensation to an independently owned business or proprietorship if—

''(A) the business or proprietorship is unable to earn revenue due to direct Federal intervention, as a result of a direct response to the terrorist attacks which occurred on September 11, 2001, leading to—

''(i) closure of the facility at which the business or proprietorship was located, prior to the intervention; or

''(ii) a restriction on how customers may access the facility; and

''(B) the facility is located within an area in a State in which a major disaster or emergency was certified by the Governor.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 174 of the Workforce Investment Act of 1998 (29 U.S.C. 2919) is amended by adding at the end the following new subsection:

''(c) NATIONAL EMERGENCY GRANTS RELATING TO SEPTEMBER 11 ATTACKS.—There are authorized to be appropriated to carry out subsection (a)(4) of section 173 $5,000,000,000 for fiscal year 2002. Funds appropriated under this subsection shall be available for obligation for a period beginning with the date of enactment of such appropriations and ending 18 months thereafter.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

## TITLE V—TEMPORARY BUSINESS RELIEF PROVISIONS

### SEC. 501. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

''(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

''(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified property' means property—

''(i)(I) to which this section applies which has a recovery period of 20 years or less or which is water utility property,

''(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

''(III) which is qualified leasehold improvement property, or

''(IV) which is eligible for depreciation under section 167(g),

''(ii) the original use of which commences with the taxpayer after December 31, 2001,

''(iii) which is—

''(I) acquired by the taxpayer after December 31, 2001, and before January 1, 2004, but only if no written binding contract for the acquisition was in effect before January 1, 2002, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after December 31, 2001, and before January 1, 2004, and

''(iv) which is placed in service by the taxpayer before January 1, 2004, or, in the case of property described in subparagraph (B), before January 1, 2005.

''(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

''(i) IN GENERAL.—The term 'qualified property' includes property—

''(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

''(II) which has a recovery period of at least 10 years or is transportation property, and

''(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof.

''(ii) ONLY PRE-JANUARY 1, 2004, BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before January 1, 2004.

''(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term 'transportation property' means tangible personal property used in the trade or business of transporting persons or property.

''(C) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

''(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

''(II) after application of section 280F(b) (relating to listed property with limited business use).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(D) SPECIAL RULES.—

''(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after December 31, 2001, and before January 1, 2004.

''(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

''(I) is originally placed in service after December 31, 2001, by a person, and

''(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(E) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

''(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

''(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

''(3) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

''(I) by the lessee (or any sublessee) of such portion, or

''(II) by the lessor of such portion,

''(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

''(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefiting a common area, and

''(iv) the internal structural framework of the building.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) BINDING COMMITMENT TO LEASE TREATED AS LEASE.—A binding commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

''(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

''(I) members of an affiliated group (as defined in section 1504), and

''(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

''(D) IMPROVEMENTS MADE BY LESSOR.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.''.

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) of the Internal Revenue Code of 1986 (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

''(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.—The deduction under section 168(k) shall be allowed.''

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''clause (ii)'' both places it appears and inserting ''clauses (ii) and (iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2001, in taxable years ending after such date.

**TITLE VI—ADDITIONAL PROVISIONS**

**SEC. 602. EMERGENCY DESIGNATION.**

Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(1) An amount equal to the amount by which revenues are reduced by this division below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(2) Amounts equal to the amounts of new budget authority and outlays provided in this division in excess of the allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

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**SA 2737.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after ''**SECTION**'' and insert the following:

**1. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Economic Security and Recovery Act of 2002''.

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

TITLE I—ELIMINATION OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Sec. 101. Elimination of sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001.

TITLE II—BUSINESS PROVISIONS

Sec. 201. Special depreciation allowance for certain property acquired after September 10, 2001, and before September 11, 2004.

TITLE III—UNEMPLOYMENT ASSISTANCE

Sec. 301. Short title.
Sec. 302. Federal-State agreements.
Sec. 303. Temporary extended unemployment compensation account.
Sec. 304. Payments to States having agreements for the payment of temporary extended unemployment compensation.
Sec. 305. Financing provisions.
Sec. 306. Fraud and overpayments.
Sec. 307. Definitions.
Sec. 308. Applicability.
Sec. 309. Special Reed Act transfer in fiscal year 2002.

TITLE IV—TEMPORARY STATE HEALTH CARE ASSISTANCE

Sec. 401. Temporary State health care assistance.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Emergency designation.

**TITLE I—ELIMINATION OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001**

**SEC. 101. ELIMINATION OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

**TITLE II—BUSINESS PROVISIONS**

**SEC. 201. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.**

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

''(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

''(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified property' means property—

''(i)(I) to which this section applies which has a recovery period of 20 years or less or which is water utility property, or

''(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

''(ii) the original use of which commences with the taxpayer after September 10, 2001,

''(iii) which is—

''(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2004, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2004, and

''(iv) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in subparagraph (B), before January 1, 2006.

''(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

''(i) IN GENERAL.—The term 'qualified property' includes property—

''(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

''(II) which has a recovery period of at least 10 years or is transportation property, and

''(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof.

''(ii) ONLY PRE-SEPTEMBER 11, 2004, BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before September 11, 2004.

''(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term 'transportation property' means tangible personal property used in the trade or business of transporting persons or property.

''(C) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

''(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

''(II) after application of section 280F(b) (relating to listed property with limited business use).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(iii) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—The term 'qualified property' shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

''(D) SPECIAL RULES.—

''(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2004.

''(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

''(I) is originally placed in service after September 10, 2001, by a person, and

''(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(E) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

''(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

''(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).''

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

''(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—The deduction under section 168(k) shall be allowed.''

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by striking ''clause (ii)'' both places it appears and inserting ''clauses (ii) and (iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

## TITLE III—UNEMPLOYMENT ASSISTANCE

### SEC. 301. SHORT TITLE.

This title may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

### SEC. 302. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before March 15, 2001);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(4) filed an initial claim for regular compensation on or after March 15, 2001.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 303 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of temporary extended unemployment compensation in lieu of extended compensation to individuals who otherwise meet the requirements of this section. Such an election shall not require a State to trigger off an extended benefit period.

### SEC. 303. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) REDUCTION FOR EXTENDED BENEFITS.—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(3) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount

of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

**SEC. 304. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.**

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

**SEC. 305. FINANCING PROVISIONS.**

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

**SEC. 306. FRAUD AND OVERPAYMENTS.**

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of temporary extended unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such temporary extended unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such temporary extended unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

**SEC. 307. DEFINITIONS.**

In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

**SEC. 308. APPLICABILITY.**

An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

**SEC. 309. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.**

(a) REPEAL OF CERTAIN PROVISIONS ADDED BY THE BALANCED BUDGET ACT OF 1997.—

(1) IN GENERAL.—The following provisions of section 903 of the Social Security Act (42 U.S.C. 1103) are repealed:

(A) Paragraph (3) of subsection (a).

(B) The last sentence of subsection (c)(2).

(2) SAVINGS PROVISION.—Any amounts transferred before the date of enactment of this Act under the provision repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as last in effect before such date of enactment.

(b) SPECIAL TRANSFER IN FISCAL YEAR 2002.—Section 903 of the Social Security Act is amended by adding at the end the following:

''Special Transfer in Fiscal Year 2002

''(d)(1) The Secretary of the Treasury shall transfer (as of the date determined under paragraph (5)) from the Federal unemployment account to the account of each State in the Unemployment Trust Fund the amount determined with respect to such State under paragraph (2).

''(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to—

''(A) the amount which would have been required to have been transferred under this section to such account at the beginning of fiscal year 2002 if—

''(i) section 309(a)(1) of the Temporary Extended Unemployment Compensation Act of 2002 had been enacted before the close of fiscal year 2001, and

''(ii) section 5402 of Public Law 105–33 (relating to increase in Federal unemployment account ceiling) had not been enacted,

minus

''(B) the amount which was in fact transferred under this section to such account at the beginning of fiscal year 2002.

''(3)(A) Except as provided in paragraph (4), amounts transferred to a State account pursuant to this subsection may be used only in the payment of cash benefits—

''(i) to individuals with respect to their unemployment, and

''(ii) which are allowable under subparagraph (B) or (C).

''(B)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable as—

''(I) regular compensation, or

''(II) additional compensation, upon the exhaustion of any temporary extended unemployment compensation (if such State has entered into an agreement under the Temporary Extended Unemployment Compensation Act of 2002), for individuals eligible for regular compensation under the unemployment compensation law of such State.

''(ii) Any additional compensation under clause (i) may not be taken into account for purposes of any determination relating to the amount of any extended compensation for which an individual might be eligible.

''(C)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable to 1 or more categories of individuals not otherwise eligible for regular compensation under the unemployment compensation law of such State, including those described in clause (iii).

''(ii) The benefits paid under this subparagraph to any individual may not, for any period of unemployment, exceed the maximum

amount of regular compensation authorized under the unemployment compensation law of such State for that same period, plus any additional compensation (described in subparagraph (B)(i)) which could have been paid with respect to that amount.

''(iii) The categories of individuals described in this clause include the following:

''(I) Individuals who are seeking, or available for, only part-time (and not full-time) work.

''(II) Individuals who would be eligible for regular compensation under the unemployment compensation law of such State under an alternative base period.

''(D) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment beginning after the date of enactment of this subsection.

''(4) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law and public employment offices (including in connection with benefits described in paragraph (3) and any recipients thereof), subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection).

''(5) Transfers under this subsection shall be made by December 31, 2001, unless this paragraph is not enacted until after that date, in which case such transfers shall be made within 10 days after the date of enactment of this paragraph.''

(c) LIMITATIONS ON TRANSFERS.—Section 903(b) of the Social Security Act shall apply to transfers under section 903(d) of such Act (as amended by this section). For purposes of the preceding sentence, such section 903(b) shall be deemed to be amended as follows:

(1) By substituting ''the transfer date described in subsection (d)(5)'' for ''October 1 of any fiscal year''.

(2) By substituting ''remain in the Federal unemployment account'' for ''be transferred to the Federal unemployment account as of the beginning of such October 1''.

(3) By substituting ''fiscal year 2002 (after the transfer date described in subsection (d)(5))'' for ''the fiscal year beginning on such October 1''.

(4) By substituting ''under subsection (d)'' for ''as of October 1 of such fiscal year''.

(5) By substituting ''(as of the close of fiscal year 2002)'' for ''(as of the close of such fiscal year)''.

(d) TECHNICAL AMENDMENTS.—(1) Sections 3304(a)(4)(B) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by inserting ''or 903(d)(4)'' before ''of the Social Security Act''.

(2) Section 303(a)(5) of the Social Security Act is amended in the second proviso by inserting ''or 903(d)(4)'' after ''903(c)(2)''.

(e) REGULATIONS.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

**TITLE IV—TEMPORARY STATE HEALTH CARE ASSISTANCE**

**SEC. 401. TEMPORARY STATE HEALTH CARE ASSISTANCE.**

(a) IN GENERAL.—Title XXI of the Social Security Act is amended by adding at the end the following new section:

**''SEC. 2111. TEMPORARY STATE HEALTH CARE ASSISTANCE.**

''(a) IN GENERAL.—For the purpose of providing allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $4,599,667,448. Such funds shall be available for expenditure by the State through the end of 2002. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

''(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

| ''State | Allotment (in dollars) |
|---|---|
| Alabama | 50,746,770 |
| Alaska | 31,934,026 |
| Arizona | 68,594,677 |
| Arkansas | 38,203,601 |
| California | 482,591,746 |
| Colorado | 37,469,775 |
| Connecticut | 60,039,005 |
| Delaware | 10,355,807 |
| District of Columbia | 18,321,834 |
| Florida | 164,619,369 |
| Georgia | 118,754,564 |
| Hawaii | 12,827,163 |
| Idaho | 13,031,700 |
| Illinois | 175,505,956 |
| Indiana | 66,067,368 |
| Iowa | 31,521,201 |
| Kansas | 27,288,967 |
| Kentucky | 82,759,133 |
| Louisiana | 83,907,301 |
| Maine | 22,650,838 |
| Maryland | 60,347,066 |
| Massachusetts | 121,971,140 |
| Michigan | 156,479,213 |
| Minnesota | 113,966,453 |
| Mississippi | 55,335,225 |
| Missouri | 74,675,436 |
| Montana | 10,224,652 |
| Nebraska | 31,582,786 |
| Nevada | 14,695,973 |
| New Hampshire | 15,482,962 |
| New Jersey | 115,880,093 |
| New Mexico | 39,204,714 |
| New York | 573,999,663 |
| North Carolina | 189,333,723 |
| North Dakota | 8,915,675 |
| Ohio | 166,006,936 |
| Oklahoma | 48,914,626 |
| Oregon | 71,160,353 |
| Pennsylvania | 227,183,255 |
| Rhode Island | 45,001,680 |
| South Carolina | 94,789,740 |
| South Dakota | 19,951,788 |
| Tennessee | 102,845,128 |
| Texas | 289,526,532 |
| Utah | 30,860,915 |
| Vermont | 10,291,090 |
| Virginia | 67,232,217 |
| Washington | 110,377,264 |
| West Virginia | 31,120,804 |
| Wisconsin | 93,089,086 |
| Wyoming | 12,030,459 |

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Funds appropriated under this section may be used by a State only to provide health care items and services (other than types of items and services for which Federal financial participation is prohibited under this title or title XIX).

''(2) LIMITATION.—Funds so appropriated may not be used to match other Federal expenditures or in any other manner that results in the expenditure of Federal funds in excess of the amounts provided under this section.

''(d) PAYMENT TO STATES.—Funds made available under this section shall be paid to the States in a form and manner and time specified by the Secretary, based upon the submission of such information as the Secretary may require. There is no requirement for the expenditure of any State funds in order to qualify for receipt of funds under this section. The previous sections of this title shall not apply with respect to funds provided under this section.

''(e) DEFINITION.—For purposes of this section, the term 'State' means the 50 States and the District of Columbia.''.

(b) REPEAL.—Effective as of January 1, 2003, section 2111 of the Social Security Act, as inserted by subsection (a), is repealed.

**TITLE V—ADDITIONAL PROVISIONS**

**SEC. 501. EMERGENCY DESIGNATION.**

Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(1) An amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(2) Amounts equal to the amounts of new budget authority and outlays provided in this Act in excess of the allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

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**SA 2738.** Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted an amendment intended to be proposed by her to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE ____—ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.**

**SEC. ____01. ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.**

(a) IN GENERAL.—Section 1(f) of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

''(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

''(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

''(i) the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

''(B) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of the Internal Revenue Code of 1986 is amended by inserting ''except as provided in paragraph (8),'' before ''by increasing''.

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting ''ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;'' before ''ADJUSTMENTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

**SEC. ____02. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.**

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking ''$5,000'' in subparagraph (A) and inserting ''200 percent of the dollar

amount in effect under subparagraph (C) for the taxable year'';

(2) by adding ''or'' at the end of subparagraph (B);

(3) by striking ''in the case of'' and all that follows in subparagraph (C) and inserting ''in any other case.''; and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of the Internal Revenue Code of 1986 is amended by striking ''(other than with'' and all that follows through ''shall be applied'' and inserting ''(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied''.

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

''The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

**SEC. ___03. CONFORMING AMENDMENTS.**

Sections 301 and 302 of the Economic Growth and Tax Relief Reconciliation Act of 2001 are repealed.

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**SA 2739.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. . SENSE OF THE SENATE.**

It is the sense of the Senate that the legislative enactment of a Federal tax increase while the economy of the United States is in a recessionary environment would be harmful to the economy and may prolong such environment.

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**SA 2740.** Mr. GRAMM (for himself, Mr. MILLER, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . REPEAL OF SUNSET.**

(a) IN GENERAL.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on and after the date of the enactment of this Act.

**SEC. . REDUCTION OF MAXIMUM CAPITAL GAINS RATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

''(h) MAXIMUM CAPITAL GAINS RATE.—

''(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, the tax imposed by this section for such taxable year shall not exceed the sum of—

''(A) a tax computed on taxable income reduced by the net capital gain, at the rates and in the same manner as if this subsection had not been enacted,

''(B) 7.5 percent of so much of the taxpayer's net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—

''(i) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate of 15 percent or less, over

''(ii) the amount on which tax is determined under subparagraph (A), plus

''(C) 15 percent of the taxpayer's net capital gain (or, if less, taxable income) in excess of the amount of capital gain on which tax is determined under subparagraph (B).

''(2) NET CAPITAL GAIN TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii).''.

(b) MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to amount of tentative tax) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following new clause:

''(ii) MAXIMUM RATE OF TAX ON NET CAPITAL GAIN.—The amount determined under the first sentence of clause (i) shall not exceed the sum of—

''(I) the amount determined under such first sentence computed at the rates and in the same manner as if this clause had not been enacted on the taxable excess reduced by the net capital gain, plus

''(II) a tax of 15 percent of the lesser of the net capital gain or the taxable excess.''

(2) CONFORMING AMENDMENT.—Section 55(b) of such Code is amended by striking paragraph (3).

(c) CONFORMING AMENDMENTS.—

(1) Section 57(a)(7) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(2) Paragraph (1) of section 1445(e) of such Code is amended by striking 20 percent'' and inserting 15 percent''.

(3)(A) The second sentence of section 7518(g)(6)(A) of such Code is amended by striking 20 percent'' and inserting 15 percent''.

(B) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936 is amended by striking 20 percent'' and inserting 15 percent''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after December 31, 2001.

(2) WITHHOLDING.—The amendment made by subsection (c)(2) shall apply to amounts paid after the date of the enactment of this Act.

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**SA 2741.** Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . REPEAL OF SUNSET.**

(a) IN GENERAL.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on and after the date of the enactment of this Act.

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**SA 2742.** Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . REPEAL OF SUNSET ON REDUCTION IN INCOME TAX RATES FOR INDIVIDUALS.**

(a) IN GENERAL. Section 901(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act'' and inserting ''this Act (other than section 101)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on and after the date of the enactment of this Act.

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**SA 2743.** Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is repealed in full and replaced by the following:

**''SEC. 901. SUNSET OF PROVISIONS OF ACT.**

''(a) the provisions of the table in Section 1(i)(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6% tax rate shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

''(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

''(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

''(2) in the case of Title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

''(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

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**SA 2744.** Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. . PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is repealed in full and replaced by the following:

**''SEC. 901. SUNSET OF PROVISIONS OF ACT.**

''(a) the provisions of the table in Section 1(i)(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6% and 36% tax rates shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

''(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

''(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

''(2) in the case of Title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

''(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

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**SA 2745.** Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is repealed in full and replaced by the following:

**''SEC. 901. SUNSET OF PROVISIONS OF ACT.**

''(a) the provisions of the table in Section 1(i)(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6%, 36%, and 31% tax rates shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

''(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

''(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

''(2) in the case of Title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

''(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

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**SA 2746.** Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . PRESERVATION OF THE 10% BRACKET.**

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act shall not apply'' in subsection (a) and inserting ''this Act (other than the provisions enacting Section 1(i)(1) of the Internal Revenue Code of 1986) shall not apply.''

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**SA 2747.** Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . ACCELERATED REDUCTION OF ALL MARGINAL TAX RATES.**

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking the items relating to 2002, 2003, 2004, and 2005; and

(2) by striking ''2006 and thereafter'' in the last item and inserting ''2002 and thereafter''.

(b) REDUCTION NOT TO INCREASE MINIMUM TAX.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking ''($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($49,000 in the case of taxable years beginning in 2001, $56,000 in the case of taxable years beginning in 2002 or 2003, $51,800 in the case of taxable years beginning in 2004, and $50,600 in the case of taxable years beginning in 2005)''.

(2) Subparagraph (B) of section 55(d)(1) is amended by striking ''($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($35,750 in the case of taxable years beginning in 2001, $39,250 in the case of taxable years beginning in 2002 or 2003, $37,150 in the case of taxable years beginning in 2004, and $36,550 in the case of taxable years beginning in 2005)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) SECTION 15 NOT TO APPLY.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

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**SA 2748.** Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.**

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking ''27.0%'' and inserting ''25.0%'', and

(2) by striking ''26.0%'' and inserting ''25.0%''.

(b) REDUCTION NOT TO INCREASE MINIMUM TAX.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking ''($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($49,000 in the case of taxable years beginning in 2001, $52,200 in the case of taxable years beginning in 2002 or 2003, $50,700 in the case of taxable years beginning in 2004, and $50,100 in the case of taxable years beginning in 2005)''.

(2) Subparagraph (B) of section 55(d)(1) is amended by striking ''($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($35,750 in the case of taxable years beginning in 2001, $37,350 in the case of taxable years beginning in 2002 or 2003, $36,600 in the case of taxable years beginning in 2004, and $36,300 in the case of taxable years beginning in 2005)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) SECTION 15 NOT TO APPLY.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

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**SA 2749.** Mr. GRAMM (for himself, Mr. MILLER, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . REPEAL OF SUNSET.**

(a) IN GENERAL.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on and after the date of the enactment of this Act.

**SEC. . REDUCTION OF MAXIMUM CAPITAL GAINS RATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

''(h) MAXIMUM CAPITAL GAINS RATE.—

''(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, the tax imposed by this section for such taxable year shall not exceed the sum of—

''(A) a tax computed on taxable income reduced by the net capital gain, at the rates and in the same manner as if this subsection had not been enacted,

''(B) 7.5 percent of so much of the taxpayer's net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—

''(i) the amount of taxable income which would (without regard to this paragraph be taxed at a rate of 15 percent or less, over

''(ii) the amount on which tax is determined under subparagraph (A), plus

''(C) 15 percent of the taxpayer's net capital gain (or, if less, taxable income) in excess of the amount of capital gain on which tax is determined under subparagraph (B).

''(2) NET CAPITAL GAIN TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii).''.

(b) MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to amount of tentative tax) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following new clause:

''(ii) MAXIMUM RATE OF TAX ON NET CAPITAL GAIN.—The amount determined under the first sentence of clause (i) shall not exceed the sum of—

''(I) the amount determined under such first sentence computed at the rates and in the same manner as if this clause had not been enacted on the taxable excess reduced by the net capital gain, plus

''(II) a tax of 15 percent of the lesser of the net capital gain or the taxable excess.''

(2) CONFORMING AMENDMENT.—Section 55(b) of such Code is amended by striking paragraph (3).

(c) CONFORMING AMENDMENTS.—

(1) Section 57(a)(7) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(2) Paragraph (1) of section 1445(e) of such Code is amended by striking ''20 percent'' and inserting ''15 percent''.

(3) (A) The second sentence of section 7518(g)(6)(A) of such Code is amended by striking ''20 percent'' and inserting ''15 percent''.

(B) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936 is amended by striking ''20 percent'' and inserting ''15 percent''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after December 31, 2001.

(2) WITHHOLDING.—The amendment made by subsection (c)(2) shall apply to amounts paid after the date of the enactment of this Act.

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**SA 2750.** Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . REPEAL OF SUNSET.**

(A) IN GENERAL.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on and after the date of the enactment of this Act.

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**SA 2751.** Mr. GRAMM (for himself, Mr. MILLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . REPEAL OF SUNSET ON REDUCTION IN COME TAX RATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Section 901(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act'' and inserting ''this Act (other than section 101)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effective on and after the date of the enactment of this Act.

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**SA 2752.** Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

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At the appropriate place insert the following:

**SEC. . PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is repealed in full and replaced by the following:

**''SEC. 901. SUNSET OF PROVISIONS OF ACT.**

''(a) the provisions of the table in Section 1(i)(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6% tax rate shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

''(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

''(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

''(2) in the case of Title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

''(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

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**SA 2753.** Mr. GRAMM (for himself, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is repealed in full and replaced by the following:

**''SEC. 901. SUNSET OF PROVISIONS OF ACT.**

''(a) the provisions of the table in Section 1(i)(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6% and 36% tax rates shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

''(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

''(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

''(2) in the case of Title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

''(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employment Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

---

**SA 2754.** Mr. GRAMM (for himself, and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . PERMANENT REDUCTION OF CERTAIN MARGINAL RATES.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16) is repealed in full and replaced by the following:

**''SEC. 901. SUNSET OF PROVISIONS OF ACT.**

''(a) the provisions of the table in Section 1(i)(2) of the Internal Revenue Code of 1986 (as enacted in this Act) making changes to the 39.6% and 36% tax rates shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.

''(b) All other provisions of, and amendments made by, this Act (except the provisions of Section 101 of this Act), shall not apply—

''(1) to taxable, plan, or limitation years beginning after December 31, 2010, or

''(2) in the case of Title V, to estates of decedents dying, gifts made, or generation skipping transfers, after December 31, 2010.

''(c) APPLICATION OF CERTAIN LAWS.—The Internal Revenue Code of 1986 and the Employment Retirement Income Security Act of 1974 shall be applied and administered to years, estates, gifts, and transfers described in subsections (a) and (b) as if the provisions and amendments described in those subsections had never been enacted.

---

**SA 2755.** Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, appropriate place insert the following:

**SEC. . PRESERVATION OF THE 10% BRACKET.**

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act shall not apply'' in subsection (a) and inserting ''this Act (other than the provisions enacting Section 1(i)(1) of the Internal Revenue Code of 1986) shall not apply''.

---

**SA 2756.** Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . ACCELERATED REDUCTION OF ALL MARGINAL TAX RATES.**

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking the items relating to 2002, 2003, 2004, and 2005; and

(2) by striking ''2006 and thereafter'' in the last item and inserting ''2002 and thereafter''.

(b) REDUCTION NOT TO INCREASE MINIMUM TAX.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking ''($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($49,000 in the case of taxable years beginning in 2001, $56,000 in the case of taxable years beginning in 2002 and 2003, $51,800 in the case of taxable years beginning in 2004, and $50,600 in the case of taxable years beginning in 2005)''.

(2) Subparagraph (B) of section 55(d)(1) is amended by striking ''($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($35,750 in the case of taxable years beginning in 2001, $39,250 in the case of taxable years beginning in 2002 or 2003, $37,150 in the case of taxable years beginning in 2004, and $36,550 in the case of taxable years beginning in 2005)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) SECTION 15 NOT TO APPLY.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

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**SA 2757.** Mr. GRAMM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. . ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.**

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking ''27.0%'' and inserting ''25.0%'', and

(2) by striking ''26.0% and inserting ''25.0%.

(b) REDUCTION NOT TO INCREASE MINIMUM TAX—.

(1) Subparagraph (A) of section 55(d)(1) is amended by striking ''($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($49,000 in the case of taxable years beginning in 2001, $52,200 in the case of taxable years beginning in 2002 or 2003, $50,700 in the case of taxable years beginning in 2004, and $50,100 in the case of taxable years beginning in 2005)''.

(2) Subparagraph (B) of section 55(d)(1) is amended by striking ''($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ($35,750 in the case of taxable years beginning in 2001, $37,350 in the case of taxable years beginning in 2002 or 2003, $36,600 in the case of taxable years beginning in 2004, and $36,300 in the case of taxable years beginning in 2005)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) SECTION 15 NOT TO APPLY.—NO AMENDMENT MADE BY THIS SECTION SHALL BE TREATED AS A CHANGE IN RATE OF TAX FOR PURPOSES OF SECTION 15 OF THE INTERNAL REVENUE CODE OF 1986.

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**SA 2758.** Mr. KYL (for himself, Mr. GRAMM, Mr. ENSIGN, Mr. NICKLES, and Mr. HUTCHINSON) proposed an amendment to amendment SA 2698 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; as follows:

At the end, add the following:

**SEC. . PERMANENT REPEAL OF ESTATE TAXES.**

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended—

(1) by striking ''this Act'' and all that follows through ''2010.'' in subsection (a) and inserting ''this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.'', and

(2) by striking '', estates, gifts, and transfers'' in subsection (b).

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**SA 2759.** Mrs. HUTCHISON (for Herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. . 2-YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM WIND.**

Section 45(c)(3)(A) of the Internal Revenue Code of 1986 (relating to wind facility) is amended by striking ''January 1, 2002'' and inserting''January 1, 2004''.

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**SA 2760.** Ms. COLLINS (for herself Mr. WARNER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 622 to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

''(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—The deductions allowed by section 162 which consist of expenses, not in excess of $1,000, paid or incurred by an eligible educator—

''(i) by reason of the participation of the educator in professional development courses related to the curriculum and academic subjects in which the educator provides instruction or to the students for which the educator provides instruction, and

''(ii) in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.''.

(b) ELIGIBLE EDUCATOR.—Section 62 is amended by adding at the end the following:

''(d) DEFINITION; SPECIAL RULES.—

''(1) ELIGIBLE EDUCATOR.—

''(A) IN GENERAL.—For purposes of subsection (a)(2)(D), the term 'eligible educator' means, with respect to any taxable year, an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

''(B) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

''(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning in calendar years 2002 and 2003.

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**SA 2761.** Ms. COLLINS (for herself, Mr. WARNER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

''(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—In the case of taxable years beginning during 2002 or 2003, the deductions allowed by section 162 which consist of expenses, not in excess of $250, paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.''.

(b) ELIGIBLE EDUCATOR.—Section 62 is amended by adding at the end the following:

''(d) DEFINITION; SPECIAL RULES.—

''(1) ELIGIBLE EDUCATOR.—

''(A) IN GENERAL.—For purposes of subsection (a)(2)(D), the term 'eligible educator' means, with respect to any taxable year, an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

''(B) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

''(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

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## NOTICES OF HEARINGS/MEETINGS

### SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, February 14, 2002, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 202 and H.R. 2440, to rename Wolf Trap Farm Park as Wolf Trap National Park for the Performing Arts;

S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument, and for other purposes;

S. 1061 and H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes;

S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the

preservation of Vancouver Barracks; and

H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact David Brooks of the committee staff at (202) 224–9863.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, January 29, 2002, at 10 a.m. to conduct an oversight hearing on the Financial War on Terrorism and the Administration's Implementation of the Anti-Money Laundering Provisions of the USA Patriot Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, January 29 at 9:30 a.m. The Committee will conduct a hearing to receive testimony on the impact of the Enron collapse on energy markets.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Clean Air, Wetlands, and Climate Change be authorized to meet on Tuesday, January 29, 2002 at 9:30 a.m. to conduct a hearing to hear testimony on compliance options for electric power generators to meet new limits on carbon and mercury emissions contained in S. 556. The hearing will be held in SD–406.

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

## PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, on behalf of Senator MCCAIN, I ask unanimous consent that his legislative fellow, Navy Lieutenant Commander Paul Gronemeyer, be granted the privilege of the floor during consideration of the Adoption Tax Credit Act.

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

Mr. BAUCUS. I ask unanimous consent that Dana Casterlin, Julius Shapiro, Charles Donefer, and Jonathan Seibald, interns with the Senate Finance Committee, be granted the privilege of the floor during the Senate's consideration of H.R. 622.

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

Mr. ALLARD. Mr. President, I ask unanimous consent a fellow from my office, Carol Welsch, be granted the privilege of the floor.

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

## RECESS

Mr. REID. Mr. President if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

Thereupon, the Senate, at 5:55 p.m., recessed until 8:31 p.m., and reassembled when called to order by the Presiding Officer (Mr. REED).

The PRESIDING OFFICER. The Senator from Michigan.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 540; that the nomination be confirmed; the motion to reconsider be laid on the table; the President be immediately notified of the Senate's action; any statements thereon be printed in the RECORD; and the Senate return to legislative session.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF THE INTERIOR

Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

## JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO 107–157)

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Assistant Sergeant at Arms, Ann Harkins, the Secretary of the Senate, Jeri Thomson, and the Vice President of the United States, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

## ADJOURNMENT UNTIL MONDAY, FEBRUARY 4, 2002, AT 1 P.M.

At the conclusion of the joint session of the two Houses, and in accordance with the provisions of H. Con. Res. 95, at 10:07 p.m., the Senate adjourned until Monday, February 4, 2002, at 1 p.m.

## NOMINATIONS

Executive nominations received by the Senate January 29, 2002:

DEPARTMENT OF JUSTICE

JOHN SCHICKEL, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE JOE RUSSELL MULLINS, RESIGNED.

WILLIAM R. WHITTINGTON, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE JAMES ROBERT OAKES, TERM EXPIRED.

STEPHEN GILBERT FITZGERALD, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR A TERM OF FOUR YEARS, VICE DALLAS S. NEVILLE, TERM EXPIRED.

J.C. RAFFETY, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR A TERM OF FOUR YEARS, VICE LEONARD TRUPO, TERM EXPIRED.

JAMES ANTHONY ROSE, OF WYOMING, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS, VICE JUAN ABRAN DEHERRERA, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) DURET S. SMITH, 6254
REAR ADM. (LH) JERRY D. WEST, 5130

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) ROBERT R. PERCY III, 4869

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

SANDRA G. MATHEWS, 2954
MARGARET M. NONNEMACHER, 3315

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

REBECCA A. DOBBS, 8174
MAX S. KUSH, 0033

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ERNEST H. BARNETT, 1902
RICHARD C. BEAN, 3161
GLENN H. BROWN, 4588
MICHAEL J. CIANCI, 9225
TIMOTHY I. FINAN, 4630
MICHAEL E. IMMLER, 3635
DEXTER A. LEE, 8711
SANDRA K. MEADOWS, 9980
MARK L. POPE, 4538
MARC P. RESNICK, 2975
RONALD W. SCHMIDT, 8268

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

SANDRA H. ALFORD, 4984

DWIGHT F. BUSHUE, 6650
MARILYN M. CHAMBERS, 0578
ROSEMARY J. DURNING, 4171
DOROTHY A. GOULD, 9163
MICHELLE M. HENDRICKS, 1376
BARBARA L. JACOB, 3639
VALERIE S. KNOBLOCH, 6929
CAROL A. LEDBETTER, 4430
CANDACE J. LEE, 1122
DONNA J. MEYERS, 8015
PATRICIA K. MURRAY, 9134
JOSEPH W. OROURKE, 9585
PAULA JAN PEYRE SHERMAN, 7806
CELESTE B. SUMINSBY, 7574
FRANCIS C. ZUCCONI, 6641

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

RAUL A. AGUILAR, 7119
CARLOS W. M. BEDROSSIAN, 2517
JAMES A. BOURGEOIS, 1473
MICHAEL H. COLEMAN, 1037
MATTHEW T. DODDS, 1729
GLENN S. EKBLAD, 9666
ALBERT D. JOHNSON, 5332
BRIAN K. KLINK, 1856
RONALD S. MILLER, 7013
DONALD OSBORNE, 8901
MARIA A. PONS, 0201
GARY M. WALKER, 9049
PHILIP H. WATKINS, 2416
GILBERT L. WERGOWSKE, 1055

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

LARRY W. ALEXANDER, 6668
FRANK E. ANDERSON, 5346
KASSE A. ANDREWSWELLER, 9777
STEPHEN J. ANTHONY, 1613
DONALD A. BAHR, 1973
DAVID J. BEAVIN, 3644
WILLIAM B. BINGER, 8749
ALAN K. BOOKER, 0556
RENE L. BOWARD, 8052
WILLIAM P. BRANDT, 0248
EDWARD C. BRASHER JR., 5076
MARK D. BRINSON, 0098
THOMAS C. BROWN III, 5231
JOHN T. BROWNE, 3206
ROBERT W. BROWNING, 8042
HERMAN C. BRUNKE JR., 1185
LARRY D. BUELOW, 6045
JON S. BURGESS, 3891
MATTHEW B. CAFFREY JR., 5572
NIDIA S. CARRERO, 4006
HORLIN CARTER SR., 8723
MARCUS A. CAUDILL, 2173
STEVEN R. CHARLES, 6562
CATHERINE A. CHILTON, 6891
ARTHUR CHIN, 1748
WILLIAM E. COBURN, 4689
LOUIS J. COCO JR., 9714
MARY L. COLAIANNI, 3770
RICHARD P. CONNIFF JR., 1046
PATRICK A. CORD, 2364
GARY L. CRONE, 9280
ERNEST A. DALPIAS, 8958
MICHAEL C. DAWSON, 0122
THOMAS N. DIETZ, 4766
FRANK DIPIERO, 0894
JOHN W. DOUGLAS, 7787
PHILIP B. EDELEN, 7547
WILLIAM A. EHRENSTROM, 9819
JOHN K. ELLSWORTH, 8421
BARRY FAGAN, 4044
WILLIAM N. FLANIGAN, 3049
CHARLES W. FOX, 4070
ROBERT W. FRENIERE, 4562
RICHARD W. GAULT, 2165
JEFFERY R. GLASS, 8149
TERRY B. GLYMPH, 1794
CHRISTOPHER J. GOLOB, 1144
GUY B. GORDON, 9457
GEORGE A. GORHAM, 9078
SHARON L. GRADY, 0514
RUPERT W. GRAHN, 7346
EUGENE W. GREEN JR., 5836
JOSEPH A. GREGOR, 5657
ROBERT M. HAIRE, 3609
JOHN P. HALL JR., 3003
STAYCE DIAMOND HARRIS, 3892
MICHAEL P. HAYES, 1794
JANE A. HESS, 9020
STEVEN A. HEUER, 4607
THOMAS F. HULSEY, 3601
KARL J. HURDLE, 3776
FREDERICK E. JACKSON, 1200
TILLUS B. JENKINS, 0086
ROBERT T. JUBIN, 5774
BRIAN W. KOWAL, 2578
KEITH D. KRIES, 2201
RONALD L. KRNAVEK, 4478
DOUGLAS J. KUPLIC, 4953
BANCROFT TRACY L. LASSETER, 9984
MICHAEL E. LEBIEDZ, 9446
DOUGLAS D. LEHMAN, 2702
STEVEN L. LESNIEWSKI, 1549
DELBERT D. LEWIS JR., 3723
MARY G. LOCKHART, 1078
ROBERT W. LOTT, 5088
KYLE G. MACDONALD, 9946
CHARLES L. MACRI, 5755
GEORGE M. MADELEN, 7555
NORRIS KATHLEEN A. MAHONEY, 2628
WILLIAM K. MANEY, 0994
STEVEN M. MAURER, 1286
HAROLD L. MAXWELL, 3308
JAMES M. MAXWELL, 4750
SEAMUS P. MCCAFFERY JR., 7646
JOSEPH E. MCCORMICK JR., 0567
NEAL L. MCFEETERS, 7552
JAMES L. MCGINLEY, 8662
THOMAS L. MCGOVERN III, 8078
KENNETH W. MELLOTT, 1466
EDWARD M. MORRIS JR., 1223
JANICE M. MORROW, 5814
JAMES J. MUSCATELL JR., 3045
EUGENE D. MYERS, 2297
ANTHONY NARDONE, 3328
SCOTT E. NIELSON, 7732
HEATH J. NUCKOLLS, 1772
MICHAEL W. OCHS, 8105
DENNIS P. ODONOGHUE, 4292
DAVID C. PETERSON, 6579
BENJAMIN W. PHILLIPS JR., 9751
DONALD W. PITTS, 4475
GERALD H. POUNDS, 2014
DONALD C. RALPH, 5242
WILLIAM A. RANDALL, 9930
SCOTT A. REYNOLDS, 9013
ROBERT C. RICHARDSON IV, 5562
JAMES D. ROBINSON, 5231
ROBERT B. ROSSOW, 5202
ROBERT A. ROWE, 1786
PATRICK M. SAATZER, 5574
GAIL S. SCHIKORA, 1917
RANDALL L. SCHULTZRATHBUN, 3629
DIANA J. SCHULZ, 5682
JUDITH E. SCOTTPETERSON, 2265
JON R. SHASTEEN, 5384
PATRICK J. SHAY, 8560
RICHARD L. SHELTON JR., 5880
LORAINE C. SIMARD, 8090
WILLIAM A. SINGLETON, 0270
DONALD W. SLOAN, 4487
JAMES D. SMITH, 6959
CHARLES M. SOLOMON, 6075
BRIAN R. SPENCER, 2564
KENNETH W. STEERE JR., 6778
RICHARD G. STEPHENS, 7790
PAMELA L. STEWART, 5414
KEVIN D. STUBBS, 1729
ROGER D. SUMMERLIN, 6167
MICHAEL E. SWANEY, 0511
TIMOTHY E. TARCHICK, 0705
PETER D. TRAPP, 1078
LEE G. TUCKER, 7424
JOSEPH A. VIANI, 0643
GERALD E. VOWELL, 9511
HARRY C. WEIRATH, 2106
WILLIAM O. WELCH, 8146
GLENN R. WHICKER, 9617
JON I. WILSON, 1099
DERRICK D. H. WONG, 0533
DOUGLAS J. WREATH, 5401
PETER S. YOGIS, 7093
WINIFRED H. YOUNGBLOOD, 6284
CLAUDIA R. ZIEBIS, 1349

## CONFIRMATION

Executive nomination confirmed by the Senate January 29, 2002:

### DEPARTMENT OF THE INTERIOR

STEVEN A. WILLIAMS, OF KANSAS, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## TRIBUTE TO TOM RYDER

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. SHIMKUS. Mr. Speaker, I rise to pay tribute to Tom Ryder, and all the great work he did as a member of the Illinois House of Representatives over the last 18 years.

Mr. Ryder was born in 1949, graduated Magna Cum Laude from Northern Illinois University, and received a Juris Doctor degree from Washington and Lee University. Then, in 1983, he was elected to the Illinois General Assembly as the Representative for the 97th District.

There he served with honor and distinction until his recent retirement on November 13, 2001. He was the Deputy Republican Leader of the House and Co-Chairman of the Joint Committee on Administrative Rules. In addition to his leadership responsibilities, he sponsored and cosponsored many important pieces of legislation, such as medical malpractice reform and the deterrence of welfare fraud and abuse.

But his good works were not limited to the House floor—he was also a civic and community leader. Mr. Ryder was an active member of the Peace United Church of Christ, Chairman of the Jerseyville All-Weather Track Committee, founder of the Jersey Community High School Theatre Friends, former chairman of the United Way, and former co-chairman of the Jersey County Cancer Crusade Bike-A-Thon. He is truly a kind and industrious person.

Mr. Speaker, we need more men like Tom Ryder. Not only has he admirably served both his country and his community for almost two decades in the Illinois General Assembly, but he also plans to continue his service after he retires, as Vice President of External Affairs with the Illinois Community College Board. For all of these things, he deserves the gratitude and well wishes of these chambers. May God bless him and grant him fortune in all his future endeavors.

## ORZELL BILLINGSLEY, CIVIL RIGHTS HERO

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. HILLIARD. Mr. Speaker, I rise to honor a great hero of the civil rights struggle in Alabama, Orzell Billingsley.

Mr. Billingsley was one of the lead lawyers for Dr. Martin Luther King, Jr. during the Montgomery Bus Boycott in 1955, the struggle which is known as the first act of the modern civil rights movement. This historic movement created the freedom in America which blacks now enjoy.

One of the first ten blacks admitted to the Alabama bar, he then began a series of legal representation during civil rights cases, and was instrumental in taking the movement into the courts.

When Alabama created its ''Freedom Democrats,'' named the National Democratic Party of Alabama (NDPA), Mr. Billingsley was General Counsel for the Party, and was a delegate for the NDPA at the 1968 Democratic National Convention in 1968.

Deeply concerned with real democracy, Mr. Billingsley was instrumental in the creation of over 20 small towns incorporated in Alabama. That these black majority towns were incorporated during the difficult days of the civil rights era shows how important his contribution to freedom and democracy was.

One of his most important cases was that of Caliph Washington, who was in a scuffle in 1957 with a policeman when the policeman's gun accidentally fired. While the officer's wife collected insurance money following what was ruled an accidental death, Mr. Washington was nevertheless charged with capital murder by an all white jury.

Mr. Billingsley fought the conviction through four trials over the next 15 years, finally winning an acquittal for Mr. Washington and ending the era of all white juries in Jefferson County, Alabama.

Through all these years of heroic work, Mr. Billingsley often was unpaid for his services as an attorney, because his clients were impoverished. He simply went on with his life saving work, putting people and freedom before money.

Mr. Billingsley was nationally prominent, and was the recipient of calls from Presidents John Kennedy and Lyndon Johnson during the civil rights crisis in Alabama.

Mr. Billingsley passed away on December 14, 2001. His work for freedom and justice will live on forever.

## GIRL SCOUTS GOLD MEDAL RECIPIENT: LAURA MANZI

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students: Laura Manzi. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girls Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Laura, and bring the attention of Congress to this successful young woman on her day of recognition.

## HONORING ROBERT C. SHINN, JR.

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my good friend, Robert C. Shinn, Jr., who served as the 11th Commissioner of the New Jersey Department of Environmental Protection (DEP) longer than any other commissioner in the DEP's 31-year history.

Bob Shinn also served as an elected official at the local, county and state levels for 26 years, where much of his effort was devoted to open space, Pinelands and farmland preservation, water supply and solid waste management issues.

Among his legislative accomplishments was authorship of New Jersey's Water Supply Critical Area Law, which gives the state the necessary authority to effectively manage threatened surface and ground water resources. He guided the passage of several key laws, including our state's Mandatory Recycling Act and the revision of the A–901 solid waste hauler screening program, and also authored the law regulating the handling and disposal of medical waste in New Jersey.

On the local level, Bob served as Township Committeeman and Mayor of Hainesport from 1968 to 1977. He served as Burlington County Freeholder from 1977 to 1985, and as Freeholder Director for two years. He was responsible for the formation of the Burlington County Pinelands Conservation Easement Advisory committee, and was instrumental in securing the first conservation easement in the Pinelands. To that end, he was elected vice-chairman of the New Jersey Pinelands Commission from 1979 to 1985.

Mr. Shinn was instrumental in developing Burlington County's Solid Waste Management Plan and its Environmental Complex, which serves as the county's multi-functional resource recovery facility as well as an environmental research and demonstration facility.

Bob Shinn has been a shining star in the annals of New Jersey's history, locally, on the

county level, and state-wide through his work with the DEP. His commitment and dedication to our state and its people will be sorely missed.

## PERSONAL EXPLANATION

### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during Thursday's rollcall vote on S. 1762, amending the Higher Education Act with respect to student loan interest rates. Had I been present, I would have voted in favor of this measure.

## HONORING DR. DOUG LIGON, FINALIST FOR ''COUNTRY DOCTOR OF THE YEAR.''

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. TANNER. Mr. Speaker, I rise today in recognition of Dr. Doug Ligon, one of only four national finalists for ''Country Doctor of the Year 2001.'' Dr. Ligon is a family doctor at Trinity Hospital in Erin, Tennessee, where his coworkers describe him as a big-city boy with a country heart.

Born and schooled in Nashville, Ligon attended Vanderbilt University and the University of Tennessee Medical School, then planned to stay in an urban area to work as a dermatologist. His plans would change, however, after he accepted what was originally to be a temporary job in the small town of Erin in Houston County.

Almost thirty years later, Dr. Ligon is still working in Erin. He says he could not leave, once he realized how much he was needed at Trinity Hospital, where he worked eighty hours each week as one of only a handful of doctors treating a five-county area. Dr. Ligon also acted as Houston County's medical examiner and county coroner, for which he would not accept pay, saying that the county needed that money more than he did.

Dr. Ligon says he appreciates getting to know his patients and their families over time, following the progress of babies he delivered, some of whom are grown now and have families of their own. He says working in a small town allows him to experience what being a family doctor is all about—getting to know his patients, treating them and being able to watch after their general welfare.

Dr. Ligon says his family has been supportive of his decision to remain in Erin. His wife Betsy is, in fact, the person responsible for nominating Dr. Ligon for the prestigious ''Country Doctor of the Year'' award, as a way to recognize him for the service he provides to the people of Houston County, Tennessee.

We know many medical professionals care deeply about what they do and the patients they see, but Dr. Ligon's years of free-hearted work have been invaluable to the people of Erin and the surrounding communities. He has proven time and time again that he is a leader among his peers.

Mr. Speaker, I ask that you and our colleagues join me in thanking Dr. Doug Ligon for his years of selfless service and congratulating Dr. Ligon for his distinguished recognition as a national finalist for the title ''Country Doctor of the Year.''

## GIRL SCOUTS GOLD MEDAL RECIPIENT: STEPHANIE ROBEDEE

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students: Stephanie Robedee. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girl Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Stephanie, and bring the attention of Congress to this successful young woman on her day of recognition.

## A TRIBUTE TO MATT GREENE OF BIRMINGHAM

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. HILLIARD. Mr. Speaker, I rise today to offer a tribute to a fallen youth from my hometown of Birmingham, Matt Greene. Born Matthew James Greene, Matt was the youngest son of Ken and Barbara Greene and the brother of Michael and Laura. Matt was only 17 years old when he tragically died in the early hours of January 12, 2002, at his home in the presence of his family. He was only 30 days shy of reaching his 18th birthday of February 15, which he shared with his twin brother Michael.

Matt was an exceptional young man. He was handsome, tall and a little on the skinny side with a keen interest in having fun. He had a quick sly smile that melted the hearts of girls and guys alike. He always had a twinkle in his eye when he smiled, and had a zest for life that defied rhyme or reason. He was the Master of his own destiny who loved to hunt and fish and reveled in telling a joke. He had great tolerance for all people and all beliefs and his one goal in life was to be loved and liked. He truly had no enemies or malice toward any people. He loved R.&B. music much to the amusement of his friends and frequently to the annoyance of his family, and especially his brother whose bedroom reverberated with the bass of Matt's music into the early hours of most mornings.

The death of Matt is very tragic because for just a few moments, Matt lost sight of his dreams, his future, his family and his friends. Matt forgot the past, denied the future and only focused on the NOW and the pain, which NOW contained. Matt died in an accident that no one had the power to prevent and for which no one should feel guilt. There is no one and nothing to blame, but the blinding light of pain, despair and misplaced loneliness. I say misplaced loneliness, for Matt had many friends, old and young, male and female, rich and poor, black and white. At Matt's funeral mass, over 1,200 people who loved him gathered together and prayed to God for Matt's eternal soul.

It has been said, ''wishing on last night's star will not change tomorrow's dawn.'' However, instead of succumbing to the demons of anger and self-doubt, Matt's family and friends are turning instead to the balm of God's healing and understanding. All of Matt's friends will miss his crooked smile and his frequent requests of ''Can you do me a favor, man?'' His teachers and fellow students at his high school will miss his antics, and the Rite-Aid Pharmacy where he worked has lost a valuable team player and morale builder. Matt's family and loved ones miss his embrace, his kisses, his loyalty, and his unyielding love. Those people who love Matt have told me they will wait a lifetime to join him again. May the Congress, by these remarks, offer comfort and solace for Matt's family and friends.

## TRIBUTE TO THE DISASTER MORTUARY OPERATIONAL RESPONSE TEAM, REGION VI, OF LOUISIANA

### HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. BAKER. Mr. Speaker, I rise today to pay tribute to the nine Louisiana residents who put fear aside and risked their lives to recover those lost on September 11, 2001, during the tragic attack on the World Trade Center.

The Disaster Mortuary Operational Response Team (DMORT), administered through USPHS and funded through FEMA, provides assistance upon request of local authorities in the event of a mass fatality incident. Regional VI consists of participants hailing from Louisiana, Texas, Arkansas, Oklahoma, and New Mexico. This team was deployed to New York City several days after the terrorist attacks to assist the New York Medical Examiner. Subsequent to this assignment, Region VI was then transferred to the American Aircraft crash in Queens, New York.

Mr. Speaker, Deputy Commander Charles D. Smith, Jr., led Louisiana residents Anthony Buras, Jordan Charlet, Arbie Goings, Shelly

Roy, James Brett Smith, Mark Stewart, Dee Wilde and Mike Armanini, of the Disaster Medical Assistance Team, in their mission to recover those lost in the World Trade Center. Smith, who has been in New York for a total of two months, noted that ''every member distinguished themselves on this difficult deployment and served the country and the National Disaster Medical System with honor . . . I am proud to report that the state was represented in a splendid manner.''

At a time when tragedy was at its greatest, Region VI responded swiftly with deep compassion for those they had never met. Their effort represents not only the spirit of Louisiana, but the spirit of our nation as well.

## TRIBUTE TO LARRY W. WHITE

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. BERRY. Mr. Speaker, I rise to pay tribute to a great American citizen, and I am proud to recognize Larry W. White in the Congress for his invaluable contributions and service to Arkansas and our nation.

Larry has spent over 30 years with the Arkansas Soil and Water Conservation Commission (ASWCC), and currently serves as Assistant to the Director for Conservation. His career began in 1963 with the Arkansas Geology Department, and he moved over the ASWCC in 1970 as a Land Resource Specialist.

I served on the Arkansas Soil and Water Conservation Commission from 1986 until 1993, including a term as chairman, so I can personally testify to Larry's professionalism, integrity, and outstanding skills and talents. But you don't have to take my word for it, because last year he was named Outstanding Conservationist by the Arkansas Association of Conservation Districts for ''his lifelong contributions and accomplishments to state and national soil and water conservation.''

Part of Larry's distinguished record includes participating in the development and biennial update of the Arkansas Conservation Strategic Plan, which led to a 300% increase in funding for conservation districts in 1997; providing leadership in instituting a plan for annual district program evaluations and competitive allocation of funds to districts; providing leadership in the successful implementation of an Emergency Watershed Protection Project that aided poultry farmers after catastrophic losses in 2000; serving as State Floodplain Management Coordinator for 16 years; serving on the Board of Directors of the Association of State Floodplain Managers for two years; and helping to create the Eastern Arkansas Water Conservation Project. He also represents ASWCC on the Arkansas Conservation Partnership and the National Watershed Coalition.

In addition to these conservation responsibilities, Larry also found time to serve on the Arkansas Mental Health Board, as well as the Professional Counseling Associates Board of Directors, including two years as its president. He lives in Lonoke with his lovely wife Annette, and with her he has three daughters, one step-daughter, two step-sons, three granddaughters, two grandsons, three step-grandsons, and one step-granddaughter.

Arkansas is a better place because of Larry White and I am proud to call my friend.

On behalf of the Congress, I extend congratulations and best wishes to this faithful public servant, Larry White, on his successes and achievements.

## A TRIBUTE TO THE LATE DR. WILLIAM R. FAIR

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. BURTON of Indiana. Mr. Speaker, I rise today to pay tribute to a great pioneer of medicine, the late Dr. William R. Fair, an accomplished cancer surgeon, who lost his brave battle with colon cancer on January 3, 2002. Dr. Fair was a tireless advocate for the scientific study of complementary medicine.

From 1984 until 1997, Dr. Fair held the position of chairman of urology at Memorial Sloan-Kettering Cancer Center. Dr. Fair was a fruitful researcher who developed surgical techniques and treatments for prostate cancer. In collaboration with his colleagues, specimens of his tumor were used to develop an experimental vaccine for his cancer. Unfortunately, Dr. Fair never had the opportunity to use it.

In 1995, Dr. Fair was diagnosed with colon cancer. In 1997, the cancer returned and according to his own words, ''there was little chance of a cure.'' That's when he embarked on medical approaches outside the confines of conventional cancer treatments. He began a regime of exercise, meditation, herbal treatments and a change in diet. He noted that he felt better and the tumors did shrink, if only for a while. Dr. Fair embraced complementary medicine, which is standard therapy matched with unconventional treatment. This practice, as Dr. Fair used to point out, is different than alternative medicine. As a medical scientist, he tested his approaches and was adamant about holding unconventional therapies to the same high standard as conventional therapies. In 2001, Dr. Fair and his son helped found the complimentary medicine center called Health, which is located in New York City. Dr. Fair firmly believed that unconventional therapies extended his life and to quote him ''even if they can't cure, they can certainly help heal.'' In fact, his own surgeon was astonished as to how long Dr. Fair survived after his 1997 recurrence of cancer.

Dr. Fair was a Member of the White House Commission on Complementary and Alternative Medicine Policy. He received his doctor of medicine degree from Jefferson Medical College in Philadelphia and did his residency in urology at Stanford University. He is survived by his wife, Mary Ann, his son, his brother, Charles, of Norristown, PA, and his sister, Margaret Murtha, of Turnersville, NJ.

I strongly urge my Colleagues to take a closer look at the promise of Complementary Medicine in the treatment of disease, and the work that Dr. Fair brought to this area of discovery. Dr. Fair will be sorely missed.

## HONORING THE ACHIEVEMENTS OF MYERS PARSONS

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding contributions that my cousin, Myers Browning Parsons Sr., has made to the Rutherford County community.

Mr. Parsons grew up in Rutherford County, as did I, and has spent most of his life giving back to the community that has given so much to him and his family. Fortunately, I lived near Mr. Parsons, grew up with his children and considered him a second father. A graduate of Christiana High School, Mr. Parsons excelled in basketball and football while attending the University of Tennessee at Martin, where he received the university's Athletic Award.

The World War II veteran has been a teacher, farmer and business owner, prospering in all three vocations. He also has been actively involved in many of the community's civic boards and organizations. Mr. Parsons has served on the Rutherford County Board of Education, the Rutherford County Chamber of Commerce Board of Directors and the Christy-Houston Foundation Board of Directors. He has coached Little League baseball, as well, and is a member of the Kiwanis Club.

For the past 26 years, Mr. Parsons has served as a Rutherford County road commissioner. And he is the chairman of the Rutherford County Equalization Tax Board, representing my hometown of Murfreesboro. This past year he served as the chairman of the Building Committee of the Oaklands Historic House Museum. He is also a member of the University of Tennessee's Institute of Agriculture Development Board.

Constantly striving to help his fellow man, Mr. Parsons has never shirked civic responsibility, even while recovering from lung cancer and a serious heart attack, He now pays close attention to his health and emphasizes the importance of receiving good health care and participating in a quality physical fitness program. As a tribute to his amazing fortitude, the Rutherford County Chapter of the American Heart Association will honor Mr. Parsons on Saturday, February 9, during this year's Heart Ball. I congratulate Mr. Parsons for his unselfish and untiring service to his community and the motivation he has stirred in others.

## GIRL SCOUTS GOLD MEDAL RECIPIENT: DANIELLE RUSSO

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students: Danielle Russo. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girl Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Her leadership benefits our community and she serves as a role model for her peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Danielle, and bring the attention of Congress to this successful young woman on her day of recognition.

## ONE MAN STOOD ALONE AGAINST HATE

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. HILLIARD. Mr. Speaker, I rise today to honor the Honorable Judge and State Representative Charles Nice, Jr.

In the hate-filled atmosphere in the all-white Alabama State legislature after the decision in 1954 known as Brown vs. the Board of Education of Toledo, Kansas, which ruled illegal the segregated school systems of America, Charles Nice was a Democratic freshman Representative from Birmingham. A resolution was introduced which condemned the Supreme Court for the decision, and an amendment to the Alabama constitution was introduced to which would abolish the public school system in any county which was ''threatened'' with integration.

Charles Nice was the only member of the legislature to have the moral courage to vote against the resolution and the amendment. Had John Kennedy written a book about state government as he did about federal, he would have included Charles Nice in that ''Profiles of Courage.''

He was not reelected, of course. But he did not quit or ameliorate his morality. Unbending before the gales of hate, he continued his commitment to public service by accepting appointment to the Circuit Court in 1974.

Soon, Alabama reinstituted the death penalty, and Judge Nice presided over four capital cases in which the jury prescribed the death penalty. Again, Charles Nice withstood the storms of hate and vengeance and commuted the sentences to ''life in prison without parole.''

In a state in which it is common for a judge to give the death penalty to a convicted person whom the jury has recommended for life in prison, he was condemned and transferred to the Family Court of Alabama, where he could hear no capital cases. ''At last,'' the system thought, ''Charles Nice could do no good.''

However, in this court any juvenile 15 years or older charged with a serious crime could be transferred to adult court for trial as an adult and given the death penalty. Standing firmly on higher ground, Judge Nice refused to transfer juveniles to adult court. ''No youth,'' he said, ''should be given the death penalty.''

Smeared in the media, he was defeated for reelection in 1998, but remained victorious in principle. This good man continued to be active in the Alabama Democratic Party until his death at 82 on December 5, 2001.

Standing against hate, he planted his feet firmly on higher ground. Now he is pressing on the upward way, going to even higher ground. He will be missed, but never forgotten. His service is printed upon the social system of Alabama. We are not as good as he would have us be, but we are better for his having been by here.

May he be ever honored by those who serve this nation and its highest principles.

## LYNNE CHENEY SPEAKS AT PRINCETON UNIVERSITY ON ''TEACHING FOR FREEDOM''

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. WOLF. Mr. Speaker, I want to share with our colleagues a speech delivered late last year at Princeton University by Lynne V. Cheney, the wife of the Vice President of the United States, about the importance of knowing history and teaching it well. An expert on education, Mrs. Cheney is a senior fellow at the American Enterprise Institute and holds a doctorate degree from the University of Wisconsin.

''TEACHING FOR FREEDOM'', ADDRESS BY LYNNE V. CHENEY, JAMES MADISON PROGRAM, PRINCETON UNIVERSITY, NOVEMBER 29, 2001

It's a great pleasure to be here this afternoon as part of the James Madison Program in American Ideals and Institutions. Professor George, you deserve congratulations for the excellence of this program's efforts, and let me praise Princeton University as well. By giving this program a home, Princeton is setting an example of how people of differing viewpoints can, in a university setting, debate important issues with seriousness and civility.

For someone who loves American history, this part of New Jersey is a remarkable place to be, a place rich with stories of our country's past. Next month, on Christmas night, it will be two hundred twenty-five years since George Washington cross the Delaware, and in a surprise attack on the Hessian mercenaries manning the British post at Trenton, managed to kill dozens and capture more than nine hundred while sustaining not a single fatality on the American side.

The wonderful painting by Emanuel Leutze of Washington crossing the ice-choked Delaware hints, but barely, at the significance of this victory. The men in the boat with Washington are dressed in a motley assortment of clothes. One does not imagine that Washington has a highly trained and disciplined force. But the men in the boat do not look nearly as ragged and miserable as the historical record suggests Washington's troops were. The painter Charles Wilson Peale, observing Washington's army in early December, as they were retreating before the advancing British, had been struck with horror at the sight of the sick, exhausted, and half-naked men. One soldier approached Peale. He was a man who ''had lost all his clothes. He was in an old, dirty blanket jacket, his beard long, and his face so full of sores he could not clean it.'' Only when the soldier spoke, did Peale realize that it was his much-loved brother James.

These Americans, going up against superior numbers of British forces, who were better equipped and better trained, had, not surprisingly, spent most of the war thus far in retreat. And that is why Trenton mattered so much, because suddenly, in the depths of icy winter, there was a victory, and Washington was determined to build on it. He moved his troops back to Pennsylvania, waited until the commissary wagons could bring provisions, and then on December 30th, crossed the Delaware into New Jersey again and entrenched his troops near Trenton. Since the enlistments of most of his men expired at year's end, his first job was to persuade a significant number of them to stick with him, which he did with rousing speeches—and $50,000 raised by Philadelphia financier Robert Morris.

Some of Washington's men may have regretted the decision to stay on when, on January 2, 1777, General Cornwallis and 5000 well-trained, well-equipped men advanced on Trenton from Princeton. Washington's pickets had to fall back across a creek. With shot and shell flying overhead, scores of men had to make their way across a narrow stone bridge, and while there was no doubt fear, there was no panic. At the end of the bridge, Washington, on horseback, had taken up a position where his men could see him, firm, composed, resolute. One of his men forever remembered pressing ''against the shoulder of the General's horse'' and touching Washington's boot.

Cornwallis was convinced that he had Washington, whom he called ''the old fox,'' trapped, but Washington, leaving his campfires burning as a diversion, moved most of his men around the British left flank and headed for Princeton. The first encounter between an American brigade approaching Princeton and British troops leaving it to join their main force in Trenton did not go well for the Americans. Many were wounded and killed in a bayonet attack. The survivors fell back, bloody, dazed, confused, but Washington rallied them and after more troops arrived, led them himself toward the British. Displaying astonished bravery, he took his men to within thirty yards of the British lines and ordered them to fire. One staff officer was so sure Washington would be killed that he pulled his hat over his eyes to escape the sight, but when the smoke cleared, the General was unharmed. The staff officer wept in relief. Washington clasped his hand and then led the charge after the fleeing British.

As I'm sure everyone living near Princeton knows, this story has a pretty dramatic ending. The British took refuge in Nassau Hall, which the Americans then fired upon. The result was not only to persuade the British to surrender, but, legend has it, to decapitate, with a well-fired cannonball, a portrait of King George the Second.

Now, I tell this story in part because it is a wonderful story, and it is an important one as well. Demoralized as Washington and his countrymen were, news of these victories, James Thomas Flexner has written, ''traveled across America like a rainstorm across a parched land, lifting bowed heads everywhere.'' But I also tell this story because it

makes the point—as so many of the stories of our country's beginnings do—that this nation was not inevitable. The founders had the odds stacked very much against them. No one had ever thrown off a colonial power before. No one had ever established representative government over a vast expanse of land. The Americans were going up against the mightiest military force in the world, and so much of the success they did experience depended on individuals, particularly on Washington, whose legendary bravery—so inspiring to his men—might easily have gotten him killed.

During one battle in the French and Indian War, he had two horses shot out from under him, one bullet had gone through his hat and three ripped through his uniform. A few years later, in 1757, when two detachments of Virginians mistakenly began firing upon one another, he rode his horse between the firing troops and used his sword to knock the gun barrels skyward. Fourteen men were killed, but Washington was untouched. If it had turned out otherwise, who would have commanded our troops in the Revolutionary War? Who could have lent similar prestige to the Constitutional Convention? Who could have been trusted to be the first president—and to give up power at the proper time?

We are very lucky that things turned out as they did, and so is the world. Jefferson believed that the American Revolution would set the ball of liberty so well in motion that it would roll round the globe, and he was right. Inspired by what happened here, people in other parts of the world began to struggle for freedom and many of them succeeded. But freedom, as the study of our history shows, is not our inevitable heritage, nor is it humankind's. This realization should make our freedom all the more precious to us, all the more worth defending. Were we to lose it, liberty might not come our way again.

The concern I would like to bring before you tonight is that we haven't done a very good job of teaching our history. We haven't given young people the knowledge they need in order to appreciate how greatly fortunate we are to live in freedom or, indeed, to have much insight at all into the American past. A 1989 survey of college seniors showed that more than half did not understand the purpose of The Federalist papers. One out of four was unable to distinguish Karl Marx's words from the ideas of the United States Constitution. A 1999 survey of elite college seniors—that is seniors at schools like Princeton and Yale and Stanford—showed that only one out of five knew that the words ''government of the people, by the people, for the people'' came from the Gettysburg Address. Forty per cent did not know that the Constitution established the division of power between the states and the federal government. To the question of who was the American general in command at Yorktown, the most popular answer was Ulysses S. Grant.

Now one cannot attribute this lack of knowledge solely to a failure of colleges and universities. Indeed, the questions asked on these surveys are the kinds of things we should expect high school seniors to know. But surely a contributing factor to the lack of knowledge highlighted by the survey is that no one—not a single one—of the fifty-five elite colleges and universities whose students were polled required a course in American history.

I have been concerned about lack of historical knowledge for well over a decade, long enough so that I understand that the institutional reforms that would help remedy the problem are difficult to achieve. One important reason that American history is not required is because if it were, faculty members would have to teach it—and there is very little professional incentive for them to do so. Advancement in academia comes from publishing, and there is little market in academic journals for articles on subjects that are broadly conceived. What is wanted are specialized articles that are compatible with teaching specialized courses. In not wanting to take on general education, people in accordance are doing what people in every profession tend to do: avoiding activities for which there are few if any professional incentives.

Changing the reward system of higher education is likely to take a very long time—and that's the optimistic view. So, too, is it likely to take a long time for every state in the union to put in place history standards—and the tests to match them—that will ensure that youngsters in grade school, middle school, and high school gain essential knowledge of our nation's past. The fact that the improvement of historical education in our schools and colleges and universities won't happen overnight is no reason to quit the struggle. I certainly intend to keep working on it—and applauding the efforts of groups like the National Association of Scholars and the American Council of Trustees and Alumni that have spoken out forcefully in favor of well-rounded general education. But we should recognize that until long-term efforts succeed, American history will remain largely mysterious to many graduates of our finest institutions. They will continue to place Ulysses S. Grant at Yorktown—unless we come up with extracurricular ways to encourage them to know the men and women and events and ideas that have shaped this country.

I began thinking about this when I read there were teach-ins on our campuses, not very well attended events, according to what I've read—and little wonder. They fit an old paradigm when this country was involved in a war with which large numbers of Americans disagreed, in which many, rightly or wrongly, thought vital American interests were not at stake. None of that applies now. This is not a war in which we get to choose whether or not to fight. Thousands of Americans were killed on the very first day of conflict here at home. We don't have the luxury of not getting involved.

It's time for gatherings of a new kind, it seems to me, in which we remind ourselves of exactly what it is we are defending, in which we talk about exactly what it is we have at stake. Let us talk to one another about freedom, asking, perhaps as a start, why the founders—Jefferson and Madison, in particular—were so determined that government would have no role in determining how people worship. We might take the Virginia Statute for Religious Freedom for our text. Jefferson wrote it, Madison got it through the Virginia legislature. In this remarkable time in which we live, any of us can get it off the Internet and see that for Jefferson the issue was not just religious freedom, but intellectual freedom. ''Truth is great,'' he wrote, ''and will prevail if left to herself. She is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition (she is) disarmed of her natural weapons, free argument and debate. Let us engage in conversations in which we explore how the clash of ideas has benefitted this country and how the ability to follow a thought wherever it may lead has brought the flourishing of invention and business and art.

We might also meet to talk about valor and use as one of our resources the web site of the Congressional Medal of Honor Society. There are so many stories of heroism on it, so many stories of men throwing themselves on grenades or exposing themselves to enemy fire in order to save those near them. The honor roll of heroes is in the thousands now, but reading through it is a reminder of the enormous sacrifices that have been made for the sake of freedom. And listen to just some of the names: John Ortega, Joshua Chamberlain, Abraham Cohn, Daniel Inouye, Joseph Timothy O'Callahan, Joe Nishimoto, Mitchell Red Cloud, Jr., Riley Pitts, Roy Benavidez, Jack Jacobs, Gary Gordon, Randall Shughart. Our liberty has depended on the valor of Americans whose forebears came from every part of the world. Let us remember their bravery with awe and talk about the inspiration we should take from it, not just to be brave ourselves in the much smaller ways our lives are likely to demand, but also to recognize what they so heroically illustrated: that great deeds are not the province of any particular race, creed, or class. Let us talk about how our nation has grown better and stronger as this realization has become ever more central to our national life, and let us talk about the growing we still have to do.

I have been thinking of these gatherings as teach-ins for freedom, but they needn't take place just on campuses. Public libraries would be a good place for them—and so would homes. Indeed, in their private lives millions of Americans have shown their hunger to know more about our nation's history. They buy Stephen Ambrose's books. They watch TV series like the HBO production of Band of Brothers. Edmund Morris's Theodore Rex is unlikely to make it onto many college or university reading lists, but books of this kind and their older equivalents—I think of Daniel Boorstin's The Americans—can be entryways into our nation's past for young adults as well as their parents.

In the weeks since September 11, I've had some very well-credentialed, relatively recent college graduates confess to me how little they know about American history. ''Is there a 'History for Dummies' book?'' one asked, half-jokingly. There may well be, but my recommendation would be to start with some of the thoughtful, well-written books that have received wide acclaim. David McCullough's John Adams would be first on my list for the amazing job McCullough does of simultaneously conveying the significance of Adams' accomplishments and the warmth of his humanity.

As for the children, let us continue the efforts to improve history instruction in our schools, but while we work on that, let us also tell them the stories that might otherwise go untold. At our Thanksgiving table we talked to our grandchildren about the pilgrims and how hard it was to cross the ocean to an unfamiliar land and how the difficulty of their voyage was a measure of how much they wanted to worship God as they chose and have their children grow up in a way they thought was right. At our Christmas table, we will, to be sure, talk about the baby born in Bethlehem and the angels who sang and the shepherds and kings

who came to visit him. But we will also remember George Washington and how, on a dark December 25th he led his improbable army across an ice-choked river to give a people struggling for independence hope that they might one day be free.

Thank you very much, Professor George, for having me here this afternoon. James Madison told us, in words that I understand are now inscribed in Corwin Hall, that a well-instructed people alone can be permanently a free people. The gatherings you have here at Princeton under the auspices of the James Madison Program in American Ideals and Institutions contribute to our instruction—and to our freedom.

## HONORING THE RETIREMENT OF JOHN ''CHIP'' ROBERTS

### HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. TANCREDO. Mr. Speaker, I rise today to honor the retirement of John ''Chip'' Roberts, Director of the Colorado Division of State and Veterans Nursing Homes.

John ''Chip'' Roberts retired on January 15, 2002. He served older Americans for nearly twenty-two years. For the past eleven years, Chip worked for the Colorado Department of Human Services as Director of the Colorado Division of State and Veterans Nursing Homes. Previously, he worked in the private sector as both a nursing home administrator and a regional director. As Division Director of the Colorado State and Veterans Homes, Mr. Roberts oversaw the operations of five State nursing facilities totaling 582 beds. Four of the State homes provide skilled nursing care to military veterans and their spouses and widows. Under Mr. Roberts' leadership, the State homes program made numerous improvements in service delivery. Chip was always quick to credit the dedicated staff at each facility for the overall success of the program.

Since 1997, in response to legislation authorizing the construction of a new State veterans home at the former Fitzsimons Army Medical Center in Aurora, Colorado, Chip was deeply involved in the design and development of the new 180 bed facility. Throughout the project, Chip continually encouraged the need to be highly flexible in the design in order to allow for the future health care needs of the residents. In addition, to skilled nursing care, the Fitzsimons facility will offer dementia services and adult day care.

During his years of service to the State of Colorado, Chip's dedication to veterans and their families was readily apparent. He made frequent presentations to publicize the State and veterans homes programs and to inform various organizations of the services available. He has been steadfast in his commitment to ''serve those who have served.''

Chip and his wife of twenty-seven years, Judith, are looking forward to retirement with the shared desire to continue serving others, especially in their local church and the city of Arvada. The Roberts' have one daughter, Vanessa, a recent graduate from the University of Colorado at Boulder. Besides volunteer service, Chip is looking forward to enjoying the great Colorado outdoors: hiking, hunting, and fishing. I wish them Godspeed.

## IN COMMEMORATION OF INDIA'S REPUBLIC DAY

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. CROWLEY. Mr. Speaker, it is an honor for me to rise today in commemoration of India's Republic Day. As the adoption of our constitution and declaration of Independence in the 18th Century are among the most important days in the history of the United States, so too is January 26, 1950 in India. In the Central Hall of Parliament in New Delhi, India joined the community of democratic nations by adopting its Constitution that embodied many of the principles, including equality and secularism, put forth by our own founding fathers.

It gives me great pleasure to celebrate this event, as this is not simply a day for Indians, but for Indian-Americans as well. The streets of my district in Jackson Heights, New York will be filled tonight with thousands of my constituents honoring this important day.

The bond that India and the United States share is not simply rooted in the democratic foundations, but also in democratic practices. Allying the world's oldest democracy with the world's largest democracy is a natural fit. I believe that India's Prime Minister Atal Bihari Vajpayee said it best when he spoke of the adoption of India's Constitution: ''There is one great test for a Constitution, for any system of Governance. It must deliver and it must be durable. Our Constitution has stood this test. And one reason it has been able to do so is that it embodies a mastery balance: between the rights of the individual and the requirements of collective life; between the States and the Union; between providing a robust structure and flexibility. Our Constitution has served the needs of both India's diversity and her innate unity. It has strengthened India's democratic traditions.''

The shared history and common conception for the future of our relationship has allowed our nations to cooperate in times of prosperity and assist each other in times of tragedy. This year's Republic Day is bitter-sweet as it also commemorates the one-year anniversary of the devastating earthquake that struck India on January 26, 2001. The earthquake, centered in India's state of Gujarat and measuring 7.9 on the Richter scale, killed more than 20,000 people. During those difficult times, we were there for India both in spirit and in practice. Shortly after the earthquake, the United States Congress adopted a Resolution expressing condolences for the victims and support for providing assistance. I am proud to report that Congress also responded to my efforts in increasing the funding for the Office of Foreign Disaster Assistance, specifically targeting the efforts in India.

Just as we came to the aid of India, they were among the first to condemn the attacks on the United States on September 11, 2001. Since that horrific day, high-level contacts between the U.S. and India have increased, reflecting the close cooperation between the world's two largest democracies in the struggle against international terrorism. Unfortunately, the scrouge of terrorism is another characteristic that our countries now have in common.

The December 13, 2001 attack on India's Parliament hit very close to home. As nine police officers and a Parliament worker were killed we were forced, once again, to redefine the scope and definition of the war on terrorism. This attack sought to destroy the heart of India's democracy, but will fail in that endeavor.

The common interests of the United States and India transcend the boundaries of the international war on terrorism. There has been ever-increasing cooperation in dealing with the proliferation of nuclear weapons and their means of delivery, preserving stability and growth in the global economy, protecting the environment, combating infectious diseases and expanding trade.

As a member of the Indian Caucus with a growing Indian constituency, my interest in the region has grown exponentially during my time in Congress. I have to say, however, that nothing was more eye-opening than my visit to India a few weeks ago. To get a true sense of the interests of the people and the government on the ground was invaluable, and will surely help me represent the views of my constituents more completely in the future.

With that, I wish to salute India for fifty-one years of work in pursuit of preserving democracy. It is my honor to join you as you continue that journey into the new millennium.

## KAHLI RIES: A YOUNG PATRIOT FOR A BETTER FUTURE

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Kahli Ries of Mayville, Michigan, upon the occasion of her winning the 2001–02 statewide Voice of Democracy Program speech-writing contest sponsored by the Department of Michigan Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

At a time when our country is engaged in a war against terrorists who threaten our American way of life, it is especially gratifying to honor Kahlia for displaying in the words she has written a brand of patriotism to which all citizens should aspire. In her award-winning essay, Kahli expresses the hopes and dreams of our nation's younger generation and she calls on her peers to take the responsibility to shape a better future. Her simple yet powerful words are reassuring to those of us in older generations that the future is in good hands.

Kahli, a ninth-grade student at Mayville High School, stands as a shining example of why America has time and again come together in times of crisis and risen to even the most difficult challenges. In her speech, Kahli has reached back in our history to capture the same sense of freedom and responsibility that our forefathers and many patriots since our founding have relied upon to build a better future for their descendants and others who followed.

Let me share an excerpt of her assay: ''I hope America will be a place where not only we will be physically safe and morally safe, but our freedoms will be preserved as well. I see a place where people won't be afraid to walk down the streets or open their mail. I believe in our country and our dedication to our

rights and values. And I believe that we, as a people, will never give those up.''

Kahli's parents, Dave and Tammy, must swell with pride to have such a talented daughter exhibit her deep and sincere love of her country in a public forum. While it is certainly heartwarming to see that displays of patriotism have become more common since September 11, we should all join Kahli in hoping that ''this feeling of patriotism that has been reborn in this country will last and stay in our hearts forever.''

Finally, Mr. Speaker, I am proud that young people such as Kahli Ries and her family reside in the Fifth Congressional District of Michigan. The recognition that Kahli has received from the Veterans of Foreign Wars Post 10884 and its Ladies Auxiliary of Mayville and from the Department of Michigan Veterans of Foreign Wars of the United States is indeed a fine honor for this outstanding young woman. I ask my colleagues to join me in congratulating Kahli Ries and in wishing her continued success in spreading her patriotic message to our fellow citizens.

## EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING BENEFITS OF MENTORING

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 2002*

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of this resolution calling for the establishment of National Mentoring Month.

I am honored to serve as a member of the Board of Directors of Big Brothers Big Sisters of America, the oldest and largest mentoring organization in the United States. Big Brothers Big Sisters will celebrate its 100th anniversary in 2004. During the past century, Big Brothers Big Sisters has provided the foundation for the mentoring movement. Today, Big Brothers Big Sisters reaches over 210,000 children in over 500 locations in the United States, with the goal of reaching one million children by 2010.

Mentoring is dependent on highly committed volunteers. Volunteers in the Big Brothers Big Sisters program and in other high-quality mentoring programs across the United States devote many hours each week and become role models for children. As the resolution points out, research has proven the tremendous contribution that these volunteers make in the overall positive development of the children with whom they are matched.

Mentoring changes lives, but it is not an easy service to provide. I think it is so important that Congress acknowledge the tremendous contribution being made by today's volunteer mentors, and challenge everyone to make a difference in the lives of America's children.

## GIRL SCOUTS GOLD MEDAL RECIPIENT: RACHEL SINK

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students: Rachel Sink. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girls Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Rachel, and bring the attention of Congress to this successful young woman on her day of recognition.

## RECOGNIZING STUDENTS AT THE ANTIOCH UPPER GRADE SCHOOL IN ILLINOIS' 8TH DISTRICT

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. CRANE. Mr. Speaker, I rise today to recognize students at the Antioch Upper Grade School in Illinois' 8th District. Today, as our brave men and women in uniform are deployed throughout the world to protect and defend the freedoms we all hold so dear, we are more aware than ever before of the cost of the freedom.

The students at Antioch Upper Grade School have also been reflecting on the cost of freedom. Samantha Wise, the 8th grade social studies teacher at Antioch Upper Grade School, had each of her students write an essay entitled ''Is Freedom Really Free?'' Ms. Wise submitted the essays in the local VFW essay contest, and three students won. Joe Barlow won first price representing the Village of Antioch, and third place in the 5th District for the VFW. Justin Kaminsky and Anthony Baschetti, were also runners-up for the Village of Antioch.

All of the students and their teacher should be commended for their work. It makes me proud to see schools like the Antioch Upper Grade School showing their patriotism.

## THE VETERANS HEALTH CARE ITEMS PROCUREMENT REFORM AND IMPROVEMENT ACT OF 2002

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. EVANS. Mr. Speaker, the procurement of medical and surgical items is a major expenditure for the Department of Veterans Affairs. During fiscal year 2001, for example, VA reported spending more than $1.3 billion for medical and surgical supplies and equipment. The procurement of medical and surgical supplies and equipment by VA is also an activity in need of significant reform and improvement. To achieve these reforms, I am today introducing ''Veterans Health Care Items Procurement Reform Improvement Act of 2002.'' I urge my colleagues to support and promptly enact this important legislation.

A major provision of the ''Veterans Health Care Items Procurement Reform and Improvement Act of 2002'' directs the Department of Veterans Affairs, when procuring medical/surgical supplies and equipment, to buy these items from the Federal Supply Schedule (FSS) or from national contracts negotiated by VA. By requiring most VA health medical/surgical supplies and equipment to be purchased from the FSS or national contracts, VA can better leverage the tremendous purchasing power of its annual budget in excess of $1 billion for medical/surgical supplies and equipment. When enacted, this legislation is expected to reduce VA procurement costs by tens of millions of dollars annually.

This legislation also provides for certain limited exceptions to the centralized procurement requirement. For example, it allows emergency purchases of medical/surgical supplies and equipment from other than FSS or national contracts and permits purchases of needed items not listed on the FSS. Other limited exceptions should facilitate greater financial savings from—and greater use of—important initiatives such as VA/DOD sharing and small business procurement.

In a May 15, 2001 assessment entitled, ''Evaluation of the Department of Veterans Affairs Purchasing Practices'', the VA Office of Inspector General (OIG) reported, ''The Department of Veterans Affairs is not leveraging its buying power to obtain the best prices for items purchased.'' Among the recommendations of the OIG were, ''VA facilities be required to purchase items that are on national contracts, such as FSS, and that the FSS and other national contracts be mandatory sources of medical/surgical supplies and equipment'' and local procurement contracts be specifically prohibited with very limited exceptions.

This measure will provide strong encouragement to vendors who wish to do business with VA to list their health-care items on part 65 and 66 of the Federal Supply Classification as appropriate or as part of a National contract. This legislation will eliminate existing inefficiencies from the current acquisition system that allows for multiple, locally-negotiated contracts with national vendors and distributors. Despite the enormous volume of health care items procured by VA, these local contracts often do not provide VA purchasers with the best price offered by vendors to other buyers.

In addition, this bill strengthens the contractual management and oversight tools of the Department of Veterans Affairs, It makes pre- and post-award contract audit clauses mandatory for almost all types of procurement contracts for health-care items. This will enable procurement officers, supervisors, the VA Office of the Inspector General, and the GAO to review the true value and cost of an item and assure compliance with contract provisions. In fiscal year 1997 when audit clauses were more common, audits accounted for the recovery of over $35 million dollars—last year with audit clauses less common the total recovery was less than $12 million dollars.

Other important provisions of this legislation will require most VA procurement contracts to include a price reduction clause. With the inclusion of a price reduction clause, when a vendor offers a health-care item at a lower price to another buyer in a commercial contract, VA will benefit from the purchase price reduction and receive the new lower purchase price for a health-care item it has previously agreed to purchase from the vendor.

Mr. Speaker, I encourage my colleagues to support ''The Veterans Health-Care Items Procurement Reform and Improvement Act of 2002,'' and seek its quick approval by Congress on behalf of our nation's veterans and taxpayers.

## GIRL SCOUT GOLD MEDAL RECIPIENT: AYLSSA WESCOTT

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students: Alyssa Wescott. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girls Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Alyssa, and bring the attention of Congress to this successful young woman on her day of recognition.

## SIGNIFICANCE OF THE DECLARATION OF INDEPENDENCE

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. HYDE. Mr. Speaker, last year marked the 225th Anniversary of the Declaration of Independence, arguably one of the most important documents ever written. The National Lawyers Association Foundation has honored this anniversary by producing educational materials for elementary school students, a project that I believe is worthy of recognition. I therefore submit the following for your review:

EDUCATING THE PUBLIC ON THE LEGAL AND HISTORICAL SIGNIFICANCE OF THE DECLARATION OF INDEPENDENCE

In 2001, our nation celebrated its 225th anniversary of the Declaration of Independence. By signing this document the Founding Fathers pledged their lives, fortunes and sacred honor to the causes set forth in the Declaration of Independence.

In order to help American children appreciate and understand the significance of the Declaration of Independence, the National Lawyers Association Foundation, a not-for-profit group has developed an educational program for third, fourth, and fifth graders. This program consists of an entertaining 6-minute video that helps them understand the clear, ringing language in the Declaration. The video introduces students to the concept of the self-evident truths, that all persons ''. . . are created equal, and that they are endowed by their Creator with certain unalienable Rights, that among these are life, liberty and the pursuit of Happiness—that to secure these rights, Governments are instituted among Men, deriving their just powers from consent of the governed.''

The video helps teachers explain why the Declaration of Independence was written to explain why we sought our freedom from England, that unalienable rights are rights that cannot be taken away from us; and that self-evident truths are principles that will always be true; for example, that all people are created equal.

A lesson plan accompanies that video and encourages the students to think about a situation that they feel is unfair and write their own Declaration of Independence to understand concepts regarding what rights they feel entitled to, why they feel they deserve these rights, and compare them to what the feelings of our Forefathers must have been whey they wrote the Declaration of Independence. Students are also encouraged to display knowledge of when the Declaration of Independence was signed.

The National Lawyers Association Foundation is making the video, lesson plan, as well as replicas of copies of the Declaration of Independence requested by elementary school teachers in school classes, public and private, available at no charge, as long as funds are available. The video and lesson plan is also available to any interested individuals or organizations such as home schoolers, lawyers, bar associations and public service groups who desire to use the video and lesson plan for a nominal fee. Replicas of the Declaration of Independence are also available to the public for a nominal fee as long as funds are available.

The National Lawyers Association Foundation also plans to continue the project to make videos and books regarding the Declaration of Independence available to students in the upper grades, as well as making available to all citizens, copies of the Declaration of Independence and the Constitution. The National Lawyers Association Foundation has been told over 65,000 students across America have benefited from the materials provided by their volunteer efforts. The National Lawyers Association Foundation serves a need of the American public and the world to appreciate how the Founding Fathers of this nation created and established that there are no classes of people in America and all people are endowed with the same unalienable rights by their Creator.

The language in the Declaration of Independence has been quoted and spoken about by may of our American presidents and also needs to be in the hearts and in the vocabulary of our American citizens. The National Lawyers Association Foundation is working to make the words of the Declaration of Independence valued by all Americans and help serve the need for the principles of the Declaration of Independence to be spoken and honored, not only to America, but to the world at large.

## URGING THE GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS LEADING UP TO THE MARCH 31, 2002, PARLIAMENTARY ELECTIONS

### HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. HOEFFEL. Mr. Speaker, I rise today in strong support of this resolution, which urges the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

I would first like to thank my colleague, Louise Slaughter, for her hard work in initializing the development of this important resolution. I am appreciative of her leadership on issues relating to Ukraine, and I am pleased to have worked so closely with her in crafting this legislation. I would also like to thank my House International Relations Committee colleagues, Elton Gallegly and Chris Smith, for their contributions to this resolution, and to acknowledge their commitment to a meaningful democratization process in Ukraine.

The importance of Ukraine's March 31, 2002 parliamentary elections—the third parliamentary elections since gaining independence over ten years ago—should not be underestimated.

Since the collapse of the Soviet Union in 1991, Ukraine has worked to achieve a more western, democratic approach in its governance, and the upcoming elections mark an historical crossroads for a country undergoing dramatic democratic transformation. Significant challenges remain—restrictions on basic democratic freedoms are alarming; its nuclear plants are in need of clean-up; the media suffers from blatant harassment and government corruption runs rampant.

Ukraine has also come a long way in just a decade. Its economy grew more than six percent last year. It not only voluntarily gave up the third-largest nuclear arsenal in the world, but has also consistently, with the U.S. assistance, sought to eliminate its stockpile of strategic missiles. Basic political reforms have begun in earnest.

The resolution we have introduced today acknowledges the democratic reforms that Ukraine has achieved, but it also sheds light on the vast improvements Ukraine must make in order to become a full-fledged democracy. The resolution encourages the Government of Ukraine to implement basic tools in order to ensure free and fair elections including a transparency of election procedures, access for international election observers, multiparty representation on election commissions and equal access to the media for all election candidates.

Now more than ever, as Ukraine strives to realize a more robust democracy, it needs the encouragement of the United States as well as its scrutiny. I urge my colleagues to join me in supporting this important resolution when it comes before them on the House floor.

## ''CELEBRATING THE 75TH ANNIVERSARY OF FURNACE CREEK INN''

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. LEWIS of California. Mr. Speaker, I rise today to celebrate the 75th anniversary of the Furnace Creek Inn, which has provided an oasis of hospitality in the midst of one of the most inhospitable places in the world: Death Valley National Park. The inn, which among other amenities has the first golf course in the California desert, is marking its 75th year in February.

The harsh beauty of Death Valley has been recognized since 1933 when it was designated a National Monument. Within its boundaries are America's lowest point—280 feet below sea level at Badwater—and mountains that rise more than 11,000 feet. While prospectors found gold and silver nearby, the real treasure of the area was borax, which is still mined in the Mojave Desert today for uses ranging from detergents to oven-to-table glass to termite protection for lumber.

Many Americans are familiar with the 20-mule teams that hauled the precious mineral 165 miles to the nearest rail line for the Harmony Borax Works, built by W.T. Coleman in 1882. The works were moved in 1889 to Daggett, but borax mining was resumed in Death Valley in the 1920s by the Pacific Coast Borax Company.

Noting the success of Palm Springs Desert Inn as a resort, Pacific Coast Borax decided to enter the tourism business, and the Furnace Creek Inn opened on February 1, 1927. Los Angeles architect Albert C. Martin designed the mission-style structure set into the low ridge overlooking Furnace Creek Wash. Adobe bricks were hand made by Paiute and Shoshone laborers. A Spanish stonemason named Steve Esteves created the Moorish-influenced stonework, while meandering gardens and Deglet Noor palm trees were planted. The inn had 66 rooms by the time it was completed in 1935, along with a spring-fed swimming pool that has views of the surrounding mountains and valley.

Tourism to Death Valley at the time surged in 1933 with the designation as a national monument. This meant that new, paved roads to and throughout the monument would be constructed, thus heralding automobile and tourist access to the site. In 1994 the area was designated a National Park, making it the largest park in the continental United States.

Mr. Speaker, thousands of guests have experienced the stark grandeur of Death Valley in elegance at the Furnace Creek Inn. The current owner, Amfac Parks and Resorts, Inc., has completely refurbished the Inn and its amenities, preserving this unique hotel for future generations. Please join me in commending them and congratulating them on this historic occasion.

## GIRL SCOUT GOLD MEDAL RECIPIENT: KRISTEN VEECK

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students: Kristen Veeck. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girl Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Kristen, and bring the attention of Congress to this successful young woman on her day of recognition.

## ELIMINATE VICTIMS FUND COLLATERAL COMPENSATION REQUIREMENT

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. GILMAN. Mr. Speaker, today I am introducing a bill to revise the victim's compensation fund to eliminate the offset clause which unnecessarily penalizes those men and women who prepared for their future through pension funds, life insurance policies, and other related investments. I believe that such a clause is not in accordance with the spirit of the original legislation which seeks to compensate every victim's family in an impartial manner.

On Thursday January 17th, I joined many of my constituents at the family rally in New York City to call on special master Feinberg to amend the final interim rule under which the fund is currently operating. At the rally, I was pleased to announce that Mr. Feinberg has indicated that he will be accepting comments on the fund for the next several weeks until the final rule is promulgated. However, I now believe that we cannot leave such an important decision to chance.

Accordingly, this legislation will ensure that the victims' families are fairly and individually compensated from this Federal victim's compensation fund without prejudice to any existing collateral payments. It is imperative for the Congress to rectify this matter at this time.

## PERSONAL EXPLANATION

### HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. FLETCHER. Mr. Speaker, I was unable to be present for rollcall vote No. 4 on January 24, 2002. Had I been present for rollcall vote No. 4, I would have voted ''Yea,'' in favor of passage of S. 1762, the Higher Education Act Amendments.

## CHILDREN'S DENTAL HEALTH IMPROVEMENT ACT OF 2002

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. MURTHA. Mr. Speaker, dental care is the most frequently cited unmet health need of children. In fact, unmet children's dental care need, is three times greater than the unmet need for children's medical care, four times greater than the unmet need for prescription drugs, and five times greater than the unmet need for children's vision care. Dental decay is the most prevalent chronic disease of childhood.

To help in eradicating this hidden epidemic, Congresswomen LOWEY, ROYBAL-ALLARD, MORELLA and Congressmen UPTON, NORWOOD, STARK, DOYLE, MORAN, ANDREWS and I are introducing the ''Children's Dental Health Improvement Act of 2002''. With its enactment, this legislation will improve the access and delivery of dental care to low-income children across the country.

In September 2000, the U.S. Surgeon General reported in ''Oral Health in America: A Report of the Surgeon General'' that 14 percent of children in America were without health insurance coverage and that more than twice that number, 23 million children, were without any level of dental care. Pediatric health care providers and children's hospitals across America see the results of this lack of care every day, as they care for children with serious dental problems that could have easily been avoided had they had access to preventative and routine dental care.

The need to improve the oral health of America's children is well documented. According to the National Health and Nutrition Interview Survey, poor children age 2–9 have twice the levels of untreated decayed teeth as nonpoor children. According the U.S. Surgeon General, ''there are at least 2.6 children without dental insurance for each child without medical insurance.'' Progressive tooth decay causes children to suffer pain and infection, dysfunctions in eating and speech, distraction and irritable behavior and creates attendant learning dysfunctions and limitations. According to the National Institute of Dental and Craniofacial Research reports, 80 percent of tooth decay is isolated in only 25 percent of the children, with the most untreated disease occurring in low-income children. In addition, the social impact of oral disease in children is

substantial. More than 51 million school hours are lost each year to dental-related illness in children.

The ''Children's Dental Health Improvement Act of 2002'', will provide states the flexibility to utilize the Children's Health Insurance Program (CHIP) to provide dental coverage to low-income children (below 200% of poverty) including children who may have limited medical coverage that does not include dental services. The legislation will improve the dental health of uninsured and underinsured low-income children by allowing states the flexibility to utilize CHIP to provide funding for dental coverage to low-income children; providing $40 million to community health centers and public health departments to expand dental health services through the hiring of additional dental-health professionals.

While several factors influence access for low-income groups to dental care, the primary one being limited dentist participation in Medicaid. The primary factor here is in, large part, due to poor reimbursement rates in Medicaid. The legislation seeks to improve dental care access under Medicaid and the Indian Health Service (IHS) by providing $50 million as financial incentives and planning grants to states to improve their Medicaid program in terms of adequate payment rates, access to care and improved service delivery; again, providing $40 million to community and IHS health centers and public health departments to expand dental health services through the hiring of additional dental health professionals.

Despite Medicaid and CHIP, dental care is the least utilized core pediatric health service for low-income children. The Department of Health and Human Services (HHS) Oral Health Initiative (OHI) effort to coordinate dental health service within CMS lacks statutory authority necessary to enforce oral health initiatives. The legislation seeks to remedy this by providing statutory authority for the OHI and authorizes $25 million to improve the oral health of low-income populations.

In addition, the bill contains the following technical provisions:

The bill streamlines the process for the designation of dental health professional shortage areas;

Ensures that entities eligible for funding include both ''school-linked'' as well as school-based organizations, clarifies that an eligible entitle can be public or non-profit health organization or tribal organization;

Creating authority for HHS to establish demonstration projects to increase access to dental services for children in underserved areas.

This legislation has the endorsement and is fully supported by over 40 national health organizations including, National Association of Children's Hospitals, American Academy of Pediatrics, March of dimes, American Dental Association and Family Voices.

There can be no substitute for providing for our children's health. The ''Children's Dental Health Improvement Act of 2002'' will go a long way to filling a large gap that exists in our current health programs for children. Clearly, more effort and support is needed. Therefore, I believe that Congress must act now. I ask that all Members of the House and Senate join in to support and vote for passage of the ''Children's Dental Health Improvement Act of 2002''.

## GIRL SCOUT GOLD MEDAL RECIPIENT: DEBORAH VISCO

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students: Deborah Visco. In February, the young women of her troop will honor her by bestowing upon her the Girl Scouts Gold Medal.

Since the beginning of this century, the Girls Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipient of this award, as her activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Deborah, and bring the attention of Congress to this successful young woman on her day of recognition.

## PAYING TRIBUTE TO BILL McCLUSKEY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I pay tribute today to Pueblo Police Department Sgt. Bill McCluskey, who recently lost his life to cancer. In his 38 years of dedication to the police force, Bill embodied the ideals of integrity, honesty and courage that we, as Americans, have come to expect from the brave men and women who serve as our law enforcement officers. As his family mourns his loss, I believe it is appropriate to remember Bill and pay tribute to him for his contributions to his city, his state and his country.

Bill McCluskey was not an ordinary police officer. In 1999, he was recognized as the Pueblo Police Department's officer of the year, and during his tenure in the department, he received over 100 letters of commendation. In 1989, he was promoted to sergeant, and through his tireless work ethic and impeccable reputation for honesty and integrity, Bill emerged as the department's patriarch and role model.

It was Bill's dedication and love for his job, his family and his community that distinguished him from, and endeared him to all who knew Bill. He is survived by his wife Sharon, and his two sons Michael and Jonathan. Not only will he be missed by his immediate family, but also by the many brave men and women who served with him in the Pueblo Police Department. He is, without question, one of this country's true heroes. He was a man that served his community with a passion, and helped to make it a much better and safer place. The Pueblo community and I are eternally grateful for his service.

Mr. Speaker, we are all terribly saddened by the loss of Bill McCluskey, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, selflessness and love that Bill left with all of us. His life is the very embodiment of all that makes this country great, and I am deeply honored to be able to bring his life to the attention of this body of Congress.

## INTRODUCTION OF THE SECURITIES FRAUD PREVENTION ACT OF 2002

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. CONYERS. Mr. Speaker, today I am introducing of the ''Securities Fraud Prevention Act of 2002,'' legislation designed to crack down on securities fraud. I am joined by Minority Leader GEPHARDT along with Representatives WATT, JACKSON-LEE, WATERS, MARKEY and SANDERS.

The last several months have revealed widespread securities fraud at the very highest level of Enron and its advisers. Every day brings a new revelation of the dissemination of misinformation, shredding, obstruction of justice, and insider trading. As more and more companies filer bankruptcy, I am concerned that we may well learn of additional instances of fraud across corporate America.

One step we can take to respond to this outbreak is to empower harmed American investors to obtain justice in these cases. Unfortunately, one of the very first items enacted by the Majority in 1995 as part of the ''Contract with American'' was legislation making it more difficult for ordinary Americans to bring Racketeer Influenced and Corrupt Organizations (RICO) actions involving securities fraud. This legal loophole for securities fraud was enacted over President Clinton's veto as part of the Private Securities Litigation Reform Act (PSLRA) of 1995.

The PSLRA ended the use of the private civil RICO statue as a means of seeking treble damages and attorneys fees in securities fraud cases, unless preceded by a criminal conviction. In essence, the Congress wrote a special exemption preventing securities fraud cases from being brought under RICO.

In the wake of the Enron debacle, I believe the time is now ripe to protect American investors once again. The Enron cases has established beyond a shadow of a doubt that white collar fraud can be incredibly damaging, in many cases wiping away life savings and costing innocent Americans billions of dollars of their hard earned money. There can be no conceivable justification for shielding corporate wrongdoers from RICO actions in this context. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

## IN HONOR OF REVEREND STANLEY SPREWER

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. BONIOR. Mr. Speaker, as the family and friends of Reverend Stanley Sprewer gathered together at memorial services on January 10, 2002, they celebrated the life of a pastor who touched the lives of so many. A ''faithful shepherd of God's flock'', Rev. Sprewer's love for God, his church, and his family will continue to be remembered and cherished, after his passing from this earth on January 6, 2002.

Born in Wauwatso, Wisconsin to James and Marie Sprewer, Rev. Sprewer was the eighth child of ten in his family. After accepting Christ at a young age, Rev. Sprewer's ambition led him to graduate from North Division High School and enlist in the United States Marine Corps. Following his exceptional service during the Vietnam War, Stanley Sprewer's leadership and thirst for life helped him realize his true calling, and after building a beautiful family of his own, he answered the call to ministry.

Beginning his ministry as an exhorter at Bethel C.M.E. Church Milwaukee, he became licensed as a local preacher and then ordained to elder under the late Bishop Chester K. Kirkendoll. After graduating from St. Martin's Seminary in Milwaukee and earning a Master of Theology degree from Bethany Bible College and Seminary in Dothan, Alabama, Rev. Sprewer began his pastoral journey at Allen Temple C.M.E. Church in Milwaukee, where his ministry flourished as he led an outstanding community-based nutrition program and led a successful church renovation and restoration project. His journey then brought him to Michigan, where he pastored first at the Dozier Memorial C.M.E. Church in Flint and then to Detroit, where he served as pastor of Allen Temple C.M.E. Church, a church in an economically deprived area where he resumed a nutrition and clothing outreach program as well as a nursing home ministry at the Hillcrest Nursing Home. Rev. Sprewer's final stop brought him to Turner Chapel C.M.E. Church in Mount Clemens, where his leadership and dedication brought a community together as the church grew both spiritually and numerically, and where his legacy of love and service will continue to live on.

Rev. Sprewer has always given on hundred percent in every aspect of his life, his work, his community, his family and his friends. Those who had the pleasure of knowing him and the benefit of working with him will surely continue to remember him as a dedicated, faithful pastor and friend to all. He will truly be missed. I invite my colleagues to please join me in paying tribute to Rev. Sprewer, and saluting him for his exemplary years of care and service.

## PAYING TRIBUTE TO TOMASA BARGAS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor a woman whose passion for life and whose incredible human spirit is an inspiration to us all. Tomasa Bargas, a Pueblo, Colorado resident of over seventy years, recently passed an impressive milestone, celebrating her one-hundredth birthday with four generations of her friends and family.

Tomasa was born December 29, 1901 in Irapuato, Guanajuato, Mexico. She came to the United States at the age of sixteen, settling in Trinidad, Colorado with her husband Joaquin, and later moving to Pueblo, where she still resides today. Incredibly, Tomasa is the matriarch of a family that includes 11 children, 34 grandchildren, 74 great-grandchildren and 37 great-great-grandchildren. It is an impressive lineage of which she is extremely proud, and which, more importantly, is extremely proud of her.

Battling overwhelming odds, Tomasa managed to reach this impressive milestone while battling Alzheimer's disease, a condition that has conquered neither her mind, nor her spirit. Her memories are still very much alive, and her family and friends are all fortunate to be able to share in a life as rich and varied as hers. The remarkable longevity of Tomasa's life is a testament to both her will to survive and her unparalleled passion for life.

Mr. Speaker, it is with great pleasure that I bring to the attention of this body of Congress, the life and spirit of such an incredible woman. Through overwhelming odds, she has managed not only to endure, but to brighten and invigorate the lives of those around her. She is truly an inspiration to all of us, and I, along with the many people whose lives she has touched, am honored to recognize her tremendous accomplishment in reaching her one-hundredth birthday, and more importantly, her passion for life and indomitable human spirit.

## JOB CREATION AND ECONOMIC SECURITY ACT

### HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. THUNE. Mr. Speaker, while it appears that our economy has begun to pull out of its recent doldrums, people in South Dakota and across our Nation continue to need help.

I have been arguing for months that the best way to address many of the problems facing our nation is to first get our economy back on track. I strongly believe one of the ways to accomplish this goal is to pass an economic security bill.

That's why, Mr. Speaker, today I have introduced the Jobs Creation and Economic Security Act. This legislation is needed to get the economy moving and put people back to work.

Some have argued that our economy doesn't need help or even that putting dollars back into the pockets of American taxpayers actually sent the economy into recession in the first place. Nothing could be further from the truth.

That's an economics I don't understand and frankly one that every expert I've talked to flatly contradicts. They will tell you that getting the money out of Washington and back in the hands of Americans is the best way to create jobs, instill consumer confidence and get the economy moving.

The provisions of my bill include a tax rebate for those who didn't get a rebate last year, reducing the 27.5 percent rate to 25 percent immediately, providing for accelerated depreciation for businesses, including farmers, providing unemployment and health care benefits and providing needed tax relief for farmers.

Passing this legislation will be a great first step in getting our economy moving. However, I believe we can also do more. Congress needs to pass a farm bill as soon as possible so farmers will know what programs to expect when they begin planting. The House has already passed legislation to improve and maintain the necessary farm programs, while adding a counter-cyclinal safety net to help producers when times are tough. It has a strong and balanced conservation title that provides incentives for both idling environmentally sensitive land and for performing conservation practices on working lands.

In addition, it supports value-added agriculture to help producers add value to their raw commodities. Producers will receive more of the value of what they grow, not merely settling for the prices that they are given at market.

Congress should also enact the President's energy bill. Again, the House has already passed a comprehensive national energy policy, because we've become too dependent on foreign oil. The House bill takes a balanced approach toward finding new resources here at home and developing new ideas for the future. It also works to improve conservation today while developing renewable energy sources for tomorrow.

By acting now on each of these measures Congress can put our economy and our nation on the path toward prosperity. Our constituents demand it and deserve nothing less.

## THIRTIETH ANNIVERSARY OF THE BANK OF GUAM

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. UNDERWOOD. Mr. Speaker, in Chamorro, we refer to the Bank of Guam as Bangkon Ifit (the Bank of Ifil). Ifil is the hardest wood that can be found on Guam. The Bank of Guam has become synonymous with the strength and durability that the ifil tree represents. More importantly, both the Bank of Guam and the ifil tree represent the soil and soul of Guam.

Responsibility, service and commitment are words that aptly describe the Bank of Guam with regard to our island and the Western Pacific. Chartered for operation on March 13, 1972, the Bank of Guam was a life-long dream of Mr. Jesus S. Leon Guerrero, the institution's founder and Chairman of its Board of Directors.

With an abiding concern for the people of Guam, Mr. Leon Guerrero was determined to establish a responsive, full service banking institution to meet the unique and specialized needs of island residents. Not only did he perceive this type of institution to be sorely lacking on Guam; as a pioneering businessman, he was also driven by a desire to serve his community by utilizing his considerable business acumen.

December 11, 1972, was opening day for the Bank of Guam and its thirteen original staff members. From its humble beginnings in the Santa Cruz area of Hagåtña through its expansion with branches in Saipan, Rota, Tinian, Chuuk, Pohnpei, Majuro, Kwajalein, Palau and San Francisco, the Bank of Guam has progressed at a truly impressive pace. The Bank's services range from full service banking, ATM machines, investment opportunities and even home banking. Currently managed by a cadre of business professionals following in the footsteps of their founder, the bank is fulfilling its promises to the people of Guam and to the people of Micronesia as a responsible banking institution.

In conjunction with the hallmarks of responsibility and service, the Bank of Guam is also known for its sincere commitment to the community as a whole. This commitment has made its successful operation possible during these past thirty years. With competent staff members and an experienced Board of Directors, the Bank of Guam is leading the banking community of the region into the 21st century.

Although this is a brief overview of the Bank of Guam's numerous accomplishments, one can understand the overwhelming positive impact this institution has had, and will continue to have, on the people of Guam and Micronesia. For thirty years, the Bank of Guam has served our island communities. I am sure that it will continue to provide excellent services. In the words of Jesus S. Leon Guerrero, ''There are two fundamental reasons why I wanted to take the risk in starting the Bank of Guam. Number one, provide service to the community that was not available, and then, two, back up that service with a commitment to take care of our people.'' The Bank of Guam had proven on innumerable times it's commitment to this philosophy.

I offer my congratulations to the Bank of Guam for thirty years of dedicated service to the community. The legacy that Jesus S. Leon Guerrero has created will continue to be strong, vibrant and beneficial to the people of Guam for generations to come. We have every confidence that the Bank's current president, Anthony Leon Guerrero, and his excellent staff will continue to build upon this legacy.

Si Yu'os Ma'ase Bangkon Ifit.

## RECOGNITION OF JANE HEALY

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to thank Jane Healy for her many years of public service and the contributions she has made to so many people in Colorado. On February 1, 2002, she will be celebrating her 70th birthday. Many of those 70 years have been involved in public service. I wanted to take this opportunity not only to wish her a most happy birthday, but also to highlight her outstanding career and accomplishments.

Upon my election to the 2nd Congressional District in 1998, I was fortunate to have Jane join my staff as the Director of Constituent Services. I was very appreciative because I had learned of her many years of constituent service work for my predecessor, David Skaggs, as well as similar work for other Colorado elected officials including Senator Gary Hart and State Treasurer Gail Schoettler.

Jane's work in these offices earned her a reputation as a caring and extremely effective advocate for individual Coloradans with state and federal agencies. She had developed great expertise in relevant agency rules and procedures and had earned the respect of agency personnel. As a result, she could provide simple, direct advice and was especially helpful to many people who would have been frustrated and confused without her assistance.

Nowhere was this expertise more pronounced than in the complex area of immigration matters and the extensive process of selecting nominees for appointment to the service academies.

On immigration matters, Jane became the ''dean'' of the Colorado delegation staff—particularly on issues related to visas and the status of foreign nationals lining and working in the United States. Oftentimes, when an issue was too complex for other offices to handle, she would be asked advice on how to proceed. On the service academy selection process, she was especially adroit at making this potentially stressful and unmanageable system of selecting nominees to our armed service academies a smoothly functioning and enjoyable experience, while always underscoring the honorable nature of the effort and treating it with the highest respect and decorum.

When she joined my staff, she helped set the standard of excellence for casework service. She helped train novice staff members in the art of casework service and correspondence. Her knowledge and expertise has served my office well—but more importantly, it has helped countless numbers of people over the years. It is estimated that over the course of her career, she directly helped resolve over 20,000 cases on an impressive array of issues.

Jane's dedication was unequaled. Coworkers would notice that she would frequently leave the office at the end of the day with bags of casework papers on which she continued working at home. My staff and I deeply miss her talents in calligraphy, here editing skills, her love of Ireland, and her chocolate raspberry pies.

On a personal note, Jane also worked as the Colorado State Coordinator for my father's presidential campaign in 1976. She proudly displayed in her office a photo taken during that campaign showing her with my dad.

She also has been involved in many other community activities, such as serving on the Board of North Metro Community services, which provides needed services to disabled citizens in the northern portions of the Denver-metro area. To serve so broadly, so successfully, and with such grace, heart, and spirit is deserving of recognition.

Mr. Speaker, I ask my colleagues to join with me in expressing ourgratitude to Jane Healy for her exemplary public service to the people of Colorado and their elected officials. Her many accomplishments go beyond reckoning, and I wish her good health and happiness in the future.

## PAYING TRIBUTE TO LUD E. WASHINGTON

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I pay tribute to a local hero whose life-long pursuit of improving and enriching the lives of others is an inspiration to us all. Lud E. Washington recently died just short of both his 88th birthday and his 50th wedding anniversary to his wife Marguerite, but his life was one of immense fulfillment and a source of endless joy for those who knew and loved him. As his family mourns the loss, I believe it is appropriate to remember Lud and pay tribute to him for his contributions to his community, his state and his country.

Lud was a true pioneer who fought courageously to break down racial barriers and open doors for future generations of African-Americans and minorities. He gave his time and energy to those who needed him most. He began his career by running the all African-American Lincoln Home, which served as a boarding house for African-Americans of all ages who were in need of a caretaker and mentor. He dedicated his life to ensuring that no child grew up without the proper guidance, love, or care. Lud believed that he could, by offering his help to one child at a time, have a dramatic impact on an entire community.

Lud was the first African-American foreman at the Pueblo Army Depot, breaking down barriers that enabled others who followed him to attain increasingly higher-ranking positions within the military. He, along with long-time friend Linc Wilson, led Pueblo's first and only all African-American Boy Scout Troop in the late 1940's, an undertaking that served as an indispensible resource for the young African-Americans of the Pueblo community. By fostering a spirit of leadership, camaraderie and cooperation, the Troop helped provide the positive reinforcement that so many children had previously not been able to find elsewhere. Lud's efforts and courage in the face of long odds are a testament to his indestructible and benevolent human spirit.

Mr. Speaker, we are all terribly saddened by the loss of Lud Washington, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, selflessness and love that Lud left with all of us. His life is the very embodiment of all that makes this country great, and I am deeply honored to be able to bring the attention of this body of Congress to his life. Lud Washington will be deeply missed by his family, his friends and the entire community.

## TRIBUTE TO HENRY MESSER AND CARL HOUSE ON THEIR 50 YEARS TOGETHER AND TO THE TRIANGLE FOUNDATION AND ITS 10 YEARS OF ACTIVISM

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. BONIOR. Mr. Speaker, today I rise to recognize the Triangle Foundation, an organization dedicated to the struggle for dignity, justice, and civil rights in Michigan. I also wish to honor the Triangle Foundation's founder Henry Messer and his partner, Carl House, and acknowledge their continued activism and their 50 years together.

The Triangle Foundation of Michigan has been fighting for the rights of gay, lesbian, bisexual, and transgender (GLBT) people in Michigan for ten years. Through the work of a dedicated and highly capable staff, the Triangle Foundation has been the leader on GLBT issues in Michigan. Their efforts have helped to enact anti-discrimination laws in many Michigan cities and turn back unfair and unjust policies in others. The Triangle Foundation's energy on the electoral front has given a voice to those who support civil rights initiatives and who understand that discrimination has no place in America.

The Triangle Foundation's dedication to the struggle for civil rights is a testament to the devotion and involvement of Henry Messer and Carl House. As early as the 1950s, they were helping to organize and support GLBT rights movements in New York City. Dr. Messer, who is a retired Assistant Professor of Neurosurgery at the University of Michigan, was also a member of the Mattachine Society, which, founded in 1951, is often considered a beginning force in the contemporary gay rights movement in the U.S.

In the late 1970s, Henry Messer and Carl House moved to Michigan, but did not leave behind their strong ideals and commitment to justice. Instead they continued their strong activism in state and local politics and issues affecting GLBT people. This culminated in 1991 when Henry Messer, with Carl by his side, founded the Triangle Foundation and propelled Michigan into the GLBT rights movement.

Because of the work of Henry Messer, Carl House, the Triangle Foundation, and many others in the struggle, we have come a long way in our efforts to expand civil rights to everyone—but we still have a long way to go. Through continued activism and education, we can and will reach our goals.

## SALUTE TO ELLSWORTH AIR FORCE BASE

### HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. THUNE. Mr. Speaker, I rise today to recognize the men and women of Ellsworth Air Force Base in my home state of South Dakota upon their return home from Afghanistan.

Ellsworth Air Force Base is the home of the 28th Bomb Wing of B–1 bombers and more than 3,500 military and civilian members. Each of these men and women proudly serve their country in numerous ways every day. And when duty calls, they are ready and willing to stand in harm's way on behalf of their country.

The people of Ellsworth Air Force Base have a history of performing well in U.S. missions. In Operation Desert Fox during the Gulf War, crews from Ellsworth helped the B–1 make its combat debut, and they also participated in Operation Allied Force in Kosovo.

Most recently, B–1 air and ground crews returned to Ellsworth after participating in Operation Enduring Freedom in Afghanistan. The B–1 and their crews were involved in every aspect of the most precise, intense bombing campaign in history, flattening terrorist targets and taking out Taliban strongholds. These bombers were the key to winning the war in Afghanistan.

I also want to pay tribute to Ellsworth's commander, Bringadier General Edward Rice, Jr., who commanded all B–1 and B–52 operations over the skies of Afghanistan. His recent promotion says more about his value to our nation than any words can say.

Mr. Speaker, the men and women of Ellsworth Air Force Base are tremendous assets to South Dakota and to our country. I am proud of the important role they play both at home and abroad. For all the sophistication of the military hardware in use today, we know it is the individuals, like those at Ellsworth, who truly get the job done.

Mr. Speaker, I salute the men and women of Ellsworth Air Force Base. All of America owes both the B–1 and these people their thanks.

## THIRTIETH ANNIVERSARY OF THE GUAM HILTON RESORT AND SPA

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. UNDERWOOD. Mr. Speaker, Conrad Hilton began his famous career by renting out rooms in the San Antonio adobe house where he grew up. He officially entered the hotel business in 1919 when he took over a small hotel in Cisco, Texas. Today, the name ''Hilton'' has become synonymous to the word ''hotel'' with their coast-to-coast operations in the United States as well as in Spain, Turkey, Cuba, Egypt, and many other nations.

As with its sister facilities throughout the world, the Hilton Guam Resort and Spa, now celebrating its thirtieth anniversary, has made an indelible mark on the island's tourism industry as well as the local community. A partner in the island's development, Guam Hilton became the first international deluxe hotel to build facilities on the island in 1972, as Guam's tourism industry was still in its earliest stage. Over the next thirty years, the hotel has expanded its operations at its original location in Tumon Bay, the center of the island's tourist trade. From its initial 250 guest rooms with three food and beverage outlets, the Hilton Guam Resort and Spa is now comprised of three main buildings housing 687 guest rooms along with seven Food and Beverage outlets. Nestled on 32 acres of prime beachfront property, the restaurant facilities within the hotel complex offers health conscious menus which has recently been added to their unique tropical cuisine.

Sport enthusiasts for years have taken advantage of the Hilton's sports programs and facilities. Their tennis facilities feature five night lighted courts. A variety of programs are available for novices and advanced players along with supervised activities and exercise programs for all ages. A state-of-the-art fitness club with saunas, a water park, jacuzzi, a children's playground and activities room, jogging and walking trails, and a private beach club offering a variety of watersports equipment rental have also been made available to guests. Major tourist attractions, diving, deep-sea fishing and world class golf facilities may also be conveniently arranged through the hotel's tour desk representatives.

A wide range of spa activities, massage therapies, body treatments and salon services complement the sports and leisure activities. Patrons can relax in idyllic surroundings while trained hands of the Mandara spa staff provide soothing services in an unhurried fashion. Professional consultants from the Adventist Medical Services are also available to administer health programs.

On Valentine's Day of 1997, overlooking a spectacular view of the island's most popular spots, Two Lovers Point and Tumon Bay, the first wedding at the newly opened wedding chapel, St. Grace by the Sea was held. Later that year, the hotel's 25th Anniversary was celebrated by the first ever laser light show on Guam with the event's proceeds going to local non-profit organizations such as Guma Mami, the Guam Chapter of the American Cancer Society and the American Red Cross.

For the past three decades, the Hilton Guam Resort and Spa has been a main contributor in the development and progress of the island's tourism industry. Through the years, Hilton has made great contributions and provided innovations that make Guam extraordinary and more appealing to both its residents and visitors. Under the able leadership of Mr. Manfred Pieper, I expect and I am assured that Hilton will continue to build upon its thirty-year legacy. On behalf of the people of Guam, I offer my congratulations to the management and employees of the Hilton Guam Resort and Spa on their 30th anniversary.

## ON NIST'S VALUE TO THE COUNTRY AND ITS CONTRIBUTIONS TO OUR NATIONAL SECURITY

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. UDALL. Mr. Speaker, I rise to call attention to the National Institute of Standards and Technology (NIST) and to its contributions to our national security.

You might have seen NIST in the news lately. Two of my constituents—Dr. Eric Cornell, a researcher at NIST's labs in Boulder, Colorado, and Carl Wieman, a researcher at the University of Colorado—were awarded the Nobel Prize for Physics for their work in creating a new state of matter. The goal of the scientists was to create Bose-Einstein condensation, an extreme state of matter predicted by Indian physicist Satyendra Nath Bose and later expounded upon by Albert Einstein.

I am proud that the work of Dr. Wieman and Dr. Cornell is a result of federally funded research at NIST and at the University of Colorado.

But I am also proud of other work that NIST is doing. I'm including in the record a recent article from the Colorado Daily on NIST's contributions to our homeland security effort. From biometrics and explosives detection to fire-fighting computer modeling tools and new applications for nanotechnology, NIST is playing an important role in bolstering our homeland security.

While NIST is involved in long-term research projects covering all scientific areas, the Institute is also working on security-related projects that will yield more immediate results. As NIST's new director Arden Bement states in the article, ''our work is to take technology that's currently ready, make it available, reliable, accurate and a dependable safeguard for the U.S. public.''

Commerce Secretary Donald Evans recently praised NIST's relevance to the challenges this country faces, noting that NIST is ''one of the real treasures'' in the federal government, with a ''tremendous track record.''

On this, Secretary Evans is exactly right. That's why I hope the Secretary and the rest of the Administration will support my efforts this year to see that NIST gets the funding it deserves and needs.

In particular, funding is needed to address a backlog of critically needed repairs and maintenance at NIST's laboratories in Boulder, Colorado, where a staff of about 530 scientists, engineers, technicians, and visiting researchers conduct research in a wide range of chemical, physical, materials, and information sciences and engineering.

As technology advances, the measurement and standards requirements become more and more demanding, requiring measurement laboratories that are clean, have reliable electric power, are free from vibrations, and maintain constant temperature and humidity. Most of the NIST Boulder labs are 45 years old, many have deteriorated so much that they can't be used for the most demanding measurements needed by industry, and the rest are deteriorating rapidly. Every day these problems go unaddressed means added costs, program delays, and inefficient use of staff time.

Since 1999, 1 have fought for increased funds for NIST's Boulder labs. I've already begun the fight for FY2003 funding. Along with my colleagues in the Colorado delegation, Sen. ALLARD, Rep. DEGETTE, and Rep. SCHAFFER, I sent a letter in December to OMB Director Daniels asking for his help. I am also including this letter in the RECORD today.

[From UPI Science News, Jan. 18, 2002]

COLORADO DAILY—NIST AIDS SECURITY

(By Scott R. Burnell)

WASHINGTON (UPI).—The National Institute of Standards and Technology, the primary physical science research laboratory in the country, is working to give the homeland security effort as much technology as possible, the institute's director said Wednesday.

Arden Bement, who took the reins at NIST in early December, said many security-related programs were underway before Sept. 11. Bement said he currently devotes about 25 percent of his time to the issue.

''Right now, the immediacy of our work is to take technology that's currently ready, make it available, reliable, accurate and a dependable safeguard for the U.S. public,'' Bement told reporters. ''Our researchers are providing technical support to other agencies . . . we expect this involvement to continue and be amplified in the next few months.''

One area NIST researchers are focusing on is biometrics, the science of identifying a person through physical features. Bement said a broad spectrum of applications, including face recognition and retinal scans, is being examined for use in aviation security. One of the technologies should be recommended for widespread use in the next few months, he said.

Another aviation-related area of research involves explosives detection. Researchers are examining the feasibility of an ''airflow shower'' to capture and identify chemical emissions from explosives or biological agents in carry-on luggage or hidden on a passenger, Bement said.

''We're also (examining) millimeter-wave radiation as a means of detecting any concealed objects on individuals,'' Bement said.

NIST's computer modeling tools are studying possible ways fire spread through the World Trade Center and contributed to the structure's collapse, Bement said.

''These models are essential to understanding just what temperature the steel experienced,'' he said. ''Such simulations could be used to help train firefighters in judging the likely behavior of future large-scale fires in high-rise buildings.''

The results also likely will be incorporated into future building codes, he said. The institute's modeling resources played a key role in verifying that mail possibly infected with anthrax could be sterilized with radiation, he said.

Looking forward, Bement wants to apply his experience with the national power grid toward better safeguards for the vital resource. Electric utilities use disparate systems for collecting and distributing information about power needs, as well as for trading generating capacity among themselves, he said. Standardizing these tools is essential to putting better physical and computer security in front of the industry, he said.

As for the rest of the scientific world, Bement said nanotechnology—the science of physically manipulating matter at the atomic or molecular level—and biotechnology are among the fastest growing areas for commercial development. NIST has to help those industries standardize the tools for accurately measuring the results of their work.

Although this is Bement's first job inside NIST, he has had plenty of experience with the organization as part of several scientific advisory boards. He comes to the directorship from Purdue University, where he headed the School of Nuclear Engineering. He was also director of the Midwest Superconductivity Consortium and the Consortium for the Intelligent Management of the Electrical Power Grid.

CONGRESS OF THE UNITED STATES,
*Washington, DC, December 7, 2001.*

MITCHELL E. DANIELS, Jr.
*Director, Office of Management and Budget, Washington, DC.*

DEAR DIRECTOR DANIELS: As you prepare to finalize budget numbers for fiscal year 2003 for the Commerce Department, we strongly urge you to include funding for needed construction and repairs at the Boulder, Colorado laboratories of the National Institute of Standards and Technology (NIST).

Of the many federal research facilities in Colorado, one of the most impressive is the NIST Boulder laboratory complex. Its national importance was highlighted just recently with the awarding of the Nobel Prize in physics to scientists from Colorado's NIST laboratories and from JILA, the joint institute of NIST and the University of Colorado.

But to continue to make these important contributions, NIST's Colorado facilities need help. The National Research Council's Board on Assessment of NIST Programs wrote in its FY99 report about ''poor air quality, poor temperature and humidity control, excessive vibration and power fluctuations and other deficiencies'' at the Boulder facilities, and went on to note that the ''methods used to work around these problems contribute to extra cost, program delays, and inefficient use of staff time.'' NIST's Visiting Committee on Advanced Technology wrote in its 1999 annual report that ''Unless NIST has facilities comparable to or better than those of the industry served, it is not possible to provide state-of-the-art assistance . . . at the level of accuracy required.''

The current plan for NIST's Construction of Research Facilities program on NIST's 45-year old Boulder, Colorado campus is the culmination of a long and thorough effort to ensure that NIST keeps pace with advances in science and technology and the requirements of the country for advanced technical measurements and standards.

The first steps to complete several urgently needed construction and major renovation projects include construction of a central utility plant, construction of a new primary electrical service, the partial renovation of Building 4, the design for the renovation of the main building on campus, Building 1, and the renovation of wings 3 and 4 of this building. Additional renovations and construction needs to Building I (wings 5 and 6), Building 24, and cleanroom facilities in Boulder will be needed in future years to meet the growing scientific requirements placed on these aging facilities.

To begin implementing this plan, we urge that the FY2003 budget include:

Central Utility Plant ($29.7 million)—would supply filtered power, heating, and cooling to all laboratory buildings on the site. An October 1998 study reviewed and updated previous studies of problems with the Boulder laboratories and confirmed that the most effective way to solve them was to build a centralized utility plant and HVAC distribution System at a cost of $29.7 million. The plant will by no means solve all of the campus's environmental control problems. None of these other problems, however, can be. solved cost-effectively without a new central plant.

New Primary Electrical Service ($5.4 million)—The NIST Boulder campus experiences frequent power outages and power spikes due to the remaining overhead power lines. Loss of power, even for a few seconds, can cause some research projects requiring long data collection times to have to be completely repeated. Voltage drops can cause delicate microscope probes to crash into expensive samples or produce inaccurate measurement readings lowering the quality of data. NIST plans to alleviate its power continuity and power quality problems by constructing an underground power conduit. Congress appropriated $500 thousand for the design of this project in FY 2001 budget.

Design and Limited Renovation of Building 4 ($3.7 million), Renovation Design of Building 1 ($9.1 million), and Renovation of Wing 3 and 4 of Building 1 ($12.5 million)—Despite the fact that Boulder's Building I is nearly 50 years old, it can still provide quality research space if major renovation is undertaken. The basic building layout of six largely independent on-grade wings provides a large amount of low vibration research space. Most of the building's current vibration problems are caused by aging and poorly

located mechanical systems. These problems can be reduced by planned building. renovations that will add service corridors along the sides or ends of the building to house and distribute mechanical services.

NIST has played a critical role in helping build this country's science and technology infrastructure and is poised to contribute to even greater advances in the 21st century. We urge your support to help ensure NIST has the tools it needs to do this vital work.

Thank you for consideration of these matters.

Sincerely,

MARK UDALL,
*Member of Congress.*
BOB SCHAFFER,
*Member of Congress.*
WAYNE ALLARD,
*U.S. Senate.*
DIANNA DEGETTE,
*Member of Congress.*

## TRIBUTE TO WORLD SABBATH DAY OF RELIGIOUS RECONCILIATION

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. BONIOR. Mr. Speaker, today I rise to recognize World Sabbath Day and the hope for religious peace and justice that I believe it will bring. I strongly believe that religious prejudice and violence have no place in our world, and I feel that only through education and tolerance can we make a difference.

This is why World Sabbath Day and the work of Reverend Rodney Reinhart and Reverend Ed Mullins are so important to expanding compassion and freedom in our world. Through the communication and honesty that is brought forth from people of different faiths, we learn about each other, and how to respect our differences.

What World Sabbath Day represents, and what Reverend Reinhart and Reverend Mullins know so well, is that religious persecution of any type should not be tolerated or condoned anywhere. One of the fundamental tenets upon which our country was founded was the freedom to choose one's religion. I believe that we as a nation have a moral obligation to uphold that principle at home as well as abroad. The United States needs to be more aggressive in promoting tolerance of religious minorities throughout the world.

Reverend Reinhart and Reverend Mullins know this, and they have been to Africa, the United Nations, and several other places in North America to promote World Sabbath Day. And although there is much work to be done to end religious bigotry and hatred, World Sabbath Day is a good start.

## PAYING TRIBUTE TO HENRY SALAZAR

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I rise today to pay tribute to the passing of a great man from the state of Colorado. Henry Salazar passed away on December 22, 2001 after a long battle with Alzheimer's disease. Henry was 85 years old, and as his family and friends mourn his passing, I would like to draw attention to his good deeds and accomplishments throughout his life.

Henry was known as a hardworking and compassionate man who valued education over wealth during his entire life. His eight children were raised with high religious morals, encouraged to receive an education, maintained their integrity, and served the citizens of their community. Seven children, fourteen grandchildren, and his dedicated and loving wife, Emma, survive Henry.

Henry carried on in the family tradition as a rancher on his family's homestead in Los Rincones, Colorado. The homestead has been a part of the Salazar family since the 1850s also a pillar of the San Luis Valley community for over a century. Throughout his life, Henry was dedicated to his community and nation. He served in the army during World War II, attaining the rank of Staff Sergeant. After the war, he worked as a rancher and farmer and served in the Colorado Port of Entry. His community efforts included preservation of local landmarks, most notably the preservation of the Los Cerritos Cemetery where he will be buried. I personally met and spoke to Henry on a number of occasions, including a little over a year ago when Henry spoke at the kick-off ceremony to make the Great Sand Dunes a national park, an undertaking which was greatly appreciated by everyone in the community and in the state. Every time I met with him or his family I felt fortunate.

Mr. Speaker, Henry Salazar was a great and noble man who deserves the recognition and praise by this body of Congress. It is always a sad moment when a loved one passes away from our lives. Henry Salazar was a loved and compassionate man who went out of his way to improve the lives of all those he touched. Those who remember him for his kind words and the good deeds will certainly mourn his passing. My heart goes out to his family and friends during this time of remembrance and bereavement. We'll miss you Henry.

## REMEMBERING DEAN L. ANTHONY SUTIN

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. CONYERS. Mr. Speaker, I rise to remember Dean Anthony Sutin who was taken from us in a senseless act of violence at Appalachian Law School on January 16, 2002. Dean Sutin was a renowned legal scholar and public servant who was an invaluable partner to me on judiciary issues while he worked at the Department of Justice. I first met him while he was working on community policing in the Attorney General's office in 1994. I admired his dedication to his tireless work on a program that has impacted the lives of so many Americans.

While I could not do justice to Anthony Sutin's memory by simply reciting all of his many accomplishments, a few highlights deserve notice. Dean Sutin graduated summa cum laude in 1981 from Brandeis University. He received his law degree in 1984 from Harvard, where he served as assistant editor for the Harvard Environmental Law Review and the Harvard Journal on Legislation.

Before joining the Justice Department, he worked as a partner in the Washington, D.C. law firm of Hogan & Hartson, L.L.P. At the Department, he served as Deputy Director and General Counsel of the Office of Community Oriented Policing Services (COPS) from 1994 to 1997. As a testament to his outstanding leadership in this area, in its first year alone, COPS resulted in a three percent national decrease in violent crime.

From January 1997 to April 1998 Dean Sutin served as Deputy Associate Attorney General and Chief of Staff to the Associate Attorney General. He was then appointed by Attorney General Reno to serve as Acting Assistant Attorney General for Legislative Affairs where he worked until November 1998. It was during this historic period in which my staff and I interacted with Dean Sutin on a regular basis.

During his tenure as the head of legislative affairs, Anthony Sutin provided invaluable legal insight to the Judiciary Committee on the historic impeachment debate. During this uncomfortable period in our Nation's history, he was a stabilizing force in communication between the Clinton Administration and Congress. It was also during this period in which he worked with Congress on a number of crime-related issues such as gun control, community policing and hate crimes legislation.

Dean Sutin was lured away from Washington at the height of his career to pursue his dream of teaching law in a small community where he could closely interact with his students and other faculty. As dean of the growing Appalachian Law School, he cultivated ambition and hope in southwest Virginia's struggling coal-mining region.

Even more noteworthy than his academic and professional accomplishments was Dean Sutin's reputation as a kind and compassionate man who dedicated his life to raising his family, teaching his students and serving the country. Shortly before his death, he and his wife Margaret Lawton visited China and adopted a 14-month-old girl. I would like Clara and her brother Henry to know that I was proud to know and work with a man that dedicated his career in public service to making America a safer place for them to grow up and live.

## TRIBUTE TO ROBERT K. KRICK

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. GARY MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of Robert K. Krick of Fredericksburg, VA.

Bob was raised in central California. He attended college there, and later earned a graduate degree at San Jose State University. Fascinated with military history—in particular the American Civil War in Virginia—he joined the National Park Service in 1966, hoping it would become a gateway to the sites he admired. After working at the Fort McHenry National Monument and Fort Necessity National

Battlefield, he moved to Fredericksburg, Virginia in 1972. Bob has been the Chief Historian at Fredericksburg & Spotsylvania National Military Park ever since.

After nearly 30 years of work, his reputation is largely based on two things: his prolific career as a writer and his work as a battlefield preservationist. Bob's first published article appeared in 1973. Since then he has produced almost a dozen books, most of them devoted to the history of individuals and sites associated with the Civil War battles in the East. His published articles, book reviews, and related material number in the hundreds.

He also has considerable experience and success as a Civil War battlefield preservationist. In the 1980's he was a co-founder and vice-president of the Association for the Preservation of Civil War Sites—a group that has evolved from an earnest local organization that met in its members' living rooms into a powerful national presence that saves thousands of battlefield acres annually. Bob has been especially active in protecting historic acreage around Fredericksburg, where the size of the national park increased significantly during his tenure, helping maintain the integrity of these hallowed battlefields and preserving our history for future generations.

I recently had the distinct privilege of viewing the battlefield site in Fredericksburg with Bob. His insight and passion for his work left me captivated. His riveting stories of the small events that turned the tide and determined the final outcome of this battle left me feeling as if these events were actually unfolding before my eyes. It is this zest that Bob has brought to the Park Service for the last thirty years that will have an impact for generations to come. His legacy will be to have passed this knowledge and appreciation to scores of other Americans, who, in turn, will pass it along to their loved ones. Nearly one half of the country's Civil War battlefield parks presently have historians who learned their trade at Fredericksburg while Bob was the chief historian. In retirement his influence will carry on. The Park Service, and indeed our nation, will miss his service.

I would like to wish my friend the very best upon his retirement from the National Park Service.

## INTRODUCTION OF THE SEPTEMBER 11TH VICTIM COMPENSATION FUND FAIRNESS ACT

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the September 11th Victim Compensation Fund Fairness Act, which makes an essential change to the provisions of the September 11th Victim Compensation fund in order to justly compensate the thousands of families whose loved ones died in the attack on our nation. Specifically, this legislation will repeal the collateral compensation provision of the September 11th Victims Compensation Fund. The current provision requires the Special Master to reduce the amount of federal compensation by the amount of other compensation the family has received, including life insurance and pension benefits. This provision resulted in unintended consequences that will negatively affect many of the victims' families.

Our Nation is faced with a difficult challenge. Thousands of American families are trying to recover from the horrible loss of their loved ones on September 11th. As a Congress, we have pledged our support to these families, including providing compensation to them for the tremendous sacrifice made by their loved ones. We did this because we recognized that our assistance was essential in helping families recover.

However, the tragic events of this day left us in uncharted territory and we moved forward quickly as a Congress to enact laws to help these families. We must be sure that what we enacted in the days immediately following September 11th provides the best assistance possible to these families who have suffered so much.

The September 11th Victims Compensation Fund was created in the Air Transportation Safety and Stabilization Act, which was enacted on September 22, 2001. This was a mere 11 days after our country suffered the deadliest attack in its history. The Victim Compensation Fund was designed to aid these families fairly and justly. Unfortunately, the full implications of the collateral compensation provision in this fund have only recently become clear. As the regulations of the fund are developed and families receive compensation estimates, many are realizing that they will receive little if any federal support.

I do not believe that this is what Congress intended. Congress created this Fund to compensate families for their losses on September 11th. But because of a provision that reduces the total compensation by the amount of pension benefits and life insurance received, the very families we set out to help have the potential to receive nothing from the Nation's fund. That is not only unfair but also unacceptable. The Victim Compensation Fund inadvertently created a loophole and it is our responsibility to correct it.

The men and women who purchased life insurance or accrued pension funds did so to provide for the future of their families. We must properly and justly compensate families for the sacrifice that their loved ones made for our country. We cannot turn our back on our fellow Americans.

I strongly urge my colleagues to support this important legislation.

## PAYING TRIBUTE TO RUDY RUDIBAUGH

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Rudy Rudibaugh and recognize his contributions to this nation. Now a resident of Parlin, Colorado, Rudy began his service as a sailor during World War II when he joined the Navy and served in the Pacific Theatre. During his tour, Rudy was involved in five allied invasions, including the invasion and subsequent liberation of the Philippines.

Rudy was assigned to Underwater Demolition Team 10, serving as a ''frogman'' or combat swimmer. As a member of the team, Rudy was a demolition expert assigned to demolish obstacles that would prevent the landing of allied forces on Japanese controlled islands. Rudy's exploits as a frogman were recently brought to light by the Veterans of Foreign Wars organization. A recent surprise ceremony highlighted a mission on the island of Peleliu in the Palau Island Nation chain. It was here that Rudy, along with several UDT demolition experts, cleared underwater obstacles and traps opening a path for occupation of the island by United States Marine forces.

Although Rudy will not brag, he was recently awarded the Bronze Star for his service as a frogman, as well as the Philippine Presidential Unit Citation, the Philippine Liberation Medal, the Asiatic-Pacific Campaign Medal, and the World War II Victory Medal. The surprise ceremony took place at the Colorado Outfitters Convention in Gunnison, Colorado. Rudy and his wife Deb, currently reside in the town of Parlin, where he serves as a local outfitter.

Mr. Speaker, it is a great privilege to recognize Rudy before this body of Congress and thank him for his dedicated service during the war. If it were not for servicemen such as Rudy, America would not enjoy the many freedoms that we have today. He served selflessly in a time of great need, bringing credit to himself and to this great nation. Thanks Rudy for your service.

## READY, WILLING, AND NO LESS ABLE: VETERANS WITH PHYSICAL CHALLENGES WINNING IN THE COMPETITION FOR LIFE

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Ms. BROWN of Florida. Mr. Speaker, despite the tragedy of September 11th, last year's Veterans Braintrust, an event that has become one of the traditional highlights of the Congressional Black Caucus Foundation Annual Legislative Conference was a somber occasion. As we commenced the event at a time when our country had experienced one of the more tragic events in its history. We paused for a moment to remember those who lives were lost as we convened for this family affair. While we didn't know what kind of turn out we would get after the terrible disaster we call ''911.'' We want to thank veterans for coming and always giving such tremendous support and participation for veteran's issues and concerns nationally. But last year especially we really appreciated veteran advocates coming that morning.

This Braintrust brought veterans and their families together from throughout the country and gave us an opportunity to discuss critical issues affecting veterans with physical disabilities such as voting rights; wheelchair accessibility; community based care; family support; reasonable employment and expanding entrepreneurial opportunities. Minister Clyde E. Sims of the True Light Baptist Church gave the invocation and I had the very special honor to bring up Ms. Melba Moore, Recording Artist and Tony Award winner who sang

'God Bless America.' Then Hon. SANFORD BISHOP, JR. (D–GA) co-sponsor introduced our keynote speaker who exemplified our theme Ready, Willing, and No Less Able: Sen. MAX CLELAND, Georgia's Senior Senator, disabled Vietnam combat veteran, and former VA Administrator. A hard fighter in defense of veterans programs and services that many African Americans risk their lives to earn. Sen. CLELAND noted, approximately 300,000 to 400,000 Vietnam veterans came back who were wounded from combat. But, the physical wounds healed up fairly quickly. However, then the emotional aftermath began to set in. Quite frankly, it was that emotional aftermath that he had to deal with, and sometimes still deals with decades later. By 1978 we gave it a name PTSD.

Equally important, he said, America's veterans have always taken care of this country, but this country has not always taken care of our veterans. So we are grateful for this burst of national euphoria we haven't seen since Pearl Harbor, and we want to take advantage of this flurry of interest in veterans. Particularly, Tom Brokaw's book, the ''Greatest Generation'' about WWII and now HBO's special ''Band of brothers.'' However, the truth of the matter is anybody who has ever served in the military, they are ''Our Band of Brothers and Sisters,'' and we must look at it that way! Afterward Braintrust members Mr. Morocco Coleman, Executive Committee member and Mr. Clyde Poag, MSW made a special presentation as a token of our appreciation to Sen. CLELAND, and it read from the entire body of the Congress Black Caucus Veterans Braintrust in recognition of your outstanding leadership, dedication, and commitment to all veterans on September 28, 2001. As the former Team Leader of the Grand Rapids Vet Center Program and Past Chairman of the National African American Veterans Working Group, Clyde who recently retired from the DVA, thanked him on behalf of all veterans who have received services from the Vet Center Program, and on behalf of all its very dedicated employees, he said to us you will always be Mr. Secretary.

Next Mr. Anthony Hawkins, Acting Director of the Center for Minority Veterans, U.S. Department of Veterans Affairs, our forum moderator speaking from the heart remarked that it is extremely important that Congress keeps focused on the needs of our veterans, because if we don't care for our veterans, we can not expect our children to go forth 'in harms way' and defend America. Only to come back and be treated as second-class citizens. With that said, he introduced our distinguished panelist Hope Cooper, Larry Hughes, Pastor Jerry Cochran, George Brummel, Alvin Jones, Lee Williams, Judge Hughey Walker, and Robert Coward. Although, there were many, many very touching, or compelling stories the common truth for all of us was 'the importance of family and friends.' Because we all have to take responsibility for each other, particularly when anybody goes into the hospital, because if you don't have somebody to look out for you, you don't get good treatment! In closing, Hon. CHARLES RANGEL (D–NY), Dean of the Congressional Black Caucus Veterans Braintrust expressed his deep abiding appreciation for the camaraderie that veterans have displayed year after year not only to the CBC, but to their comrades who can't make it to Washington, DC. He said, you can feel it where ever you go that you say, to this great nation don't ever forget those people of African descent that have really fought for this great country of ours.

Later that evening the Congressional Black Caucus Veterans Braintrust held its 13th annual reception and awards ceremony with the gracious assistance of Mr. Wayne Gatewood, Jr., a Vietnam veteran and owner of Quality Support, Inc., an SBA 8(a) Vietnam veterans owned firm. Whereby, we honored those who made the freedom we enjoy possible. The brave men and women who laid their lives on the line for a country that all too often treated them as second-class citizens.

Then it was my great pleasure to introduce the night's keynote speaker Gordon Mansfield, the Assistant Secretary for Congressional and Legislative Affairs at the Department of Veterans Affairs, or the point man for the department's legislative agenda. He graciously thanked the Veterans Braintrust for inviting him to speak because many of the award recipients are his good friends. He also praised the work we have done on the part of all veterans regardless of race, gender, religion, or disability; and next took this opportunity to introduce, for the first time in Washington, DC, Mr. Del McNeal, the new Executive Director of Paralyzed Veterans of America (PVA). Mr. McNeal is a combat-injured Vietnam veteran, who has been a member of PVA since the 1970's and served as the Executive Director of the Florida Gulf Coast Chapter since 1991.

More importantly, Assistant Secretary Mansfield focused on four key words and they were: Able, Veterans, Challenges and Winning. This focus was done within the purpose of creating a dialogue between the veteran's community, and lawmakers, which can develop into policies that enhance the quality of life for all our nation's veterans. However, winning was the key to his presentation for the night. He stated we know from scientific studies that everyone with a catastrophic disability goes through a number of phases ''Anger, Avoidance, Denial, Understanding, and Acceptance.'' Yet, as you work your way through these stages, you have the opportunity to direct yourself on a path towards winning, or to resign yourself to the unhappy life of being a loser. Although, some days and even some years have been worse than others there are some common threads that contribute toward each of our choosing the winning path. One of the keys to this success has been veterans training, knowledge of teamwork, and group support contributing to reaching goals. Thus, veterans training and consequently learning to deal with adversity and to focus on the mission, or become outcome-oriented were a significantly positive factor. Other threads were hospital rehabilitation time with fellow veterans (or peers) facing similar challenges contributed in a positive manner to his progress, and linking-up with similar minded individuals, as well as having an opportunity to work and to give back to other disabled veterans and disabled people generally. Finally, he asked for our support in efforts to continue the Department of Veterans Affairs (DVA's) work as a leader in the United States and throughout the world in providing rehabilitation assistance and saluted what we have accomplished.

This years Braintrust awards were given to the following exceptional African Americans and veterans who are physically challenged; rehabilitation services providers; supportive personal, home and community care providers and disability advocates: Associate Minister Clyde Sims, Jr.; Larry Hughes; Lee Williams; Hope Cooper; Pastor Jerry Cochran; Alvin Roberts; George Brummel; Judge Hughey Walker; Robert Coward, Jr.; John Walker, MSW; Leon Wilson, MSW; Odell Brown; Dr. Wilbert Tatum; William 'Bill' Demby; Webster Anderson; Kater Cornwell; Carl Brashear; Oliver Kuykendall; Robert Mountain; Winnie Jackson; Staff Sgt. Hilliard Carter; Thomas Duncan, Jr.; Robert White; Dr. Paul Cooke; Robert Muller; Edween Jackson; Tom Brown; Eugene Tatum, Sr.; Henry Tillman, III; Terence Goodman; Horace Grace; Jack Marshall; Henry Verner; the National Veterans Wheelchair Games; Department of Rehabilitation, Social Work & Addictions University of North Texas (UNT); Disabled Business Persons Association (DBA); Roosevelt Institute (Roosevelt Warm Springs Institute for Rehabilitation); World T.E.A.M. Sports; The Rural Institute, University of Montana; Center for Research on Women with Disabilities; and Howard University Research and Training Center for Access to Rehabilitation and Economic Opportunity.

Further, I would like to acknowledge the following individuals and groups for their support: Dr. Ura Jean Oyemade Bailey, Arthur Barham, Robert Blackwell, Ethel Briggs, Constance Burns, Pastor Jerry Cochran, Morocco Coleman, DC Center for Independent Living, Rusty Denman III, Eastern Paralyzed Veterans of America (EPVA), Rep. Lane Evans (D–IL), Venessa K. Franklin, Wayne Gatewood, Jr., Sgt. Maj. Isaac Gillard, Jr., USMC, Ret., Eddie Glenn, Ph.D. Doctoral Fellow, Anthony Hawkins, Dr. Charles Johnson, Col. Clarence Johnson, USAF, Dr. William Lawson, Paul Leung, Ph.D., James Love, Roy Martin, Sandra McClellan, Ruby Miller, Minority Veterans of Texas (MVT), Singer Melba Moore, Delores Monye, National Council on Disabilities (NCD), Jan Northstar, Paralyzed Veterans of America (PVA), Col. Pete Peterson, USA, Ret., Clyde Poag, MSW, Bay Area Western PVA, Eda Robinson, Janet Sims-Wood, Ph.D., Wayne Smith, Wallace Terry, Clifton Toulson, University Legal Services, Marilyn Valiant, Alexander Vernon, Dr. Sylvia Walker, Dr. Celia Williamson, Joann Williams, Julius Williams, Michael Handy, and Rev. Arthur Wright.

Let me also say, as Ranking Democratic member of the House Veterans Affairs Sub-Committee on Oversight and Investigations, I have been on the House committee for ten years, or my entire time in Congress. I am on the committee because I feel it's the right thing to do. And as we prepare for war, I remind my colleagues we cannot forget the men and women that have already paid their dues while serving this great country. During each Veterans Day (which is my birthday) we wrap ourselves in the flag. But how you can really tell, how much we love and support veterans are how we treat you in the budget! So as a female giving you some love, it's not the words, it's the deeds. Consequently, I work very hard to make sure we honor our nation's obligation by being here to listen to your concerns and find out how we can make things better for you. So in this heightened time of patriotism that we are concentrating on the military, the example is how we treat the people who have already served, or been through it. So I am committed to make sure that we honor our words with our deeds. We have a

contract with our veterans and we have to make sure that the check that was written never comes up insufficient funds!

Lastly, I would like to thank Ron Armstead, Executive Director who was instrumental in putting together this Braintrust. And I would certainly be remiss without thanking the members of our Congressional staffs Jolanda Williams, Daisy Hannah, Beverly Gilyard, and Nick Martinelli who worked so hard to make this event a success. Again thank you.

GOD is good, all the time. All the time, GOD is good.

And GOD Bless America.

## 30 YEARS LATER: REMEMBERING THE VICTIMS OF BLOODY SUNDAY

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. PAYNE. Mr. Speaker, I rise today to ask my colleagues here in the U.S. House of Representatives to join me in remembering one of the most tragic days in the history of Northern Ireland. It was on January 30, 1972, that British soldiers opened fire in a brutal show of force again Irish Catholic protesters which left 13 dead and a number of others wounded. Following the example of Dr. Martin Luther King, Jr., the demonstrators had been engaged in a peaceful protest against a repressive system which deprived them of basic rights in their own country.

As a member of the House International Relations Committee who has visited Northern Ireland a number of times to monitor the Orange Order parades and document civil rights violations against the Catholic residents of Garvaghy Road, I understand the historical roots of the conflict and the intense passions of those on both sides of the divide.

The tragic events of September 11th in our own Nation have drawn us closer to the people of Northern Ireland and other countries where fear of violence and personal harm is a fact of daily life.

As we stand in solidarity with the people of Northern Ireland, I believe the United States should do everything in our power to ensure the success of the peace process which was moved forward through the work of former President Clinton's special envoy, Senator George Mitchell.

In order to continue progressing towards a future of peace and reconciliation, it is important that the disturbing questions of the past be put to rest. Therefore, the new investigation into Bloody Sunday must be far-reaching and complete. There remains a strong sense of outrage regarding the original inquiry into Bloody Sunday, when Lord Widgery's probe hastily concluded that the violence against unarmed civilians was justified.

Mr. Speaker, the history of our nation is intertwined with that of Northern Ireland, and it is fitting that as we remember the victims of Bloody Sunday and their families, we continue to support the cause of peace and justice in Northern Ireland.

## IN HONOR OF HORACE SMITH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Horace Smith from my home State of Ohio who in many ways exemplifies the qualities of our great citizens. Horace Smith was a man greatly committed to our community and its people.

Mr. Smith, born August 12, 1917 in Knoxville, Tennessee, moved to the area 45 years ago. Among his honorable achievements, Mr. Smith received numerous awards as a Staff Sergeant serving in the U.S. Army during World War II. He received the medal for Good Conduct, the American Theater Medal, and Four Bronze Stars.

Horace Smith was dedicated to his job at Virden Lighting For 20 years before retiring in 1978. In addition to his strong dedication to his job, he committed his time to numerous organizations in Cleveland. Mr. Smith was a devoted member of the Morning Star Baptist church where he served as both a Trustee and Leader of Boy Scout Troupe No. 436. Furthermore, he was a member of the 32nd Degree Mason, the Shriners King Solomon Lodge No. 18, and Bezaleel Consistory No. 15.

While serving the people of Cleveland as their mayor, I was honored to have Mr. Smith as a member of the Cleveland Planning Commission. He served Cleveland in countless ways including over 30 years as Precinct Committeeman 8–B, a member of the Cuyahoga County), Democratic Party Executive Committee, and a member of the board of Directors of Glenville Y.M.C.A. Mr. Smith also volunteered his time with other local officials during political campaigns including former Congressman Louis Stokes, former Mayor Carl Stokes, and former Mayor Michael White. It has been a great honor for all of us to work with Horace Smith.

My fellow colleagues, please join me in celebrating the life of Staff Sergeant Horace Smith, a highly honored man devoted to our community for over 45 years. His achievements and service to the community, have earned him great respect by his family and all of us in the community.

## HILLIARD DELIVERS ''STATE OF RURAL AMERICA'' SPEECH BEFORE PROGRESSIVE CAUCUS

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. HILLIARD. Mr. Speaker, The State of Rural America is akin to most third world countries. I see poverty everywhere. The Alabama Black Belt, the Mississippi Delta and many reservations, are suffering in far greater degrees than the rest of America in this economical recession.

Agricultural America is suffering in a far greater degree than the rest of the nation. During the Great Depression of 1929, the Deep South suffered earlier than other parts of the nation and more severely.

The reasons for this suffering in rural America are many, but the lack of jobs and economic infrastructure are the primary reasons. Most Americans who live on small farms do not get their income primarily from them—they get it from jobs in the cities and towns, and there are too few jobs in rural areas, and when they exist, they tend to pay poorly.

To deal with this long-time suffering, Congress needs to concentrate on rural development like never before. We need to create increased incentives to bring industry and jobs to rural America. We must realize that small farmers and independent producers recycle wealth into their communities, while large, absentee farmers may not. Investments made in small and independent farmers and businesses stay in the rural areas and grow.

We need to increase educational opportunities there, so that the children do not hit dead ends in their development. We need to see that the children get fully nutritional meals—it is one of the cruelest ironies and greatest injustices in America that the children of farmers are often undernourished.

We need to increase programs that support cooperative arrangements between farmers, making them more sustainable as they work together, purchase and sell together.

Rural areas need micro-loans—they have small economies and the businesses are small. However, we need to make the micro-loans more usable, and the Small Business Administration's micro-loan program needs to be expanded to make the loans available up to $50,000, rather than the $35,000 cap, which is presently active.

The 8A program of the Small Business Administration has been essential in supporting business development in rural areas. It is in danger of being destroyed by the present administration, which has already published proposed rules which will make it unusable. We absolutely must defend the 8A program!''

NUTRITION

''The Food Stamp Program is one that provides a market to many farmers and nutrition to many poor people. The current minimum of $10 is too low, and shows a lack of concern for the hungry Americans who live in the richest nation in the world. People on Food Stamps should get at the very least $120.00 per month.

Further, the Food Stamp Program must be extended to legal immigrants. These workers are legally here, they contribute not only labor but also pay taxes to the American economy, and they should be able to access sufficient food for themselves and their children.

The Women, Infants and Children Program (WIC) should be funded sufficiently to meet the needs of the pregnant women and infants in this nation—this means that it must not be flat-funded in this recession, but expanded. However, the diet it provides, while necessary, is not sufficient in all ways, and is supplemented efficiently by the farmers market nutrition program, which makes available fresh fruits and vegetables necessary for the healthy development of our next generation. It must not be cut to make it seem that food stamps are being maintained.

Finally, we must deal with the crisis affecting black farmers. In 1910, at the worst of times for black Americans since slavery, 100,000 black farmers were landowners. Today there are only about 10,000 farms owned by black farmers—a drop of 90%! We

are finding that states have collaborated with rich farmers and with banks to scam black farmers out of their land, and Congress must deal with this. Not only must it cease, but farmers who have been cheated must be made whole. This is no worse than armed robbery!

Despite the settlement of the Black farmers class action lawsuit, Pigford vs. Glickman, which has cost the USDA millions to date. The Department is still making payments and civil rights violations still persist at the Department of Agriculture.

Little or nothing has been done to see to it that the discriminatory practices which led to this lawsuit have ended.

The administration has failed to hold the USDA accountable to producers, to the American people and to Congress. This must be fully resolved, and Congress should make sure that it is resolved.

I think our farmers are heroic, especially our small farmers. But they need more reliable allies, and Congress must join the battle fully. Our food, our children, and our Nation demand it.''

## PAYING TRIBUTE TO GOVERNOR JOHN LOVE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to pay tribute to and recognize the passing of a great statesman and national leader. On January 21, 2002, former Colorado Governor John Love, a leader and pillar of the State of Colorado and this nation, passed from us during the night at the age of 86. To many Coloradans, Governor Love will be remembered as a great statesman, but to those who knew him best, he will be remembered as John, a caring and kind soul always willing to lend a helping hand. I would like to take this opportunity, before this body today, to highlight Governor Love's many years of service to this nation.

Born in Illinois, John Love's family came to Colorado in 1919, settling in the city of Colorado Springs. Following high school, he entered the University of Denver, earning a bachelors and law degree by 1941. While the escalation of World War II waged on, John answered his country's call to service and joined the armed forces as a naval aviator. His exemplary service and courage in battle were rewarded with several Air Medals and two Distinguished Flying Crosses, the highest award bestowed to aviators in the arena of flight. Following the war, John returned to Colorado with his wife Ann, whom he married in 1942, and opened a private law practice.

In the years following the war, John stayed active in local politics, served as a member of the Colorado Springs Chamber of Commerce and the GOP Central Committee. Dissatisfied with Colorado's chief executive, and having no political office experience, John considered a bid to run for governor. In 1962, John entered the Colorado gubernatorial race and ran as the ''citizen's governor'' with a platform of growing the state economy and increasing educational opportunities. He defeated incumbent Steve Nichols, and became Colorado's 36th Governor.

During his three terms as Governor, John was responsible for increasing public support for secondary and higher education, improving health care, reducing state income taxes, eliminating the state property tax, and implementing economic policies that resulted in record growth for the state economy. His efforts drew national attention, resulting in an appointment to Director of the Energy Policy Office for the Nixon Administration, an office that would later become the Department of Energy.

Mr. Speaker, John Love was a great servant and patriot of this nation. His tenure as Governor, role as energy director, and self-sacrifice to defend his nation clearly deserves the recognition of this body of Congress and the thanks of a grateful nation. It has always been known that his greatest passion was his love and dedication to his family. John Love is survived by sons Dan and Andy, and daughter Becky. Ann, his wife and companion for over fifty years, passed from us in 1999. It is with a solemn heart that we say goodbye and pay our respects to a great statesman, and a patriarch of the State of Colorado. John Love dedicated his life to improving the lives of his fellow Americans, and he will be greatly missed.

## TRIBUTE TO MR. GEORGE H. SCHNARRE

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. BACA. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. George H. Schnarre for his service as the President of the San Bernardino Area Chamber of Commerce.

Mr. Schnarre is an individual of great distinction, and we join with his colleagues, family and friends in honoring his remarkable service to the San Bernardino community. He has truly achieved the American dream while retaining a firm commitment to his community exemplified by his work with the Chamber of Commerce.

George Schnarre was born during the Great Depression to Missouri sharecroppers. In the 1940's the Schnarre family migrated to California setting down roots in the San Bernardino area. After graduating from San Bernardino High School, George began studies at Valley College, but they were cut short by the Korean War. George Schnarre answered the call of duty joining the United States Navy as a dental technician. Upon the completion of his duty to his country, George returned to his studies at the University of California at Riverside while working part time in the grocery business. Thus began George's career in the Southern California business community.

While working his way up in the grocery industry, George Schnarre earned his real estate license. After moving back to his roots in San Bernardino, George entered the real estate business full time. Eventually George began his own real estate firm, George H. Schnarre Inc. Real Estate. Over time George's firm grew to encompass 13 offices.

While George built his real estate firm, he always made sure there was time to serve his community and his industry at the local, state and national levels. He obtained lifetime credentials to teach any real estate subject at the Community College level. Among numerous activities within the community, George participated in area little league and girls softball leagues, and is an active Rotarian, Mason, Shriner, and member of the San Bernardino Elks. George Schnarre's dedication to the community and expertise in the business culminated in his service as Director of the San Bernardino Chamber of Commerce as well as on four other local Chambers.

George Schnarre is not only a business and community leader, he is also a family man. We are joined in recognizing the accomplishments of this outstanding individual by his wife, Claudia A. Schnarre, son George W. Schnarre, daughter Cindy Schnarre Healy and grandson David Jones.

And so, Mr. Speaker, I join George's loving family, recognizing George's long and distinguished career in real estate, and we express admiration for his service to the San Bernardino Area Chamber of Commerce.

## HONORING DAVE THOMAS

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. RAHALL. Mr. Speaker, ''the man who really counts in the world is the doer,'' President Theodore Roosevelt once wrote, ''not the man who only talks or writes about how it ought to be done.'' Dave Thomas was the definition of a doer. He was one of the youngest soldiers to manage an Enlisted Men's Club for the U.S. Army, and his innate business acumen led to success after success, making him a millionaire by the time he turned thirty-five.

But truly successful people do not hoard their earnings or ignore the pain of others. Dave Thomas believed in civic responsibility and eagerly involved himself in the communities he called home. In Columbus, Ohio, where he founded Wendy's Old Fashioned Hamburgers in 1969, Mr. Thomas supported financially and morally the Children's Hospital, Recreation Unlimited, and the Ohio State University Cancer Research Institute.

I worked with Dave Thomas to further the mission of the St. Jude Children's Research Hospital, on whose Professional Advisory Board I have served since 1996. Located in Memphis, Tennessee, St. Jude was founded by Danny Thomas in 1962. It is one of the world's leading centers of research and treatment for life-threatening childhood illnesses, particularly cancer. Remarkably, no child pays for St. Jude's services. The American Lebanese Syrian Associated Charities raise the funds to cover all costs of patient care.

Dave Thomas served six productive years on the St. Jude's Boards of Directors and Governors, from 1978–81 and from 1994–97. Richard C. Shadyiac, Sr., St. Jude's National Executive Director, ''recalled him as a very close personal friend of Danny Thomas.'' Mr. Shadyiac went on to say that ''Mr. Thomas made major contributions and stock gifts to St. Jude's, especially in its early, formative years.''

Most Americans know Dave Thomas from his television commercials. They embody his easy demeanor and engaging personality. Not

many captains of industry would return to high school, as Dave Thomas did in 1993, to earn a diploma forty-five years after leaving school to work full time. Fewer still would have the grace and humor to attend the prom. Dave Thomas lived a life of purpose and action. He was devoted to his family, committed to his business, and endlessly generous with his time and wealth.

## HONORING THE METROPOLITAN HOUSING AND URBAN DEVELOPMENT AGENCY'S EXECUTIVE DIRECTOR GERALD NICELY ON THE OCCASION OF HIS RETIREMENT AFTER THIRTY YEARS OF SERVICE

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. Gerald Nicely, Executive Director of the Metropolitan Development and Housing Agency (MDHA) in Nashville on the occasion of his retirement after more than thirty years of service to Metropolitan/Davidson County Tennessee Government.

I consider Mr. Nicely a longtime friend and have had the opportunity to work with him on housing issues for Tennesseans a number of times. One of the most important projects we worked on together was securing significant federal funding for the revitalization of the Vine Hill Homes through the HOPE VI funding effort. Additionally, our continued cooperation resulted in millions of federal housing dollars being allocated to Middle Tennessee for numerous programs and housing improvements.

His accomplishments include outstanding leadership overseeing key downtown projects such as construction of Adelphia Stadium, the new downtown library, the Country Music Hall of Fame, the convention center, Frist Center for the Visual Arts and Gaylord Entertainment Center Arena. He also directed renovations at the historic Ryman Auditorium and the revitalization of the Riverfront Park area. These marked improvements under Nicely's direction have resulted in the highest praise from his peers and residents of the community as well as awards on the local, state, and national levels.

A native of East Tennessee, Gerald Nicely received his bachelor and masters degrees in Economics from the University of Tennessee. The Metropolitan Planning Commission hired him as Staff Economist in 1968, and by 1979, he was promoted to Director of the Housing Development Division, beginning a twenty-two year run managing MDHA. His tenure as director was interrupted only once, in 1993–1994, when he was named Chief of Staff for then Nashville Mayor Phil Bredesen.

Nicely has always believed in giving back to the community through attendance and service on various boards and civic organizations. For instance, he currently serves as founding board member of the Nashville Housing Fund and the Nashville Homestead Corporation; as charter board member of the Frist Center for the Visual Arts and Affordable Housing of Nashville, Inc.; and on the board of the Metropolitan Action Commission. A past president of the Public Housing Authorities Directors Association, today he serves as trustee for that organization. Additionally, he served two terms on the board of the Tennessee Housing Development Agency (THDA).

Membership in civic organizations includes the Downtown Rotary Club of Nashville; the Nashville Area Chamber of Commerce; the National Association of Housing and Redevelopment Officials; the Tennessee Association of Housing and Redevelopment Authorities; Urban Land Institute; and Leadership Nashville Alumni Association.

As Director of MDHA, Nicely met the ongoing challenge of overseeing the public housing authority, as well as directing efforts to revitalize and renew urban areas, purchase land and design projects throughout the county. His fortitude, vision, and professionalism as an administrator have helped propel Nashville forward into the 21st Century.

Mr. Speaker, I offer my sincerest wishes for future success to Mr. Nicely and his family on this momentous occasion and I yield back the balance of my time.

## TRIBUTE TO COLONEL MICHAEL L. WARNER (RET)

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. SAXTON. Mr. Speaker, few Americans dedicate the majority of their lives to the people of our country and the residents of their State. Even fewer place their own lives in harm's way to protect the values and freedoms we, as Americans, hold dear.

One such person is my friend, Colonel Mike Warner (Ret). Mike has had a distinguished career serving our country in the United States Army. Mike served in the U.S. Army for 27 years as an officer. During his distinguished career as an Active Army officer, Colonel Warner had numerous staff command assignments including assignments in Korea, Germany, and throughout the United States.

Colonel Warner is a highly decorated soldier, receiving two Legions of Merit, two Bronze Stars, a Purple Heart, three Meritorious Service Medals, and the Army Commendation Medal. Additionally, he has received campaign medals for service in Vietnam and overseas service ribbons for his tours of duty in Europe and Korea.

For his final assignment, Mike served as Commander of Fort Dix, in Burlington County, New Jersey. At Fort Dix, Mike was responsible for the 35,000 acre military installation and a $125 million operating budget.

After retiring from Active Duty, Colonel Warner continued to serve the people of the State of New Jersey. Governor Christine Todd Whitman appointed Colonel Warner as the State's third Deputy Commissioner for Veterans Affairs in March of 1994. As Deputy Commissioner, Mike was responsible for providing support for New Jersey's 650,000 veterans and their families, managing a $55 million budget, the operation of three 300-bed nursing homes, and the Nation's largest State veterans cemetery.

Mike Warner is also a dedicated citizen, giving his free time to many charitable and civic organizations. He is a member of the Alumni Associations of Marquette University and the Army War College, the Association of the U.S. Army and Retired Officers Association, the Veterans of Foreign Wars, the American Legion, the Vietnam Veterans of America, and is a lifetime member of the Military Order of the Purple Heart and the Disabled American Veterans. Locally, Mike is a member of the Burlington County Boy Scouts of America Executive Council, the Pemberton Rotary, and serves on the Board of Directors of the USO of Philadelphia.

Our country and communities need dedicated people like Colonel Mike Warner. He is a true American Patriot and it is my pleasure to call him friend.

## PAYING TRIBUTE TO DEE WEITZEL

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of DeeAnn ''Dee'' Frances Weitzel of Grand Junction, Colorado. Dee peacefully left us on a Friday evening, January 11, 2002. Dee was a popular member of the community and was often sought by many in the community for her listening ear, advice, and warm smile.

Over forty years ago, Dee moved to Grand Junction, Colorado where she quickly became an entrepreneur in the Western Slope community. Dee managed to start an employment agency, while raising a family that appreciated and valued the importance of hard work, honor, and perseverance. She raised her sons Scott, Kirk, Clay, and Tim to be respectful men who were determined to succeed in their pursuits. Dee's influence touched many lives outside of her immediate family and she was also a loving grandmother, wife, sister, and friend to many.

Dee's innovation in the business world led to her ownership of Warning Lites & Equipment, Inc. Although she was President and General Manager of her company, Dee and her husband Dewey could often be spotted along the highway working next to their employees and repairing the weather-beaten roads of the Western Slope. Dee was a respected employer and community benefactor who recognized the importance of providing for a community that had offered her a comfortable setting to raise a family and build successful businesses. Dee's business ventures brought jobs, dollars, and security to the community. Additionally, Dee made a number of charitable contributions in the area and donated her time and energy to many community events.

Mr. Speaker, it is my privilege to pay tribute to DeeAnn Weitzel for the great strides she took in establishing herself as a valuable leader in the Grand Junction community. Her dedication to family, friends, work, and the community certainly deserves the recognition of this body of Congress. Although Dee has left us, her good-natured spirit lives on through the lives of those she touched. I would like to extend my regrets and deepest sympathies to Dee's family and friends during this difficult time.

## IN MEMORIUM OF THE LATE PRESIDENT LEOPOLD SEDAR SENGHOR

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. RANGEL. Mr. Speaker, I rise today to recognize a great leader, the past President of Senegal, Leopold Sedar Senghor who past away on December 20th, 2001. President Senghor was a educator, poet, statesman, and a friend of the United States of America.

President Senghor was born in a small town of Joal, Senegal in 1906. He received a scholarship to attend school in France where in 1935 he became the first African to receive the ''Agrégé'' (doctorate degree) in French language and literature.

After teaching for a number of years, he served in the French army during World War II (1935–1945), was captured, and spent two years in German prison camps. It was as a prisoner of war that he managed to write some of his best poetry. After the war, Senghor was recruited by the French Socialist Party and was later elected to represent Senegal in the National Assembly in Paris in which capacity he served until the French territories became independent. In 1960, France granted independence to Senegal and Leopold Senghor was elected its first president.

Few chief of states could match his political skill or his personal charisma. This was especially notable when President John F. Kennedy hosted President Senghor at a state visit in 1961 at the White House. As recorded in the memoirs of Ambassador of Senegal at that time—the Honorable Philip Kaiser—the two gentlemen developed a special bond. Ambassador Kaiser remarked ''they were both intellectuals, both highly cultivated, both Catholic in countries predominantly Protestant or Moslem, and not the least of all, both creative, pragmatic politicians.''

During the 1960s, President Senghor's friendship with the United States grew and was evident in his support for President Kennedy during the Cuban missile crisis. Washington strategist realized that Moscow could evade the U.S. naval blockade around Cuba by flying Soviet planes, with atomic warheads aboard, to Havana if they were able to land and refuel in Dakar, Senegal's capital. President Senghor agreed to Washington's request to deny the Russians landing rights in Dakar and made it clear that his relationship with President Kennedy was a crucial factor in his decision. President Senghor was also the first African leader to receive Peace Corps volunteers—a program highly touted by President Kennedy.

In 1978, President Senghor won Senegal's first multiparty election easily after successfully introducing amendments to the constitution to foster multiparty politics. He resigned in 1981, thus becoming the first leader of an independent African country to give up power voluntarily.

He has been acclaimed as one of the most astute thinkers of our time. He was one of three to develop the concept of ''negritude'' which refers to the distinctive culture shared by Africans and people of African ancestry around the world. He won several awards for his poetry including the highly coveted PEN award and had been nominated for the Nobel Prize in Literature several times. He was admitted to Academie Francaise—the first black person to receive France's highest honor for enduring contribution to French life and letters.

Mr. Speaker, I ask that all my colleagues join me in celebrating the life and the political accomplishments of a friend of the United States of America, the late President Leopold Sedar Senghor of Senegal.

## TRIBUTE TO MRS. MARIAN M. OLIVER

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Marion M. Oliver of South Carolina, a retired educator with numerous years in the public school systems. A dedicated servant to her fellow citizens, she has amassed many years of volunteer service to her community. I join the citizens of Orangeburg and Barnwell Counties in expressing our deep appreciation and gratitude to her for a lifetime of outstanding service.

Mrs. Oliver was born February 17, 1912, in Bamberg County, South Carolina. She attended schools in through high school. After graduating high school she continue her education at Claflin University in Orangeburg, SC. There she received a Bachelor of Arts in Early Childhood Education. After graduation, her desire to help others lead her to a thirty-seven year teaching career in Orangeburg and Barnwell Counties, South Carolina.

Though Mrs. Oliver has no biological children, she has raised two; Dwight and Pearl Ethel, as her own and has been a mentor to many others in her community. She has invested much of her time supporting her church and community through personal involvement and countless fundraisers. In addition to her leadership positions in her church, Sunday School Teacher and President of United Methodist Women, she is an active member of the National Association for the Advancement of Colored People (NAACP).

At age eighty-nine, Mrs. Oliver is still active with United Methodist Women and several other organizations in her community including Cooperative Church Ministries of Orangeburg, American Association of Retired Persons (AARP), Retired Teachers' Association, and a local needbased service group called Senior Support Group. Because of her tireless dedication to church and community, Mrs. Oliver is now reaping the harvest of her efforts through the admiration she receives from her neighbors and appreciation she receives from those whose lives she has touched.

Mr. Speaker, I ask that you and my colleagues join me in honoring Mrs. Marian M. Oliver for the immeasurable service she has offered to her community through her roles as a teacher, civic leader and volunteer. I sincerely thank Mrs. Oliver for her life-long commitment to helping others and wish her good luck and Godspeed.

## PAYING TRIBUTE TO GAY CAPPIS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Gay Cappis and thank her for her extraordinary contributions as County Clerk for San Miguel County. Her life-long dedication to both her job and the people of San Miguel County is matched only by the level of integrity and honesty with which she has conducted herself each and every day while at her post. She will always be remembered as an employee with the utmost dedication and talent, and will continue to be known as a leader in her community. As she celebrates her retirement, let it be known that I, along with each and every person with whom she has worked and the people of San Miguel County, are eternally grateful for all that she has accomplished in her more than 50 years of public service.

Gay worked in the San Miguel County office for over 24 years, beginning as a typist at the age of 19 for County Clerk Shelly Clark. Gay was later appointed Deputy County Clerk by Mollie Rae Carver in 1964. She was then appointed County Clerk in 1970 and has run successfully for this important position to this day. For over 50 years, Gay has selflessly given her time, energy and unrelenting commitment to the people of San Miguel County. Although we are sad to lose her services, we are happy that she will now have more time to travel and relax with her husband George and enjoy her well deserved retirment.

Mr. Speaker, it is clear that Gay Cappis is a woman of unparalleled dedication and commitment to both her professional endeavors and the people of her community. It is her unrelenting passion for each and every thing she does, as well as her spirit of honesty and integrity with which she has always conducted herself, that I wish to bring before this body of Congress. She is a remarkable woman, who has achieved extraordinary things in her career and for her community. It is my privilege to extend to her my congratulations on her retirement and wish her the best in her future endeavors.

## SLAUGHTER-HOEFFEL-SMITH RESOLUTION ON THE UKRAINIAN PARLIAMENTARY ELECTIONS

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Ms. SLAUGHTER. Mr. Speaker, today I, along with my colleagues Rep. JOSEPH HOEFFEL and Rep. CHRISTOPHER SMITH, introduced a resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002 parliamentary elections.

In April 2001, 1 was troubled to learn about the Ukrainian Parliament's vote to remove reform-minded Prime Minister Viktor Yushchenko. This change in government came in the midst of the ongoing political turmoil resulting from allegations over the involvement of President Leonid Kuchma in the

case of murdered journalist Heorhiy Gongadze. Meanwhile, reports of government corruption and harassment of the media have raised concerns about the Ukrainian government's commitment to democratic principles. As a founding member and Co-chair of the Congressional Ukrainian Caucus, I have spoken out for a more democratic Ukraine and expressed my continued concern about the lack of progress in the Gongadze case and recent political instability.

On March 31, 2002, Ukraine will hold its third parliamentary elections since becoming independent more than ten years ago. It is widely believed that the outcome of the parliamentary elections will determine whether Ukraine continues to pursue democratic reforms, or experiences further political turmoil. The intent of my resolution is to make the Government of Ukraine aware that the U.S. Congress is monitoring the conduct of the parliamentary election process closely, and will not just be focusing on Election Day results.

According to the Organization for Security and Cooperation in Europe Office of Democratic Institutions and Human Rights (OSCE/ODIHR) final report on Ukraine's most recent national election, the presidential election of 1999 was marred by violations of Ukrainian election law and failed to meet a significant number of OSCE election commitments. There is now concern that the 2002 parliamentary elections will be compromised by similar violations. Two recent reports on the 2002 parliamentary elections released by the Committee on Voters of Ukraine (CVU), a leading Ukrainian watchdog group on elections, have cited numerous violations in the campaign process.

My resolution urges the Government of Ukraine to enforce impartially the new election law signed by President Kuchma on October 30, 2001, which was cited in a OSCE/ODIHR report dated November 26, 2001 as making improvements in Ukraine's electoral code and providing safeguards to meet Ukraine's commitments on democratic elections. The resolution also urges the Government of Ukraine to meet its commitments on democratic elections and address issues identified by the OSCE in its final report on the 1999 elections, such as state interference in the campaign and pressure on the media. Finally, the resolution calls upon the Government of Ukraine to allow both domestic and international election monitors full access to the parliamentary election process.

It is my hope that this resolution will send a clear message to the Government of Ukraine that the U.S. Congress will not simply rubber stamp funding requests for Ukraine without also considering the serious issues involved in Ukraine's democratic development. In particular, the conduct of the 2002 parliamentary elections will have a major impact on funding considerations when Members of Congress are again confronted with the task of balancing their support of the U.S.-Ukrainian relationship with Ukraine's progress in making democratic reforms.

I urge my colleagues to support the Slaughter-Hoeffel-Smith resolution, and encourage the Government of Ukraine to conduct a democratic, transparent, and fair parliamentary election process.

## CONGRESSMAN JOHN LEWIS ON MARTIN LUTHER KING'S SPECIAL BOND WITH ISRAEL

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. LANTOS. Mr. Speaker, as a nation we have recently celebrated the contributions of Dr. Martin Luther King, Jr., in the noble crusades of Civil Liberty and Equal Rights, and in a few days we will commence a celebration of the contributions of African-Americans to our nation's history in ''Black History Month.'' Dr. King was an exemplar and a martyr for these causes. As an advocate for an oppressed people, he was in a unique position to offer insights into the suffering of the Jewish people.

My distinguished colleague from Georgia, Mr. JOHN LEWIS, recently summarized Dr. King's sentiments of empathy with the Jewish community in an article appearing on January 21, 2001 in the San Francisco Chronicle entitled ''King's Special Bond With Israel.'' Mr. LEWIS was a contemporary of Dr. King in the Civil Rights movement of the sixties and has carried King's ''Dream'' of equality and justice into the twenty-first century. He has maintained an active role in politics and has been an outspoken champion of human rights and progressive social movements. His recent sponsorship of legislation discouraging racial profiling, and his dedicated support of the National Museum of African-American History and Culture, further illustrate his commitment to a society that is truly free of racial inequality.

Mr. Speaker, I would ask that Congressman LEWIS's article be placed in the CONGRESSIONAL RECORD. I encourage my colleagues in the House to consider the position articulated by Dr. King, and in so doing, develop an appreciation for the parallel sufferings of the Jewish and African-American communities.

[From the San Francisco Chronicle, Jan. 21, 2002]

KING'S SPECIAL BOND WITH ISRAEL

(By John Lewis)

The Rev. Martin Luther King Jr. understood the meaning of discrimination and oppression. He sought ways to achieve liberation and peace, and he thus understood that a special relationship exists between African-Americans and American Jews.

This message was true in his time and is true today.

He knew that both peoples were uprooted involuntarily from their homelands. He knew that both peoples were shaped by the tragic experience of slavery. He knew that both peoples were forced to live in ghettos, victims of segregation.

We knew that both peoples were subject to laws passed with the particular intent of oppressing them simply because they were Jewish or black. He knew that both peoples have been subjected to oppression and genocide on a level unprecedented in history.

King understood how important it is not to stand by in the face of injustice. He understood the cry, ''Let my people go.''

Long before the plight of the Jews in the Soviet Union was on the front pages, he raised his voice. ''I cannot stand idly by, even though I happen to live in the United States and even though I happen to be an American Negro and not be concerned about what happens to the Jews in Soviet Russia. For what happens to them happens to me and you, and we must be concerned.''

During his lifetime King witnessed the birth of Israel and the continuing struggle to build a nation. He consistently reiterated his stand on the Israel-Arab conflict, stating ''Israel's right to exist as a state in security is uncontestable.'' It was no accident that King emphasized ''security'' in his statements on the Middle East.

On March 25, 1968, less than two weeks before his tragic death, he spoke out with clarity and directness stating, ''peace for Israel means security, and we must stand with all our might to protect its right to exist, its territorial integrity. I see Israel as one of the great outposts of democracy in the world, and a marvelous example of what can be done, how desert land can be transformed into an oasis of brotherhood and democracy. Peace for Israel means security and that security must be a reality.''

During the recent U.N. Conference on Racism held in Durban, South Africa, we were all shocked by the attacks on Jews, Israel and Zionism. The United States of America stood up against these vicious attacks.

Once again, the words of King ran through my memory, ''I solemnly pledge to do my utmost to uphold the fair name of the Jews—because bigotry in any form is an affront to us all.''

During an appearance at Harvard University shortly before his death, a student stood up and asked King to address himself to the issue of Zionism. The question was clearly hostile. King responded, ''When people criticize Zionists they mean Jews, you are talking anti-Semitism.''

King taught us many lessons. As turbulence continues to grip the Middle East, his words should continue to serve as our guide. I am convinced that were he alive today he would speak clearly calling for an end to the violence between Israelis and Arabs.

He would call upon his fellow Nobel Peace Prize winner, Yasser Arafat, to fulfill the dream of peace and do all that is within his power to stop the violence.

He would urge continuing negotiations to reduce tensions and bring about the first steps toward genuine peace.

King had a dream of an ''oasis of brotherhood and democracy'' in the Middle East.

As we celebrate his life and legacy, let us work for the day when Israelis and Palestinians, Jews and Muslims, will be able to sit in peace ''under his vine and fig tree and none shall make him afraid.''

## PAYING TRIBUTE TO LAVELLE CRAIG

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Lavelle Craig and thank him for his contributions to the community of Canon City, Colorado. Lavelle will always be remembered as a dedicated administrator and leader of the community, and as he celebrates his retirement, let it be known that this will be a great loss for a town that has relied on him for his knowledge and wisdom in times of hardship and prosperity.

Lavelle has been a tireless servant of the business and civic community for many years. As a member of the business community, he served as a bank executive with Fremont National Bank. Answering a call to public service in 1995, Lavelle entered into the field of politics. He was elected that year to the City

Council and served his district for the next two years. This position laid the groundwork for Lavelle to run for Mayor, a position he has held for the past four years. Following four successful and prosperous years as the town's chief executive, Lavelle now prepares to hand the office to his new successor.

In his service to his community, Lavelle played a crucial role in the maintenance of city values and infrastructure. He negotiated tough contracts with the Royal Gorge Bridge Co., which provide a large amount of revenue to Canon City, thereby allowing for record low real estate taxes in the region. He promoted public work programs such as road building, public recreation facilities, and was at the forefront of decreasing voter apathy and increasing civic involvement, a daunting and often difficult task. As for his future plans, Lavelle intends to remain active in his civic responsibilities as well as enjoy a well-deserved retirement.

Mr. Speaker, it is a great honor to recognize Lavelle Craig and thank him for his contributions to the community of Canon City, the State of Colorado, and this nation. His selfless service and dedication to improving citizen's lives has brought much credit to himself, his family, and the community. His actions and forbearance in preserving our western ideals and lifestyle deserve the recognition and thanks from this body of Congress. Congratulations on your retirement Lavelle, and good luck in your future endeavors.

## THANK YOU ANN BROWN AND THE STAFF AND VOLUNTEERS OF SAFE

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. MORAN of Virginia. Mr. Speaker, thank you Ann and all the fine staff and volunteers of SAFE. I am proud to be here today standing along side of this nation's foremost safety advocates.

Ann Brown has dedicated much of her life to our families safety. Her particular emphasis has been on children. Because our children naturally assume that anything, particularly a toy, that their parents give them couldn't possibly cause them harm.

But do you know that more than 1.7 million children under the age of 5 are injured each year by defective or hazardous products. For older children, the figure is almost 5.5 million.

So, as I was saying, Ann Brown is determined, she's tough, and she doesn't give up. And if I'm ever not on her side, I'll know I'm on the wrong side. Because through effective regulatory action, encouraging voluntary steps by companies, and creating unique public-private partnership with industry and other governmental agencies, she has made a major difference in the quality and the safety of our lives.

In fact, no one, before Ann, has been as consistently effective in making more people aware of dangerous and defective consumer products and getting them recalled—300 products were recalled during Ann's 7½ years chairmanship of CPSC. Too many children have been injured, some have even died because people didn't learn about the recall of a dangerous product from television, radio or their daily paper.

Sometimes they don't hear about the recall. Oftentimes, it's not their fault. The way the system works today, it's surprising anyone knows about some of these recalls.

Most companies try to contact people directly about recalled products based on the limited records they've collected from the so-called warranty cards companies send out with products.

These records are grossly inadequate.

Over 90 percent of consumers toss the cards out because they contain marketing and personal questions people just don't want to answer. And they shouldn't have to.

I like Ann's idea that if you could create a simple safety card, like she has shown today, people would be much more likely to send them back.

We want to commend Mattel and BrandStamp for stepping up to the plate to help CPSC test this idea.

Ann Brown and SAFE are right that CPSC should move forward on a proposed rule to improve recall effectiveness.

So we are introducing legislation which would require CPSC, within 9 months to adopt a standard for companies to develop shorter, simpler consumer friendly Product Safety Cards, or online product registration beginning with juvenile products and small electrical appliances, and then other consumer products.

The legislation also encourages companies to look at other new technologies that will help them do the job.

This bill is designed to help the government do what it needs to do to protect American consumers.

I'm proud to be here today, standing alongside Ann Brown, my colleague from Massachusetts, JIM MCGOVERN, and the folks from these good companies who want to save lives and prevent injuries by developing a way to let more people know about dangerous products.

## THE EMPLOYEE PENSION FREEDOM ACT

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. GEORGE MILLER of California. Mr. Speaker, the following is a summary of the Employee Pension Freedom Act.

I. IMPROVED DISCLOSURE

Annual Benefit Statements: pension plans would be required to provide annual pension benefit statements to participants and beneficiaries including notification of employee and employer contributions that consist of employer stock and the importance of a well balanced and diversified investment portfolio for long term retirement security.

Accurate Financial Information: in all pension plans where participants make investment decisions, the employer and plan administrator must provide all material investment information to participants as required under securities law to make investment decisions. Prohibits the employer or plan administrator from making any misleading statements to participants regarding the value of employer stock or other investments available under the plan or from omitting information relevant to the value of the stock or other investment options.

II. STRENGTHENED EMPLOYEE DIVERSIFICATION RIGHTS

Unrestricted Employee Choice Over Employee Contributions: in pension plans where participants make investment decisions, participants will have the right to allocate employee contributions to any plan investment option (eliminate current law rule permitting employers to require 10% employer stock holdings).

Unrestricted Employee Choice Over Employer Contributions When Vested: the plan administrator must notify all participants upon vesting of the right to transfer employer stock matching contributions to other plan investment options; the plan administrator would have up to 30 days to effect any requested transfer; in an ESOP, employees may diversify employer matching contributions after 10 years of service.

III. IMPROVED EMPLOYEE ACCOUNT ACCESS

Faster Vesting for Employees: covered employees will be vested in their employer contributions after completion of one year of participation in the plan (many plans currently vest after five or more years and some, like Enron, do not permit employees to transfer employer contributions even following vesting).

30 Days Advance Notice of Plan ''Lockdowns'': the plan administrator must provide at least 30 days advance written notice of any plan change that would restrict a participant's access to his or her account.

No More Than 10 Business Days for Lockdowns: an employer or plan administrator may not limit participant access to his or her account for a period of more than 10 business days.

IV. ADEQUATE LEGAL PROTECTION FOR EMPLOYEES

Fiduciaries Must Have Insurance or be Bonded: all defined contribution plan fiduciaries shall maintain sufficient fiduciary insurance or bonding to cover financial losses due to breach of fiduciary duty as determined by the Secretary of Labor.

Employee Pension Plan Representation: in pension plans that permit employees to direct control of their pension investments, the plan must include an equal number of employer and employee trustees to oversee the plan. Many plans today have no employee trustees overseeing employees' funds.

No Waivers of Legal Rights: Employers may not require participants to sign waivers of statutory pension rights as part of a termination or severance agreement.

Right to be Made Whole in Court: in cases of fiduciary breach of duty by a fiduciary or knowing participant in a breach, the plan or participants may be made whole by the court.

Improved Labor Department Assistance: the Department of Labor shall establish an office of the Participant Advocate which shall monitor potential abuses of employee pension plan rights and assist pension plan participants in preventing and resolving abuses.

Feasibility Study for Guaranty Insurance: the PBGC shall study and report to Congress no later than 3 years after enactment the options for and feasibility of developing an insurance guarantee system for defined contribution plans.

## PAYING TRIBUTE TO RON BERGMANN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Ron Bergmann and thank him for his contributions to the Chaffee County Sheriff's Department and community. Ron will always be remembered as a dedicated leader and guardian of the community, and as he celebrates his retirement, let it be known that this will be a great loss for a community that has relied on him for his knowledge and wisdom in times of hardship and prosperity.

Ron was elected Sheriff of Chaffee County eight years ago and has served in this position with great diligence and commitment to his fellow Coloradans. As a former law enforcement officer, I know the challenges and hardships our peace officers face every day. The greatest honor bestowed on these brave men and women is not awards and promotions, but the maintenance of integrity. Through his responses to render assistance and guidance, Ron has always maintained his composure and served in his capacity with the utmost professionalism and compassion.

Ron has been an active member in the civic community by dedicating his time and energy to noble community activities throughout the area. He serves on the Chaffee County Child Protection and Child Evaluation Teams, as a board member for programs such as ''Kid's Campus'' and ''Build a Generation,'' and the Chaffee County Fairboard. He continues to serve the area's younger generation as a 4H leader and as coach for a little league baseball team. In addition, Ron can be found training residents in the prevention of wildfires, forming neighborhood watch programs, lecturing about drug use prevention, and teaching First Aid/CPR to local high schools.

Mr. Speaker, I have mentioned several of the many successes and accomplishments in Ron Bergmann's life, but none compare to his character and dedication to the people of Chaffee County. He is known as a kind soul and caring father and his efforts towards improving the community certainly deserve the recognition of this body of Congress, and this nation. I would like to extend my congratulations on Ron's retirement and wish him and his wife, Sarina, the best in their future endeavors.

## COMMEMORATING THE 100TH BIRTHDAY OF LANGSTON HUGHES

### HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. RYUN of Kansas. Mr. Speaker, I rise today to commemorate the 100th birthday of Langston Hughes, which will take place on February 1, 2002.

Langston Hughes grew up in Topeka, Lawrence and Kansas City, Kansas. His mother, Carrie Hughes, raised him on her own as she worked in the office of Topeka's first African-American lawyer, James H. Guy.

Langston discovered poetry in the eighth grade and published his first poem, ''The Negro Speaks of Rivers'', shortly after leaving Columbia University. After moving to Harlem he published many works including his first book of poems, ''The Weary Blues.''

He graduated from Lincoln University in 1929 with a Bachelor of Arts degree. In 1943 he received an honorary doctorate. Both the Guggenheim and Roeswald granted Hughes fellowships and he later accepted assignments as Atlanta University's poet in residence and news correspondent during the Spanish Civil War.

Langston Hughes was a prolific writer. In the forty-odd years between his first book and his death in 1967, he devoted his life to writing and lecturing. He wrote sixteen books of poems, two novels, three collections of short stories and much, much more.

Mr. Speaker, I rise today to commend Mr. Langston Hughes for holding strong the belief in equality, for being an influence in the literary community and for being the people's poet.

## PERSONAL EXPLANATION

### HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. HAYES. Mr. Speaker, let the RECORD reflect that due to a scheduling conflict, I was unable to be present for votes on Wednesday, January 23, 2002. Had I been present I would have voted YEA on the following: H.R. 700, H.R. 2234, and H. Res. 330. Thank you.

## HONORING BROWARD COUNTY VETERANS

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate Broward County, Florida, World War II Veterans who, on May 1, 2001, received honorary high school diplomas from the Florida Department of Education and Broward County Public Schools. Half a century ago, thousands of young Americans risked their lives to fight for our freedom in World War II, and I applaud the dedication of these veterans during that time of war, as well as their loyalty to the security of the American people.

Many who fought in World War II forfeited their chance to complete high school and continue onto college when, in the prime of their youth, they were asked to save the world. They entered the war as teenagers and those that survived came home as adults. Many veterans had to immediately enter the workforce upon their return to support the families they left behind. Broward County, through this special ceremony, has honored these deserving veterans for their personal sacrifices and their protection of democracy and humanity.

Last year, the State of Florida offered all veterans meeting a general criteria their high school diplomas. Florida's actions are accompanied by similar programs throughout the nation. I commend Broward County Public Schools and the Florida Department of Education on their efforts to honor these World War II Veterans. These institutions further saluted Broward County veterans by arranging a special graduation ceremony at which the diplomas were received.

Mr. Speaker, World War II interrupted the lives of young America in the 1940's, and now the State of Florida has presented a chance to thank these individuals by recognizing this well-deserved and hard-earned accomplishment.

## HONORING SGT. 1ST CLASS MICHAEL McELHINEY

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Ms. McCARTHY of Missouri. Mr. Speaker, I rise to honor a heroic native of Kansas City, Missouri, Sergeant 1st Class Michael McElhiney, graduate of Hickman Mills High School and a special honoree tonight at the State of the Union. The US military recently bestowed upon Sgt. McElhiney both a Bronze Star with a ''V'' for valor and a Purple Heart for his exceptional bravery in battle during the war in Afghanistan. As an officer of the Army's 3rd Battalion, 5th Special Forces Group, Sergeant 1st Class Michael McElhiney has heroically served our country. I am extremely honored to recognize Mr. McElhiney and his wife today for their sacrifices for our country.

During his arduous mission in Afghanistan, Sergeant 1st Class McElhiney and his fellow soldiers successfully rescued citizens who had helped resist the Taliban. Traveling with Hamid Karzai, Afghanistan's interim prime minister, the coalition of Afghan and US soldiers helped force the Taliban to retreat. During a US air strike aimed to weaken the Taliban control of Kandahar, Sergeant 1st Class McElhiney was wounded in ''friendly fire,'' a term used by the military to describe injuries resulting from allies' weapons. As a result of this battle in Kandahar, Sergeant 1st Class McElhiney lost his right hand and suffered a collapsed lung. Sergeant 1st Class McElhiney was reunited with his wife after being airlifted to the Marine Corps base at Camp Rhino and then to a US military base in Germany.

Sergeant 1st Class McElhiney is a hero to residents of both Missouri's fifth district and the country. As part of an assignment on American heroes, fifth grade students at Comanche and Westwood View, two local elementary schools in Johnson County, adopted Mr. McElhiney as their hero. The children have sent numerous letters to Sergeant 1st Class McElhiney to thank him for his courage and integrity in battle. In addition, the students are preparing a book for Mr. McElhiney that will be bound and will include their picture on the cover. The bravery and perseverance shown by Mr. McElhiney in Afghanistan exemplify the sacrifices our Armed Forces make every day for our freedom.

Mr. Speaker, please join me in honoring Sergeant 1st Class Michael McElhiney and his wife as they represent the best of our country. All Americans owe Sergeant 1st Class McElhiney a debt of gratitude for his service to promote freedom and democracy worldwide.

## CERVICAL CANCER AWARENESS AND THE IMPORTANCE OF EARLY DETECTION

### HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to address the issue of Cervical Cancer Awareness and the importance of early detection to prevent deaths as we close the month of January as Cervical Cancer Awareness Month.

In the year 2002, the American Cancer Society estimates that there will be about 13,000 new cases of invasive cervical cancer in the United States and about 4,100 women will die from this disease. Many of these deaths could be avoided by increasing screening rates among all women at risks.

Cervical cancer screening using the Pap test detects not only cancer but also precancerous lesions. Detecting and treating such lesions can actually prevent cervical cancer—and thus can prevent virtually all deaths from this disease.

We should recall that the Labor-HHS Appropriations final bill approved $192.6 million for funding for breast and cervical cancer screening. We hope the administration will implement these appropriations at the level passed by Congress. However, despite the funding approved, public awareness about the importance of early detection of Cervical Cancer still remains very limited. This is especially so among certain minority and ethnic women who have less than a high school education, or who live below the poverty level.

Today I introduce a Concurrent Resolution to recognize the importance of good cervical health and the importance of early detection of cervical cancer. As January is Cervical Cancer month, I would like to encourage you to join me in supporting efforts to promote early detection of cervical cancer so that we can together eradicate this disease that has already taken the lives of many American women.

## RECOGNIZING CATHOLIC SCHOOLS WEEK

### HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 2002*

Mr. GEKAS. Mr. Speaker, I rise today to honor and recognize the annual celebration of ''Catholic Schools Week.'' Each year, the National Catholic Educational Association and the United States Catholic Conference sponsor a week long celebration recognizing the outstanding educational contributions of America's Catholic schools. Catholic schools locally and nationally will mark this festive occasion by hosting many community, parish and school events.

In Pennsylvania alone, Catholic elementary and secondary schools educate approximately 240,000 students yearly. These schools operate with complete devotion to each and every student, providing them with solid values and academic skills needed in becoming responsible citizens of Pennsylvania and the nation. Catholic institutions tout a 95 percent graduation rate, and 83 percent of Catholic school graduates pursue higher degrees. A truly remarkable and impressive statistic.

Not only do Catholic schools boast these high standards and excellent achievements, but fervently instill in their students the idea and necessity for commitment to family and the community. Most, if not all, Catholic students willingly provide countless hours of volunteer service to the local parish as well as the entire community. This only proves that Catholic schools students are strongly dedicated to their faith, values, family and community.

President Bush recently signed into law a comprehensive education reform package emphasizing accountability, local control and flexibility, expanded options for parents, and funding for programs that work. Given Catholic schools record of success and standard of excellence, it is only fitting that these private institutions continue to serve as a model for public education reform in America.

Mr. Speaker, it is with great pleasure that I congratulate and express great appreciation to the nation's Catholic schools on the occasion of ''Catholic Schools Week.'' I especially salute the many Catholic school teachers, principals, and school administrators in my Pennsylvania Congressional district of Dauphin, Lebanon, Perry, Cumberland, and Lancaster for their hard work and dedication which has benefitted so many young people. My best to all the students in their continuing academic careers and future endeavors.

# Résumé of Congressional Activity

## FIRST SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 3 through December 20, 2001

| | *Senate* | *House* | *Total* |
|---|---|---|---|
| Days in session | 173 | 142 | .. |
| Time in session | 1236 hrs., 15′ | 922 hrs., 4′ | .. |
| Congressional Record: | | | |
| Pages of proceedings | 14,084 | 10,967 | .. |
| Extensions of Remarks | .. | 2,526 | .. |
| Public bills enacted into law | 27 | 109 | .. |
| Private bills enacted into law | 1 | .. | .. |
| Bills in conference | 19 | 3 | .. |
| Measures passed, total | 425 | 592 | .. |
| Senate bills | 90 | 25 | .. |
| House bills | 102 | 267 | .. |
| Senate joint resolutions | 11 | 6 | .. |
| House joint resolutions | 14 | 19 | .. |
| Senate concurrent resolutions | 43 | 9 | .. |
| House concurrent resolutions | 42 | 91 | .. |
| Simple resolutions | 123 | 175 | .. |
| Measures reported, total | *246 | *323 | .. |
| Senate bills | 139 | 3 | .. |
| House bills | 41 | 204 | .. |
| Senate joint resolutions | 8 | .. | .. |
| House joint resolutions | .. | 5 | .. |
| Senate concurrent resolutions | 17 | .. | .. |
| House concurrent resolutions | 2 | 11 | .. |
| Simple resolutions | 39 | 100 | .. |
| Special reports | 24 | 9 | .. |
| Conference reports | 2 | 21 | .. |
| Measures pending on calendar | 112 | 36 | .. |
| Measures introduced, total | 2,203 | 4,318 | .. |
| Bills | 1,883 | 3,610 | .. |
| Joint resolutions | 29 | 81 | .. |
| Concurrent resolutions | 93 | 298 | .. |
| Simple resolutions | 198 | 329 | .. |
| Quorum calls | 3 | 5 | .. |
| Yea-and-nay votes | 380 | 313 | .. |
| Recorded votes | .. | 194 | .. |
| Bills vetoed | .. | .. | .. |
| Vetoes overridden | .. | .. | .. |

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through December 31, 2001

| | |
|---|---|
| Civilian nominations (other than lists), totaling 926, disposed of as follows: | |
| Confirmed | 528 |
| Unconfirmed | 166 |
| Withdrawn | 69 |
| Returned to White House | 163 |
| Other Civilian nominations (lists), totaling 2,483, disposed of as follows: | |
| Confirmed | 1,697 |
| Unconfirmed | 535 |
| Returned to White House | 251 |
| Air Force nominations, totaling 6,801, disposed of as follows: | |
| Confirmed | 6,750 |
| Unconfirmed | 4 |
| Returned to White House | 47 |
| Army nominations, totaling 7,142, disposed of as follows: | |
| Confirmed | 6,981 |
| Unconfirmed | 53 |
| Returned to White House | 108 |
| Navy nominations, totaling 5,593, disposed of as follows: | |
| Confirmed | 5,564 |
| Returned to White House | 29 |
| Marine Corps nominations, totaling 3,625, disposed of as follows: | |
| Confirmed | 3,571 |
| Unconfirmed | 33 |
| Returned to White House | 21 |

*Summary*

| | |
|---|---|
| Total nominations carried over from the First Session | 0 |
| Total nominations received this Session | 26,570 |
| Total confirmed | 25,091 |
| Total unconfirmed | 791 |
| Total withdrawn | 69 |
| Total returned to the White House | 619 |

## BILLS ENACTED INTO PUBLIC LAW (107TH, 1ST SESSION)

| | Law No. |
|---|---|
| S. 248 | 107–46 |
| S. 279 | 107–3 |
| S. 360 | 107–21 |
| S. 468 | 107–23 |
| S. 494 | 107–99 |
| S. 657 | 107–19 |
| S. 700 | 107–9 |
| S. 1029 | 107–18 |
| S. 1190 | 107–22 |
| S. 1196 | 107–100 |
| S. 1202 | 107–119 |
| S. 1424 | 107–45 |
| S. 1438 | 107–107 |
| S. 1447 | 107–71 |
| S. 1459 | 107–80 |
| S. 1465 | 107–57 |
| S. 1573 | 107–81 |
| S. 1714 | 107–120 |
| S. 1741 | 107–121 |
| S. 1789 | 107–109 |
| S. 1793 | 107–122 |
| S.J. Res. 6 | 107–5 |
| S.J. Res. 19 | 107–54 |
| S.J. Res. 20 | 107–55 |
| S.J. Res. 22 | 107–39 |
| S.J. Res. 23 | 107–40 |
| S.J. Res. 26 | 107–101 |

| | Law No. |
|---|---|
| H.R. 1 | 107–110 |
| H.R. 10 | 107–90 |
| H.R. 93 | 107–27 |
| H.R. 132 | 107–6 |
| H.R. 146 | 107–59 |
| H.R. 182 | 107–65 |
| H.R. 256 | 107–8 |
| H.R. 271 | 107–28 |
| H.R. 364 | 107–29 |
| H.R. 395 | 107–7 |
| H.R. 427 | 107–30 |
| H.R. 428 | 107–10 |
| H.R. 483 | 107–102 |
| H.R. 558 | 107–31 |
| H.R. 559 | 107–2 |
| H.R. 581 | 107–13 |
| H.R. 643 | 107–111 |
| H.R. 645 | 107–112 |
| H.R. 717 | 107–84 |
| H.R. 768 | 107–72 |
| H.R. 801 | 107–14 |
| H.R. 802 | 107–12 |
| H.R. 821 | 107–32 |
| H.R. 988 | 107–33 |
| H.R. 1000 | 107–60 |
| H.R. 1042 | 107–74 |
| H.R. 1088 | 107–123 |
| H.R. 1161 | 107–61 |

| | Law No. |
|---|---|
| H.R. 1183 | 107–34 |
| H.R. 1230 | 107–91 |
| H.R. 1291 | 107–103 |
| H.R. 1552 | 107–75 |
| H.R. 1583 | 107–49 |
| H.R. 1668 | 107–62 |
| H.R. 1696 | 107–11 |
| H.R. 1727 | 107–15 |
| H.R. 1753 | 107–35 |
| H.R. 1761 | 107–92 |
| H.R. 1766 | 107–85 |
| H.R. 1836 | 107–16 |
| H.R. 1860 | 107–50 |
| H.R. 1914 | 107–17 |
| H.R. 1954 | 107–24 |
| H.R. 2043 | 107–36 |
| H.R. 2061 | 107–93 |
| H.R. 2131 | 107–26 |
| H.R. 2133 | 107–41 |
| H.R. 2199 | 107–113 |
| H.R. 2213 | 107–25 |
| H.R. 2216 | 107–20 |
| H.R. 2217 | 107–63 |
| H.R. 2261 | 107–86 |
| H.R. 2277 | 107–124 |
| H.R. 2278 | 107–125 |
| H.R. 2291 | 107–82 |
| H.R. 2299 | 107–87 |

| | Law No. |
|---|---|
| H.R. 2311 | 107–66 |
| H.R. 2330 | 107–76 |
| H.R. 2336 | 107–126 |
| H.R. 2454 | 107–88 |
| H.R. 2500 | 107–77 |
| H.R. 2506 | 107–115 |
| H.R. 2510 | 107–47 |
| H.R. 2540 | 107–94 |
| H.R. 2559 | 107–104 |
| H.R. 2590 | 107–67 |
| H.R. 2603 | 107–43 |
| H.R. 2620 | 107–73 |
| H.R. 2647 | 107–68 |
| H.R. 2657 | 107–114 |
| H.R. 2716 | 107–95 |
| H.R. 2751 | 107–127 |
| H.R. 2869 | 107–118 |
| H.R. 2873 | 107–133 |
| H.R. 2882 | 107–37 |
| H.R. 2883 | 107–108 |
| H.R. 2884 | 107–134 |
| H.R. 2888 | 107–38 |
| H.R. 2904 | 107–64 |
| H.R. 2924 | 107–78 |
| H.R. 2925 | 107–69 |
| H.R. 2926 | 107–42 |
| H.R. 2944 | 107–96 |
| H.R. 3030 | 107–128 |

| | Law No. |
|---|---|
| H.R. 3061 | 107–116 |
| H.R. 3162 | 107–56 |
| H.R. 3248 | 107–129 |
| H.R. 3323 | 107–105 |
| H.R. 3334 | 107–130 |
| H.R. 3338 | 107–117 |
| H.R. 3346 | 107–131 |
| H.R. 3348 | 107–132 |
| H.R. 3392 | 107–136 |
| H.R. 3442 | 107–106 |
| H.R. 3447 | 107–135 |
| H.J. Res. 7 | 107–1 |
| H.J. Res. 19 | 107–4 |
| H.J. Res. 42 | 107–51 |
| H.J. Res. 51 | 107–52 |
| H.J. Res. 65 | 107–44 |
| H.J. Res. 68 | 107–48 |
| H.J. Res. 69 | 107–53 |
| H.J. Res. 70 | 107–58 |
| H.J. Res. 71 | 107–89 |
| H.J. Res. 74 | 107–70 |
| H.J. Res. 76 | 107–79 |
| H.J. Res. 78 | 107–83 |
| H.J. Res. 79 | 107–97 |
| H.J. Res. 80 | 107–98 |

# HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(107th Cong., 1st Sess.)

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 107– | Senate 107– | House | Senate | Date approved | No. 107– |
| Recognizing the 90th birthday of Ronald Reagan. | H.J. Res. 7 | Jan. 31 2001 | GRO | | | ..... | ..... | ..... | Feb. 6 2001 | Feb. 6 2001 | Feb. 15, 2001 | 1 |
| To designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse". | H.R. 559 | Feb. 13 2001 | TI | | | ..... | ..... | ..... | Feb. 14 2001 | Feb. 15 2001 | Mar. 13, 2001 | 2 |
| Affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee. | S. 279 | Feb. 7 2001 | | | ..... | ..... | ..... | ..... | Feb. 14 2001 | Feb. 7 2001 | Mar. 13, 2001 | 3 |
| Providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution. | H.J. Res. 19 | Feb. 13 2001 | HA | | | ..... | ..... | ..... | Feb. 28 2001 | Mar. 1 2001 | Mar. 16, 2001 | 4 |
| Providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics. | S.J. Res. 6 | Mar. 1 2001 | | LHR | ..... | | ..... | ..... | Mar. 7 2001 | Mar. 6 2001 | Mar. 20, 2001 | 5 |
| To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the "Goro Hokama Post Office Building". | H.R. 132 | Jan. 3 2001 | GRO | | | ..... | ..... | ..... | Feb. 7 2001 | Mar. 21 2001 | April 12, 2001 | 6 |
| To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W. Reagan Post Office of West Melbourne, Florida". | H.R. 395 | Feb. 6 2001 | GRO | | | ..... | ..... | ..... | Feb. 6 2001 | Mar. 21 2001 | April 12, 2001 | 7 |
| To extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. | H.R. 256 | Jan. 30 2001 | Jud | | Feb. 26 2001 | ..... | 2 | ..... | Feb. 28 2001 | April 26 2001 | May 11, 2001 | 8 |
| To establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States. | S. 700 | April 4 2001 | | | ..... | ..... | ..... | ..... | May 9 2001 | April 5 2001 | May 24, 2001 | 9 |
| Concerning the participation of Taiwan in the World Health Organization. | H.R. 428 | Feb. 6 2001 | IR | FR | | | ..... | ..... | April 24 2001 | May 9 2001 | May 28, 2001 | 10 |
| To expedite the construction of the World War II memorial in the District of Columbia. | H.R. 1696 | May 3 2001 | Res VA | ENR | | | ..... | ..... | May 15 2001 | May 21 2001 | May 28, 2001 | 11 |
| To authorize the Public Safety Officer Medal of Valor, and for other purposes. | H.R. 802 | Feb. 28 2001 | Jud | Jud | Mar. 12 2001 | May 10 2001 | 15 | 0 | Mar. 22 2001 | May 14 2001 | May 30, 2001 | 12 |
| To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management. | H.R. 581 | Feb. 13 2001 | Res | EPW | April 3 2001 | May 23 2001 | 35 | 0 | May 9 2001 | May 24 2001 | June 3, 2001 | 13 |

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 107– | Senate 107– | House | Senate | Date approved | No. 107– |
| To amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes. | H.R. 801 | Feb. 28 2001 | VA | | Mar. 26 2001 | | 27 | ..... | Mar. 27 2001 | May 24 2001 | June 5, 2001 | 14 |
| To amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty. | H.R. 1727 | May 3 2001 | WM | | May 15 2001 | ..... | 65 | ..... | May 15 2001 | May 22 2001 | June 5, 2001 | 15 |
| To provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002. | H.R. 1836 | May 15 2001 | WM | | | ..... | ..... | ..... | May 16 2001 | May 23 2001 | June 7, 2001 | 16 |
| To extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. | H.R. 1914 | May 17 2001 | Jud | | | ..... | ..... | ..... | June 6 2001 | June 8 2001 | June 26, 2001 | 17 |
| To clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program. | S. 1029 | June 13 2001 | | | ..... | ..... | ..... | ..... | June 20 2001 | June 13 2001 | July 5, 2001 | 18 |
| To authorize funding for the National 4-H Program Centennial Initiative. | S. 657 | Mar. 29 2001 | Agr | Agr | | | ..... | ..... | June 25 2001 | June 19 2001 | July 10, 2001 | 19 |
| Making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes. | H.R. 2216 (S. 1077) | June 19 2001 | App | | June 19 2001 | ..... | 102 | 33 | June 20 2001 | July 10 2001 | July 24, 2001 | 20 |
| To honor Paul D. Coverdell ..... | S. 360 | Feb. 15 2001 | IR<br>EWf | | | ..... | ..... | ..... | July 17 2001 | Feb. 15 2001 | July 26, 2001 | 21 |
| To amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account. | S. 1190 | July 18 2001 | WM | | | ..... | ..... | ..... | July 23 2001 | July 18 2001 | July 26, 2001 | 22 |
| To designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building". | S. 468 | Mar. 6 2001 | | EPW | ..... | May 23 2001 | ..... | 0 | July 23 2001 | May 24 2001 | Aug. 3, 2001 | 23 |
| To extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes. | H.R. 1954 | May 23 2001 | IR<br>BFS<br>WM<br>GRO | | June 22 2001<br>July 16 2001 | ..... | 107 | ..... | July 26 2001 | July 27 2001 | Aug. 3, 2001 | 24 |
| To respond to the continuing economic crisis adversely affecting American agricultural producers. | H.R. 2213 | June 19 2001 | Agr | Agr | June 26 2001 | | 111 | ..... | June 26 2001 | Aug. 3 2001 | Aug. 13, 2001 | 25 |
| To reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes. | H.R. 2131 | June 12 2001 | IR | FR | June 28 2001 | | 119 | ..... | July 10 2001 | July 23 2001 | Aug. 17, 2001 | 26 |
| To amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers. | H.R. 93 | Jan. 3 2001 | GRO | GA | | Aug. 2 2001 | ..... | 0 | Jan. 30 2001 | Aug. 3 2001 | Aug. 20, 2001 | 27 |

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| To direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center. | H.R. 271 | Jan. 30 2001 | Res | | July 10 2001 | ..... | 122 | ..... | July 23 2001 | Aug. 3 2001 | Aug. 20, 2001 | 28 |
| To designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the ''Marjory Williams Scrivens Post Office''. | H.R. 364 | Jan. 31 2001 | GRO | GA | | Aug. 2 2001 | ..... | 0 | Mar. 14 2001 | Aug. 3 2001 | Aug. 20, 2001 | 29 |
| To provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes. | H.R. 427 | Feb. 6 2001 | Res Agr | | July 23 2001 | ..... | 151 | ..... | July 23 2001 | Aug. 3 2001 | Aug. 20, 2001 | 30 |
| To designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse''. | H.R. 558 | Feb. 12 2001 | TI | EPW | | | ..... | ..... | Feb. 28 2001 | Aug. 3 2001 | Aug. 20, 2001 | 31 |
| To designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the ''W. Joe Trogdon Post Office Building''. | H.R. 821 | Mar. 1 2001 | GRO | GA | | Aug. 2 2001 | ..... | 0 | Mar. 14 2001 | Aug. 3 2001 | Aug. 20, 2001 | 32 |
| To designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse''. | H.R. 988 | Mar. 13 2001 | TI | | July 26 2001 | ..... | 166 | ..... | Aug. 2 2001 | Aug. 3 2001 | Aug. 20, 2001 | 33 |
| To designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building''. | H.R. 1183 (S. 985) | Mar. 22 2001 | GRO | GA | | Aug. 2 2001 | ..... | 0 | June 5 2001 | Aug. 3 2001 | Aug. 20, 2001 | 34 |
| To designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building''. | H.R. 1753 | May 8 2001 | GRO | GA | | Aug. 2 2001 | ..... | 0 | June 20 2001 | Aug. 3 2001 | Aug. 20, 2001 | 35 |
| To designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building''. | H.R. 2043 (S. 1181) | May 26 2001 | GRO | GA | | Aug. 2 2001 | ..... | 0 | June 5 2001 | Aug. 3 2001 | Aug. 20, 2001 | 36 |
| To provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001. | H.R. 2882 | Sept. 13 2001 | Jud | | | ..... | ..... | ..... | Sept. 13 2001 | Sept. 13 2001 | Sept. 18, 2001 | 37 |
| Making emergency supplemental appropriations for the fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes. | H.R. 2888 | Sept. 14 2001 | App Bud | | | ..... | ..... | ..... | Sept. 14 2001 | Sept. 14 2001 | Sept. 18, 2001 | 38 |
| Expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the Unites States on September 11, 2001. | S.J. Res. 22 (H.J. Res. 61) | Sept. 12 2001 | | | ..... | ..... | ..... | ..... | Sept. 13 2001 | Sept. 12 2001 | Sept. 18, 2001 | 39 |
| To authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States. | S.J. Res. 23 (H.J. Res. 64) | Sept. 14 2001 | IR | | | ..... | ..... | ..... | Sept. 14 2001 | Sept. 14 2001 | Sept. 18, 2001 | 40 |
| To establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education. | H.R. 2133 | June 12 2001 | GRO | Jud | | Aug. 2 2001 | ..... | 0 | June 27 2001 | Aug. 3 2001 | Sept. 18, 2001 | 41 |

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 107– | Senate 107– | House | Senate | Date approved | No. 107– |
| To preserve the continued viability of the United States air transportation system. | H.R. 2926 (S. 1450) | Sept. 21 2001 | TI WM Jud Bud | | | ..... | ..... | ..... | Sept. 21 2001 | Sept. 21 2001 | Sept. 22, 2001 | 42 |
| To implement the agreement establishing a United States-Jordan free trade area. | H.R. 2603 (S. 643) | July 24 2001 | WM Jud | Fin | July 31 2001 | Sept. 4 2001 | 176 | 59 | July 31 2001 | Sept. 24 2001 | Sept. 28, 2001 | 43 |
| Making continuing appropriations for the fiscal year 2002, and for other purposes. | H.J. Res. 65 | Sept. 24 2001 | | | ..... | ..... | ..... | ..... | Sept. 24 2001 | Sept. 25 2001 | Sept. 28, 2001 | 44 |
| To amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants. | S. 1424 | Sept. 13 2001 | | | ..... | ..... | ..... | ..... | Sept. 15 2001 | Sept. 13 2001 | Oct. 1, 2001 | 45 |
| To amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country. | S. 248 | Feb. 6 2001 | IR | FR | | Feb. 7 2001 | ..... | 0 | Sept. 24 2001 | Feb. 7 2001 | Oct. 5, 2001 | 46 |
| To extend the expiration date of the Defense Production Act of 1950, and for other purposes. | H.R. 2510 | July 17 2001 | BFS | BHUA | July 30 2001 | | 173 | ..... | Sept. 5 2001 | Sept. 21 2001 | Oct. 5, 2001 | 47 |
| Making further continuing appropriations for the fiscal year 2002, and for other purposes. | H.J. Res. 68 | Oct. 11 2001 | App | | | ..... | ..... | ..... | Oct. 11 2001 | Oct. 12 2001 | Oct. 12, 2001 | 48 |
| To designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse". | H.R. 1583 | April 25 2001 | TI | | | ..... | ..... | ..... | Sept. 24 2001 | Sept. 25 2001 | Oct. 15, 2001 | 49 |
| To reauthorize the Small Business Technology Transfer Program, and for other purposes. | H.R. 1860 | May 16 2001 | SB Sci | | Sept. 21 2001 | ..... | 213 | ..... | Sept. 24 2001 | Sept. 26 2001 | Oct. 15, 2001 | 50 |
| Memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland. | H.J. Res. 42 | Mar. 29 2001 | Jud | | | ..... | ..... | ..... | Oct. 2 2001 | Oct. 4 2001 | Oct. 16, 2001 | 51 |
| Approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam. | H.J. Res. 51 (S.J. Res. 16) | June 12 2001 | WM | Fin | Sept. 5 2001 | July 27 2001 | 198 | 49 | Sept. 6 2001 | Oct. 3 2001 | Oct. 16, 2001 | 52 |
| Making further continuing appropriations for the fiscal year 2002, and for other purposes. | H.J. Res. 69 | Oct. 17 2001 | App | | | ..... | ..... | ..... | Oct. 17 2001 | Oct. 17 2001 | Oct. 22, 2001 | 53 |
| Providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution. | S.J. Res. 19 | July 12 2001 | HA | RAdm | | Aug. 2 2001 | ..... | 0 | Oct. 9 2001 | Sept. 13 2001 | Oct. 24, 2001 | 54 |
| Providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution. | S.J. Res. 20 | July 12 2001 | HA | RAdm | | Aug. 2 2001 | ..... | 0 | Oct. 9 2001 | Sept. 13 2001 | Oct. 24, 2001 | 55 |
| To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes. | H.R. 3162 (S. 1510) | Oct. 23 2001 | Jud Int BFS IR Com EWf TI AS-H | | | ..... | ..... | ..... | Oct. 24 2001 | Oct. 25 2001 | Oct. 26, 2001 | 56 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| To authorize the President to provide assistance to Pakistan and India through September 30, 2003. | S. 1465 | Sept. 25 2001 | IR | FR | | Oct. 4 2001 | ..... | 0 | Oct. 16 2001 | Oct. 4 2001 | Oct. 27, 2001 | 57 |
| Making further continuing appropriations for the fiscal year 2002, and for other purposes. | H.J. Res. 70 | Oct. 24 2001 | App | | | ..... | ..... | ..... | Oct. 25 2001 | Oct. 25 2001 | Oct. 31, 2001 | 58 |
| To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes. | H.R. 146 | Jan. 3 2001 | Res | ENR | April 24 2001 | Oct. 1 2001 | 47 | 74 | May 9 2001 | Oct. 17 2001 | Nov. 5, 2001 | 59 |
| To adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes. | H.R. 1000 | Mar. 13 2001 | Res | ENR | June 6 2001 | Oct. 1 2001 | 88 | 76 | June 6 2001 | Oct. 17 2001 | Nov. 5, 2001 | 60 |
| To authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.. | H.R. 1161 | Mar. 22 2001 | Res | | Sept. 28 2001 | ..... | 221 | ..... | Oct. 2 2001 | Oct. 17 2001 | Nov. 5, 2001 | 61 |
| To authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy. | H.R. 1668 | May 1 2001 | Res | ENR | | Oct. 1 2001 | ..... | 77 | June 25 2001 | Oct. 17 2001 | Nov. 5, 2001 | 62 |
| Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2217 | June 19 2001 | App | App | June 19 2001 | June 29 2001 | 103 | 36 | June 21 2001 | July 12 2001 | Nov. 5, 2001 | 63 |
| Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2904 (S. 1460) | Sept. 20 2001 | App | App | Sept. 20 2001 | Sept. 25 2001 | 207 | 68 | Sept. 21 2001 | Sept. 26 2001 | Nov. 5, 2001 | 64 |
| To amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes. | H.R. 182 | Jan. 3 2001 | Res | ENR | April 3 2001 | Oct. 1 2001 | 36 | 75 | May 1 2001 | Oct. 17 2001 | Nov. 6, 2001 | 65 |
| Making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2311 (S. 1171) | June 26 2001 | App | App | June 26 2001 | July 12 2001 | 112 | 0 | June 28 2001 | July 19 2001 | Nov. 12, 2001 | 66 |
| Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2590 (S. 1398) | July 23 2001 | App | App | July 23 2001 | Sept. 4 2001 | 152 | 57 | July 25 2001 | Sept. 19 2001 | Nov. 12, 2001 | 67 |
| Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2647 (S. 1172) | July 26 2001 | App | | July 26 2001 | ..... | 169 | 37 | July 31 2001 | July 31 2001 | Nov. 12, 2001 | 68 |
| To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation. | H.R. 2925 | Sept. 21 2001 | Res | | | ..... | ..... | ..... | Oct. 23 2001 | Oct. 30 2001 | Nov. 12, 2001 | 69 |
| Making further continuing appropriations for the fiscal year 2002, and for other purposes. | H.J. Res. 74 | Nov. 15 2001 | App | | | ..... | ..... | ..... | Nov. 15 2001 | Nov. 15 2001 | Nov. 17, 2001 | 70 |
| To improve aviation security, and for other purposes. | S. 1447 (H.R. 3150) | Sept. 21 2001 | TI Bud WM | | | ..... | ..... | ..... | Nov. 6 2001 | Oct. 11 2001 | Nov. 19, 2001 | 71 |

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 107– | Senate 107– | House | Senate | Date approved | No. 107– |
| To amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws. | H.R. 768 | Feb. 28 2001 | Jud | LHR Jud | April 3 2001 | | 32 | ..... | April 3 2001 | Oct. 3 2001 | Nov. 20, 2001 | 72 |
| Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2620 (S. 1216) | July 25 2001 | App | | July 25 2001 | ..... | 159 | 43 | July 31 2001 | Aug. 2 2001 | Nov. 26, 2001 | 73 |
| To prevent the elimination of certain reports | H.R. 1042 | Mar. 15 2001 | Sci | GA | | Oct. 31 2001 | ..... | 90 | Mar. 21 2001 | Nov. 15 2001 | Nov. 28, 2001 | 74 |
| To extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003.. | H.R. 1552 | April 24 2001 | Jud | | Oct. 16 2001 | ..... | 240 | ..... | Oct. 16 2001 | Nov. 15 2001 | Nov. 28, 2001 | 75 |
| Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2330 (S. 1191) | June 27 2001 | App | App | June 27 2001 | July 18 2001 | 116 | 41 | July 11 2001 | Oct. 25 2001 | Nov. 28, 2001 | 76 |
| Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2500 (S. 1215) | July 13 2001 | App | | July 13 2001 | ..... | 139 | 42 | July 18 2001 | Sept. 13 2001 | Nov. 28, 2001 | 77 |
| To provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes. | H.R. 2924 | Sept. 21 2001 | Res | | | ..... | ..... | ..... | Oct. 23 2001 | Nov. 15 2001 | Nov. 28, 2001 | 78 |
| Making further continuing appropriations for the fiscal year 2002, and for other purposes. | H.J. Res. 76 | Dec. 5 2001 | App | | | ..... | ..... | ..... | Dec. 5 2001 | Dec. 5 2001 | Dec. 7, 2001 | 79 |
| To designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse". | S. 1459 | Sept. 25 2001 | | EPW | ..... | Nov. 8 2001 | ..... | 0 | Nov. 27 2001 | Nov. 15 2001 | Dec. 12, 2001 | 80 |
| To authorize the provision of educational and health care assistance to the women and children of Afghanistan. | S. 1573 | Oct. 25 2001 | IR | | | ..... | ..... | ..... | Nov. 27 2001 | Nov. 15 2001 | Dec. 12, 2001 | 81 |
| To extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes. | H.R. 2291 | June 21 2001 | GRO Com | | July 30 2001 | ..... | 175 | ..... | Sept. 5 2001 | Nov. 29 2001 | Dec. 14, 2001 | 82 |
| Making further continuing appropriations for the fiscal year 2002, and for other purposes. | H.J. Res. 78 | Dec. 12 2001 | App | | | ..... | ..... | ..... | Dec. 13 2001 | Dec. 14 2001 | Dec. 15, 2001 | 83 |
| To amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies. | H.R. 717 | Feb. 14 2001 | Com | LHR | Sept. 5 2001 | Oct. 30 2001 | 195 | 0 | Sept. 24 2001 | Nov. 15 2001 | Dec. 18, 2001 | 84 |
| To designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris Post Office Building". | H.R. 1766 | May 8 2001 | GRO | GA | | Nov. 16 2001 | ..... | 0 | Sept. 10 2001 | Nov. 30 2001 | Dec. 18, 2001 | 85 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| To designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the ''Earl T. Shinhoster Post Office''. | H.R. 2261 | June 20 2001 | GRO | GA | | Nov. 16 2001 | ..... | 0 | Oct. 16 2001 | Nov. 30 2001 | Dec. 18, 2001 | 86 |
| Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2299 (S. 1178) | June 22 2001 | App | App | June 22 2001 | July 13 2001 | 108 | 38 | June 26 2001 | Aug. 1 2001 | Dec. 18, 2001 | 87 |
| To redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the 'Congressman Julian C. Dixon Post Office'. | H.R. 2454 | July 10 2001 | GRO | GA | | Nov. 16 2001 | ..... | 0 | Oct. 16 2001 | Nov. 30 2001 | Dec. 18, 2001 | 88 |
| Amending title 36, United States Code, to designate September 11 as Patriot Day. | H.J. Res. 71 | Oct. 25 2001 | GRO | Jud | | | ..... | ..... | Oct. 25 2001 | Nov. 30 2001 | Dec. 18, 2001 | 89 |
| To provide for pension reform, and for other purposes. | H.R. 10 | Mar. 14 2001 | WM<br>EWf | | May 1 2001<br>May 1 2001 | ..... | 51 | ..... | May 2 2001 | Dec. 5 2001 | Dec. 21, 2001 | 90 |
| To provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes. | H.R. 1230 | Mar. 27 2001 | Res | EPW | Nov. 5 2001 | | 270 | ..... | Nov. 27 2001 | Dec. 8 2001 | Dec. 21, 2001 | 91 |
| To designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the 'Herb Harris Post Office Building'. | H.R. 1761 | May 8 2001 | GRO | GA | | | ..... | ..... | Sept. 10 2001 | Dec. 6 2001 | Dec. 21, 2001 | 92 |
| To amend the charter of Southeastern University of the District of Columbia. | H.R. 2061 | June 5 2001 | GRO | GA | | Nov. 29 2001 | ..... | 102 | Sept. 20 2001 | Dec. 6 2001 | Dec. 21, 2001 | 93 |
| To amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes. | H.R. 2540 | July 18 2001 | VA | | July 24 2001 | | 156 | ..... | July 31 2001 | Nov. 15 2001 | Dec. 21, 2001 | 94 |
| To amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans. | H.R. 2716 | Aug. 2 2001 | VA<br>BFS | | Oct. 16 2001 | ..... | 241 | ..... | Oct. 16 2001 | Dec. 6 2001 | Dec. 21, 2001 | 95 |
| Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes. | H.R. 2944 (S. 1543) | Sept. 24 2001 | App | App | Sept. 24 2001 | Oct. 15 2001 | 216 | 85 | Sept. 25 2001 | Nov. 7 2001 | Dec. 21, 2001 | 96 |
| Making further continuing appropriations for the fiscal year 2002, and for other purposes. | H.J. Res. 79 | Dec. 19 2001 | App | | | ..... | ..... | ..... | Dec. 20 2001 | Dec. 20 2001 | Dec. 21, 2001 | 97 |
| Appointing the day for the convening of the second session of the One Hundred Seventh Congress. | H.J. Res. 80 | Dec. 20 2001 | | | ..... | ..... | ..... | ..... | Dec. 20 2001 | Dec. 20 2001 | Dec. 21, 2001 | 98 |
| To provide for a transition to democracy and to promote economic recovery in Zimbabwe. | S. 494 | Mar. 8 2001 | BFS<br>IR | FR | Dec. 4 2001 | July 16 2001 | 312 | 0 | Dec. 4 2001 | Aug. 1 2001 | Dec. 21, 2001 | 99 |
| To amend the Small Business Investment Act of 1958, and for other purposes. | S. 1196 (H.R. 1291) | July 18 2001 | VA<br>AS-H | SB | | Aug. 28 2001 | ..... | 55 | Nov. 16 2001 | Nov. 15 2001 | Dec. 21, 2001 | 100 |
| Providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution. | S.J. Res. 26 | Oct. 17 2001 | HA | RAdm | | | ..... | ..... | Dec. 11 2001 | Nov. 29 2001 | Dec. 21, 2001 | 101 |
| Regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon. | H.R. 483 | Feb. 6 2001 | Res | IA | Oct. 30 2001 | | 257 | ..... | Oct. 30 2001 | Dec. 13 2001 | Dec. 27, 2001 | 102 |
| To amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill. | H.R. 1291 (S. 1088) | Mar. 29 2001 | VA<br>AS-H | | | Oct. 15 2001 | ..... | 86 | June 19 2001 | Dec. 8 2001 | Dec. 27, 2001 | 103 |

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 107– | Senate 107– | House | Senate | Date approved | No. 107– |
| To amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance. | H.R. 2559 | July 18 2001 | GRO Jud Res | GA | Oct. 11 2001 | Nov. 27 2001 | 235 | 0 | Oct. 30 2001 | Dec. 17 2001 | Dec. 27, 2001 | 104 |
| To ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes. | H.R. 3323 | Nov. 16 2001 | Com WM | | | ..... | ..... | ..... | Dec. 4 2001 | Dec. 12 2001 | Dec. 27, 2001 | 105 |
| To establish the National Museum of African American History and Culture Plan for Action Presidential Commission to develop a plan of action for the establishment and maintenance of the National Museum of African American History and Culture in Washington, D.C., and for other purposes. | H.R. 3442 | Dec. 11 2001 | Res HA TI | | | ..... | ..... | ..... | Dec. 11 2001 | Dec. 17 2001 | Dec. 28, 2001 | 106 |
| To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. | S. 1438 | Sept. 19 2001 | | | ..... | ..... | ..... | ..... | Oct. 17 2001 | Oct. 2 2001 | Dec. 28, 2001 | 107 |
| To authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. | H.R. 2883 (S. 1428) | Sept. 13 2001 | Int | AS-S | Sept. 26 2001 | Nov. 1 2001 | 219 | 63 | Oct. 5 2001 | Nov. 8 2001 | Dec. 28, 2001 | 108 |
| To amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children. | S. 1789 | Dec. 8 2001 | | | ..... | ..... | ..... | ..... | Dec. 18 2001 | Dec. 12 2001 | Jan. 4 | 109 |
| To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind. | H.R. 1 (S. 1) | Mar. 22 2001 | EWf Jud | | May 14 2001 | ..... | 63 | 7 | May 23 2001 | June 14 2001 | Jan. 8 | 110 |
| To reauthorize the African Elephant Conservation Act. | H.R. 643 | Feb. 14 2001 | Res | EPW | June 12 2001 | Nov. 30 2001 | 93 | 104 | June 12 2001 | Dec. 18 2001 | Jan. 8 | 111 |
| To reauthorize the Rhinoceros and Tiger Conservation Act of 1994. | H.R. 645 | Feb. 14 2001 | Res | EPW | June 25 2001 | Nov. 30 2001 | 109 | 105 | June 25 2001 | Dec. 18 2001 | Jan. 8 | 112 |
| To amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes. | H.R. 2199 | June 14 2001 | GRO | GA | | Nov. 29 2001 | ..... | 103 | Sept. 25 2001 | Dec. 11 2001 | Jan. 8 | 113 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| To amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes. | H.R. | 2657 | July 26 2001 | GRO | GA | | Dec. 5 2001 | ..... | 108 | Sept. 20 2001 | Dec. 14 2001 | Jan. 8 | 114 |
| Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes. | H.R. | 2506 | July 17 2001 | App | App | July 17 2001 | Sept. 4 2001 | 142 | 58 | July 24 2001 | Oct. 24 2001 | Jan. 10 | 115 |
| Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes. | H.R. (S. 1536) | 3061 | Oct. 9 2001 | App | | Oct. 9 2001 | ..... | 229 | 84 | Oct. 11 2001 | Nov. 6 2001 | Jan. 10 | 116 |
| Making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes. | H.R. | 3338 | Nov. 19 2001 | App | App | Nov. 19 2001 | Dec. 4 2001 | 298 | 0 | Nov. 28 2001 | Dec. 7 2001 | Jan. 10 | 117 |
| To provide certain relief for small businesses from liability under the Comprehension Environmental Response, Compensation, and Liability Act of 1980, and to amend such Act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.. | H.R. | 2869 | Sept. 10 2001 | Com TI | | | ..... | ..... | ..... | Dec. 20 2001 | Dec. 20 2001 | Jan. 11 | 118 |
| To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006. | S. | 1202 | July 19 2001 | GRO Jud | GA | | Oct. 30 2001 | ..... | 88 | Dec. 20 2001 | Nov. 15 2001 | Jan. 15 | 119 |
| To provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building. | S. | 1714 | Nov. 15 2001 | GRO | GA | | | ..... | ..... | Dec. 20 2001 | Dec. 6 2001 | Jan. 15 | 120 |
| To amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Prevention and Treatment Act of 2000. | S. | 1741 | Nov. 28 2001 | | | ..... | ..... | ..... | ..... | Dec. 20 2001 | Nov. 28 2001 | Jan. 15 | 121 |
| To provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001. | S. | 1793 | Dec. 10 2001 | | LHR | ..... | Dec. 12 2001 | ..... | 0 | Dec. 20 2001 | Dec. 14 2001 | Jan. 15 | 122 |
| To amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes. | H.R. | 1088 | Mar. 19 2001 | BFS GRO | | May 1 2001 | ..... | 52 | ..... | June 14 2001 | Dec. 20 2001 | Jan. 16 | 123 |
| To provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors. | H.R. | 2277 | June 21 2001 | Jud | Jud | Aug. 2 2001 | Dec. 13 2001 | 187 | 0 | Sept. 5 2001 | Dec. 20 2001 | Jan. 16 | 124 |

| Title | Bill No. | Date introduced | Committee | | Date Reported | | Report No. | | Date of passage | | Public Law | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | House | Senate | House | Senate | House 107– | Senate 107– | House | Senate | Date approved | No. 107– |
| To provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States. | H.R. 2278 | June 21 2001 | Jud | Jud | Aug. 2 2001 | Dec. 13 2001 | 188 | 0 | Sept. 5 2001 | Dec. 20 2001 | Jan. 16 | 125 |
| To make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers. | H.R. 2336 | June 27 2001 | Jud | GA | Oct. 12 2001 | Dec. 7 2001 | 239 | 111 | Oct. 16 2001 | Dec. 11 2001 | Jan. 16 | 126 |
| To authorize the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public. | H.R. 2751 | Aug. 2 2001 | BFS | | | ..... | ..... | ..... | Dec. 19 2001 | Dec. 20 2001 | Jan. 16 | 127 |
| To extend the basic pilot program for employment eligibility verification, and for other purposes. | H.R. 3030 | Oct. 4 2001 | Jud EWf | | Nov. 30 2001 | ..... | 310 | ..... | Dec. 11 2001 | Dec. 20 2001 | Jan. 16 | 128 |
| To designate the facility of the United States Postal Service located at 65 North Main Street in Cranbury, New Jersey, as the "Todd Beamer Post Office Building". | H.R. 3248 | Nov. 7 2001 | GRO | GA | | | ..... | ..... | Dec. 5 2001 | Dec. 20 2001 | Jan. 16 | 129 |
| To designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California. | H.R. 3334 | Nov. 16 2001 | Res | | Dec. 5 2001 | ..... | 319 | ..... | Dec. 18 2001 | Dec. 20 2001 | Jan. 16 | 130 |
| To amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses. | H.R. 3346 | Nov. 27 2001 | WM | | | ..... | ..... | ..... | Dec. 4 2001 | Dec. 20 2001 | Jan. 16 | 131 |
| To designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center. | H.R. 3348 | Nov. 27 2001 | IR | FR | | | ..... | ..... | Dec. 5 2001 | Dec. 20 2001 | Jan. 16 | 132 |
| To extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes. | H.R. 2873 | Sept. 10 2001 | WM | | Nov. 13 2001 | ..... | 281 | ..... | Nov. 13 2001 | Dec. 13 2001 | Jan. 17 | 133 |
| To amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001. | H.R. 2884 | Sept. 13 2001 | WM | Fin | | | ..... | ..... | Sept. 13 2001 | Nov. 16 2001 | Jan. 23 | 134 |
| To amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, to provide an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, to enhance certain health care programs of the Department of Veterans Affairs, and for other purposes. | H.R. 3447 | Dec. 11 2001 | VA | | | ..... | ..... | ..... | Dec. 11 2001 | Dec. 20 2001 | Jan. 23 | 135 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| To name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes. | H.R. 3392 | Dec. 4 2001 | VA | | | | ..... | ..... | Dec. 4 2001 | Dec. 20 2001 | Jan. 24 | 136 |

TABLE OF COMMITTEE ABBREVIATIONS

Agr ..... Agriculture
ANF ..... Agriculture, Nutrition, and Forestry
App ..... Appropriations
AS-H ..... Armed Services (House)
AS-S ..... Armed Services (Senate)
BHUA .... Banking, Housing, and Urban Affairs
Bud ..... Budget
CST ..... Commerce, Science, and Transportation
EC ..... Energy and Commerce
ENR ..... Energy and Natural Resources
EPW ..... Environment and Public Works
EWf ..... Education and the Workforce
Fin ..... Finance
FS ..... Financial Services
FR ..... Foreign Relations
GA ..... Governmental Affairs
GR ..... Government Reform
HEL&P .. Health, Education, Labor and Pensions
HA ..... House Administration
IA ..... Indian Affairs
Int ..... Intelligence
IR ..... International Relations
Jud ..... Judiciary
R ..... Rules
RAdm .... Rules and Administration
Res ..... Resources
Sci ..... Science
SB ..... Small Business
TI ..... Transportation and Infrastructure
VA ..... Veterans' Affairs
WM ..... Ways and Means

NOTE.–The bill in parentheses is a companion measure.

# *Daily Digest*

## HIGHLIGHTS

**Senate and House of Representatives met in Joint Session to receive the President's State of the Union Message.**

**See Final Résumé of Congressional Activity and History of Bills of the 107th Congress, First Session.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S193–S256***

**Measures Introduced:** Four bills and one resolution were introduced, as follows: S. 1904–S. Con. Res. 95. **Page S235**

Measures Passed:

***Ronald Reagan Boyhood Home National Historic Site:*** Senate passed H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, clearing the measure for the President. **Pages S193–94**

***Adjournment Resolution:*** Senate agreed to S. Con. Res. 95, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. **Page S206**

**Adoption Tax Credit:** Senate continued consideration of H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, taking action on the following amendments proposed thereto: **Pages S195–S220**

Adopted:

By 90 yeas to 2 nays (Vote No. 7), Nickles (for Bond) Amendment No. 2717, to amend the Internal Revenue Code of 1986 to provide for a temporary increase in expensing under section 179 of such code. **Pages S195, S200–02**

By 92 yeas to 2 nays (Vote No. 9), Allen Amendment No. 2702 (to the language proposed to be stricken by Amendment No. 2698), to exclude from gross income certain terrorist attack zone compensation of civilian uniformed personnel. **Pages S195, S215–16, S218**

Reid (for Baucus/Torricelli/Bayh) Modified Amendment No. 2718 (to Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide for a special depreciation allowance for certain property acquired after December 31, 2001, and before January 1, 2004, and to increase the Federal medical assistance percentage under the Medicaid program for calendar years 2002 and 2003. **Pages S195, S202–04, S216–18, S218–19**

Pending:

Daschle/Baucus Amendment No. 2698, in the nature of a substitute. **Pages S195–S220**

Reid (for Baucus) Amendment No. 2721 (to Amendment No. 2698), to provide emergency agriculture assistance. **Page S195**

Bunning/Inhofe Modified Amendment No. 2699 (to the language proposed to be stricken by Amendment No. 2698), to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies. **Page S195**

Hatch/Bennett Amendment No. 2724 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to allow the carryback of certain net operating losses for 7 years. **Page S195**

Domenici Amendment No. 2723 (to the language proposed to be stricken by Amendment No. 2698), to provide for a payroll tax holiday. **Page S195**

Allard/Hatch/Allen Amendment No. 2722 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit. **Page S195**

Smith (NH) Amendment No. 2732 (to the language proposed to be stricken by Amendment No. 2698), to provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the

national emergency declared by the President on September 14, 2001. **Pages S207–10**

Smith (NH) Amendment No. 2733 (to the language proposed to be stricken by Amendment No. 2698), to prohibit a State from imposing a discriminatory tax on income earned within such State by nonresidents of such State. **Pages S207–10**

Smith (NH) Amendment No. 2734 (to the language proposed to be stricken by Amendment No. 2698), to provide that tips received for certain services shall not be subject to income or employment taxes. **Pages S207–10**

Smith (NH) Amendment No. 2735 (to the language proposed to be stricken by Amendment No. 2698), to allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions. **Pages S207–10**

Sessions Amendment No. 2736 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide tax incentives for economic recovery and provide for the payment of emergency extended unemployment compensation. **Pages S210–12**

Grassley (for McCain) Amendment No. 2700 (to the language proposed to be stricken by Amendment No. 2698), to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence. **Pages S212–15**

Kyl Amendment No. 2758 (to the language proposed to be stricken by Amendment No. 2698), to remove the sunset on the repeal of the estate tax. **Page S220**

During consideration of this measure, Senate also took the following action:

By 57 yeas to 35 nays (Vote No. 6), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to Durbin Amendment No. 2714 (to Amendment No. 2698), to provide enhanced unemployment compensation benefits. Subsequently, a point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974 for exceeding the spending allocation of Senate Committee on Finance was sustained, and the amendment thus fell. **Pages S195–S200**

By 54 yeas to 41 nays (Vote No. 8), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to Reid (for Harkin) Amendment No. 2719 (to Amendment No. 2698), to provide for a temporary increase in the Federal medical assistance percentage for the Medicaid program for fiscal year 2002. Subsequently, a point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974 for exceeding the spending allocation of Senate Committee on Finance was sustained, and the amendment thus fell. **Pages S195, S204–05, S215**

By 62 yeas to 33 nays (Vote No. 10), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to the motion to waive section 311(a)(2)(b) of the Congressional Budget Act of 1974 with respect to Reid (for Baucus/Torricelli/Bayh) Modified Amendment No. 2718 (to Amendment No. 2698), listed above. Subsequently, a point of order that the amendment was in violation of section 311(a)(2)(b) of the Congressional Budget Act of 1974 falls. **Pages S195, S206–07**

A unanimous-consent agreement was reached providing for further consideration of the bill at 2 p.m. on Monday, February 4, 2002, with votes expected to occur after 5 p.m. **Page S230**

**Escort Committee—Agreement:** A unanimous-consent agreement was reached providing that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m., on Tuesday, January 29, 2002. **Page S220**

**Messages From the President:** Senate received the following message from the President of the United States:

Transmitting, the report on the State of the Union; ordered to lie on the table. (PM–65) **Pages S232–35**

**Nominations Confirmed:** Senate confirmed the following nomination:

Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service. **Pages S255, S256**

**Nominations Received:** Senate received the following nominations:

John Schickel, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

William R. Whittington, of Louisiana, to be United States Marshal for the Western District of Louisiana for the term of four years.

Stephen Gilbert Fitzgerald, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for a term of four years.

J.C. Raffety, of West Virginia, to be United States Marshal for the Northern District of West Virginia for a term of four years.

James Anthony Rose, of Wyoming, to be United States Marshal for the District of Wyoming for the term of four years.

3 Navy nominations in the rank of admiral.

A routine list in the Air Force. **Pages S255–56**

**Messages From the House:** **Page S235**

**Additional Cosponsors:** **Pages S235–36**

**Statements on Introduced Bills/Resolutions:** **Pages S236–39**

**Additional Statements:** **Pages S230–32**

**Amendments Submitted:** **Pages S239–54**

**Notices of Hearings/Meetings:** **Pages S254–55**

**Authority for Committees to Meet:** **Page S255**

**Privilege of the Floor:** **Page S255**

**Record Votes:** Five record votes were taken today. (Total—10) **Pages S199–S200, S202, S215, S218, S219**

**Adjournment:** Senate met at 10:30 a.m. and, pursuant to the provisions of S. Con. Res. 95, adjourned at 10:07 p.m., until 1 p.m., on Monday, February 4, 2002.

# *Committee Meetings*

*(Committees not listed did not meet)*

## FINANCIAL WAR ON TERRORISM

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded oversight hearings to examine the Administration's implementation of the anti-money laundering provisions (title III) of the USA PATRIOT Act (Public Law 107–56), and its efforts to disrupt terrorist financing activities, after receiving testimony from Senators Levin and Grassley; Representatives Oxley and LaFalce; Kenneth W. Dam, Deputy Secretary of the Treasury; Michael Chertoff, Assistant Attorney General, Criminal Division, Department of Justice; Richard Spillenkothen, Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System; and Annette L. Nazareth, Director, Division of Market Regulation, U.S. Securities and Exchange Commission.

## U.S. ECONOMY

*Committee on the Budget:* Committee concluded hearings to examine issues surrounding the United States economy and the federal budget, including economic and budgetary effects of certain tax cuts contained in the Economic Growth and Tax Relief Reconciliation Act of 2001, after receiving testimony from Robert D. Reischauer, Urban Institute, and Peter R. Orszag, Brookings Institution, both of Washington, D.C.; and Brian S. Wesbury, Griffin, Kubik, Stephens and Thompson, Inc., Chicago, Illinois.

## ENRON CORPORATION COLLAPSE

*Committee on Energy and Natural Resources:* Committee concluded hearings to examine the implications for consumers and energy markets of the Enron bankruptcy, focusing on maintaining the needed investment and competition in natural gas and electricity production and transmission, after receiving testimony from Patrick Wood, III, Chairman, Federal Energy Regulatory Commission, Department of Energy; James E. Newsome, Chairman, Commodity Futures Trading Commission, William M. Nugent, Maine Public Utilities Commission, Augusta, on behalf of the National Association of Regulatory and Utility Commissioners; Vincent Viola, New York Mercantile Exchange, New York, New York; Robert McCullough, McCullough Research, Portland, Oregon; and Lawrence J. Makovich, Cambridge Energy Research Associates, Cambridge, Massachusetts, on behalf of the North American Energy Group.

## ELECTRIC POWER GENERATORS

*Committee on Environment and Public Works:* Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety held hearings on S. 556, to amend the Clean Air Act to reduce emissions from electric powerplants, focusing on technologies to limit the emissions of carbon and mercury from power plants and other compliant alternatives, receiving testimony from Robert S. Kripowicz, Acting Assistant Secretary of Energy for Fossil Energy; Edward C. Lowe, General Electric Power Systems, Schenectady, New York; Phil Amick, Global Energy, Inc., Cincinnati, Ohio; Richard L. Sandor, Environmental Financial Products LLC, Chicago, Illinois; Michael D. Durham, ADA Environmental Solutions, Littleton, Colorado; Richard L. Miller, Hamon Research-Cottrell, Inc., Somerville, New Jersey; Frank Alix, Powerspan Corporation, New Durham, New Hampshire; and George R. Offen, Electric Power Research Institute, Palo Alto, California.

Hearings recessed subject to call.

# House of Representatives

## Chamber Action

**Measures Introduced:** 29 public bills, H.R. 3639–3667; 1 private bill, H.R. 3668; and 8 resolutions, H. Con. Res. 309–310, and H. Res. 336–341 were introduced. **Pages H103–05**

**Reports Filed:** No reports were filed today.

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Capito to act as Speaker pro tempore for today. **Page H83**

**Recess:** The House recessed at 1:07 p.m. and reconvened at 2 p.m. **Page H87**

**Presidential Message—Destruction of Japanese Chemical Weapons Abandoned During World War II in China:** Read a message from the President wherein he reported that it is in the national interest to terminate the suspensions under section 902 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (Public Law 101–246) insofar as such suspensions pertain to the export of defense articles or defense services in support of efforts by the Government of Japan to destroy Japanese chemical weapons abandoned during World War II in the People's Republic of China—referred to the Committee on International Relations and ordered printed (H. Doc. 107–177). **Page H87**

**Late Reports Committee on Science:** The Committee on Science received permission to have until midnight on Thursday, January 31 to file reports to accompany H.R. 3400, Networking and Information Technology Research Advancement Act and H.R. 3394, Cyber Security Research and Development Act. **Page H88**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Honoring the Life of Dave Thomas:*** H. Res. 336, honoring the life of Rex David "Dave" Thomas and expressing the deepest condolences of the House of Representatives to his family on his death; and **Pages H88–92**

***Recognizing the Contributions of Catholic Schools:*** H. Res. 335, honoring the contributions of Catholic schools (agreed to by a yea-and-nay vote of 388 yeas with none voting "nay" and 1 voting "present," Roll No. 5). **Pages H92–96, H97–98**

**Recess:** The House recessed at 2:57 p.m. and reconvened at 5 p.m. **Page H96**

**Committee Election—Armed Services:** The House agreed to H. Res. 337, electing Representative Wilson of South Carolina to the Committee on Armed Services. **Page H96**

**Conditional Adjournment or Recess of the Senate and House:** The House agreed to S. Con. Res. 95, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives until Monday, February 4. **Pages H96–97**

**Meeting Hour—Tuesday, February 5:** Agreed that when the House adjourns on Monday, February 4, it adjourn to meet at 12:30 p.m. on Tuesday, February 5, for morning hour debate. **Page H97**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, February 6. **Page H97**

**Recess:** The House recessed at 5:30 p.m. and reconvened at 8:51 p.m. for the purpose of receiving in Joint Session the President of the United States. **Page H98**

**President Bush's State of the Union Message:** President George W. Bush delivered his State of the Union message to a joint session of Congress. He was escorted into the House Chamber by a committee comprised of Representatives Armey, DeLay, Watts of Oklahoma, Cox of California, Pryce, Biggert, Gephardt, Pelosi, Frost, Menendez, and Millender-McDonald and Senators Daschle, Reid of Nevada, Mikulski, Dorgan, Kerry, Rockefeller, Murray, Durbin, Boxer, Breaux, Lott, Nickles, Hutchison of Texas, Craig, Frist, Gramm of Texas, McConnell, and Collins. The President's message was referred to the Committee of the Whole House on the State of the Union and ordered printed as a House Document (H. Doc. 107–157). **Pages H98–H101**

**Senate Messages:** Message received from the Senate today appears on page H83.

**Quorum Calls—Votes:** One yea-and-nay vote developed during the proceedings of the House today and appears on page H97. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and at 10:08 p.m, pursuant to the provisions of S. Con. Res. 95, the House stands adjourned until noon on Monday, February 4, 2002.

## Committee Meetings

No Committee meetings were held.

*Next Meeting of the* SENATE

1 p.m., Monday, February 4

Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 2 p.m.), Senate will resume consideration of H.R. 622, Adoption Tax Credit Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

12 noon, Monday, February 4

House Chamber

**Program for Monday:** Pro forma session.

## Extensions of Remarks, as inserted in this issue

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