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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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House of Representatives

The House met at 10 a.m.

The Reverend Dr. Paul Smith, Senior Minister, First Presbyterian Church, Brooklyn, New York, offered the following prayer:

In preparation for our prayer this morning, I would ask that you would just close your eyes and reflect as we listen to the silence for a moment.

O Divine Creator: Listen to the beating of our hearts and the stirrings deep within us, as each of us, in our own way, acknowledges the silent moment.

May this peripheral moment, almost mystical, become a moment which touches us where we are most ourselves. And we pray, O God, for strength, that You give each one of these men and women standing before You the courage to be genuine, that their yeas and nays be genuine. All else obscures the truth, tempting them to betray the eternal.

We ask that You help them and us to face the fears residing deep in our souls as we hear in the distance the cries for war, the cries for peace, the cries for justice and the cries for freedom. And, God, we would petition You to quench our deep-seeded need to be right. We know that Democrats being right does not make Republicans wrong. We know that conservatives being right does not make liberals wrong. Rather, teach us how to listen for the sounds of the genuine in ourselves, so we may hear the sounds of the genuine of our colleagues and friends.

O Divine Creator, help this Congress to practice deep listening, for it is in our deep listening that we hear the silence, where we hear the cries of our people, where we see the shadows which frighten us, and where we find the center and core of our being. So as we practice this deep listening, grant that we may also practice arrogance reduction, for by doing so, we lift up those things which glorify the Creator. 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.

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. LEACH 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.

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 and concurrent resolution of the House of the following titles:

H.R. 486. An act for the relief of Barbara Makuch.

H.R. 487. An act for the relief of Eugene Makuch.

H.R. 4558. An act to extend the Irish Peace Process Cultural and Training Program.

H. Con. Res. 469. Concurrent resolution authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.).

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1308. An act to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772–71, 773–71, 774–71, and 775–71, and for other purposes.

S. 2127. An act for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be one 1-minute speech. All other 1-minute speeches will be after the general business of the day.

WELCOMING THE REVEREND DR. PAUL SMITH

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

Mr. LEACH. Mr. Speaker, on behalf of the House, it is my honor to welcome and extend appreciation to the Reverend Dr. Paul Smith for delivering the opening prayer this morning.

Dr. Smith is the senior pastor of the First Presbyterian Church of Brooklyn and a faculty member of the New York Theological Seminary. A scholar, Dr. Smith has written extensively on issues of integration and is considered one of the world's leading authorities on multicultural training and arbitration. He has negotiated labor management agreements related to sweatshops in South America and China and conducted sensitivity training for the New

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York City Police Department, various churches, universities and the Federal Government, including the IRS. Given the tensions in the world in which we live and not incidentally the fractious body in which we work, Reverend Smith's presence and prayer is much appreciated.

Ms. VELÁZQUEZ. Mr. Speaker, I rise to thank the Reverened Dr. Paul Smith, who led today's Opening Prayer. Reverend Smith is the senior minister of the First Presbyterian Church in Brooklyn, NY, in my district, and I am proud to have him here as a representative of our community.

Reverend Smith has a long career in and out of the ministry. He began as an assistant pastor at the Salem United Church of Christ in Buffalo, New York, in 1960. He has taught at divinity schools at the New York and San Francisco Theological Seminaries and Emory University, in addition to holding administrative positions at Washington University and Morehouse College.

Not content to preach from the pulpit, Reverend Smith applies his ministry to public life. He teaches at the Health Science Center of the State University of New York and provides diversity and senstivity training to corporations and communities alike.

I hope you will join me today in welcoming Reverend Paul Smith here today.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my 1-minute speech.

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

There was no objection.

THE JOURNAL

The SPEAKER. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 329, nays 53, answered ''present'' 1, not voting 49, as follows:

[Roll No. 396]

YEAS—329

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

NAYS—53

Aderholt
Baird
Baldwin
Berry
Borski
Brady (PA)
Capuano
Conyers
Costello
Crane
DeFazio
English
Filner
Fossella
Green (TX)
Gutknecht
Hart
Hefley
Hilliard
Hinchey
Holt
Hooley
Hulshof
Kennedy (MN)
Larsen (WA)
Latham
Lipinski
LoBiondo
Markey
McDermott
McNulty
Moore
Oberstar
Olver
Peterson (MN)
Ramstad
Riley
Sanchez
Schakowsky
Slaughter
Strickland
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—49

Andrews
Armey
Bachus
Bentsen
Berman
Blagojevich
Blunt
Bryant
Burr
Buyer
Carson (IN)
Chabot
Cooksey
Coyne
Delahunt
Dicks
Ehrlich
Ford
Gephardt
Gillmor
Gordon
Hilleary
Hyde
Jefferson
Jenkins
Keller
Kirk
LaFalce
Lewis (CA)
Matsui
McHugh
Meek (FL)
Miller, George
Mink
Murtha
Myrick
Oxley
Reyes
Roukema
Ryan (WI)
Sabo
Sandlin
Schaffer
Shays
Simpson
Stump
Tauzin
Vitter
Young (AK)

□ 1035

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mrs. MYRICK. Mr. Speaker, rollcall vote 396, on approving the journal, I would have voted ''yea.''

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

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 527, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 527

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of the resolution. The resolution shall be considered as read for amendment. The resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member

of the Committee on Ways and Means. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms. The resolution shall be considered as read for amendment. The resolution shall be debatable for one hour equally divided among and controlled by the chairmen and ranking minority members of the Committees on Ways and Means and Education and the Workforce. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

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

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 527 is a closed rule providing for the consideration of two House resolutions. The rule provides that House Resolution 524 shall be debatable in the House for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The resolution shall be considered as read for amendment.

The rule further provides that House Resolution 525 shall be debatable in the House for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and the Committee on Education and the Workforce. The resolution shall be considered as read for amendment.

Mr. Speaker, H. Res. 524 is a resolution expressing the sense of the House that Congress should complete action on, and present to the President before adjournment, the Permanent Death Tax Repeal Act of 2002. Although the House passed this legislation more than 3 months ago by a vote of 256–171, the other body has yet to take any action on this important measure.

In fact, this legislation is only needed at all because the internal rules of the Senate limit the Death Tax Repeal Act enacted into law last year to a period of only 10 years. This means that unless we act to make this repeal permanent, in the year 2010 the death tax will be reimposed on thousands of families, farms and small businesses.

Nor can we wait 10 years to provide much-needed assurance that such a massive tax increase will not be imposed. Estate tax planning is, by definition, a long-term process. Families need to know today, and they are entitled to know today, what taxes the Federal Government plans to impose on them in the not-very-distant future.

For generations now, the death tax has been a leading cause of the dissolution of family-run businesses and farms all across this country. That not only hurts those families and the workers they employ, but in time of economic distress, the death tax also has an adverse effect on our overall economy. Repeal of the death tax will promote job creation and economic growth by allowing family-owned farms and small businesses to invest and reinvest in productive, job-creating expansion with resources they would otherwise spend minimizing and paying Federal death taxes.

Given the large number of bills passed by the House in this session which have not been acted upon by the Senate, it is difficult to explain to our constituents why Congress has failed to complete action on this critically important measure. Today we have an opportunity to send a clear message to the American people about the House's commitment to act and act now to repeal this onerous and unfair tax increase scheduled for 2010.

At the same time, Mr. Speaker, we have an opportunity today to send a similar clear message about the need for immediate action on equally important legislation passed months ago here in the House. On May 16, the House voted to reauthorize the historic welfare reform legislation enacted in the 104th Congress in 1996.

Welfare reform stands as one of the proudest accomplishments of that or any recent Congress. Literally millions of American lives have been changed by landmark legislation which has helped move our most disadvantaged citizens from welfare to work.

The numbers do not tell the whole story, but they are astonishing, nonetheless. In the 5 years since we have enacted those reforms, nearly 3 million children have left poverty; employment by mothers most likely to go on welfare rose by 40 percent; and welfare case loads have fallen by 9 million, from 14 million recipients in 1994 to just 5 million today.

Still, there is much left to do, and these historic reforms simply must be reauthorized. The States have been full partners with the Federal Government in this effort, as they should be, and they are entitled to know whether we will continue working with them to help struggling families help themselves.

As with the Death Tax Repeal, for months the Senate has failed to act on this vitally important measure. Recently, 50 senators, including 40 Democrats, called for action on a 5-year reauthorization of this successful welfare reform program. Still, no action has been taken.

Today we can add our voices to those Senators who are calling for action before adjournment on two of the most meaningful measures this Congress has had a chance to enact. Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the two underlying resolutions we will consider later this morning.

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

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

Mr. Speaker, people around the country watching this today, people reading the newspapers, may be scratching their heads and saying, What is going on here? What are these people doing?

I will tell Members what people on the other side are doing: They do not want to work; they do not want to do anything serious. What are the facts?

Congress is charged to pass 13 appropriation bills by October 1. The House of Representatives, controlled by the other party, by the Republican Party, has passed exactly 5 of those 13 bills. Where are the other appropriation bills?

Mr. Speaker, we never did this when we were in charge. We always brought the appropriation bills to the floor so they could then be sent to the Senate and come back in a conference committee and dealt with in an orderly way.

□ 1045

We have an October 1 deadline for the start of the fiscal year. The other side refuses to work, refuses to bring appropriation matters to the floor. Why are they doing this? I can only speculate. Perhaps they are trying to shield some of their vulnerable Members from having to cast some tough votes to cut the budget. These folks on the other side, like they say, they want to cut the budget and they want to keep spending down. If they want to do that, where are the other eight appropriations bills? Bring them up and let us have a series of votes. This is probably as irresponsible as any action by any leadership that I have seen in the 24 years that I have been in Congress.

That brings us to today. They do not want to bring appropriation bills to the floor because they are afraid. They are worried that some of their poor, vulnerable Members might have to actually vote on something, go on the record on some issues, on education spending, on health care spending, on a variety of issues. So what do they do? They bring meaningless resolutions to the floor, sense of the Congress resolutions urging the Senate to take action.

Mr. Speaker, the people who should be acting are the Members of this body. What has happened here? We come in at 6:30 on Tuesday. That is 6:30 p.m., not 6:30 a.m., and we vote on a couple of procedural matters; and then we are on the floor for a few hours on Wednesday and we vote on a few things, again noncontroversial matters; and then we are on the floor for a few hours on Thursday, and we leave at 3 o'clock on Thursday afternoon. Without having

done the people's business. Shame on the other side. Shame on them.

Today, if that is what they want to do, if they do not want to consider appropriation bills, which we ought to be doing, which ought to be the first priority of this Congress, we have another suggestion for them. If they are not willing to take up the appropriation bills, let us take up some legislation that actually tries to help some people. Let us take up some legislation dealing with the cost of prescription drugs. We have legislation that has in fact already passed the Senate dealing with the generic drug issue.

Mr. Speaker, as I said, the underlying resolution made in order under this rule has only one real purpose, and it is not to help pass a responsible welfare reform bill. It is a sham. Let us take a more positive approach. Let us look at legislation that the other body has passed, for example, the Prescription Drug Fair Competition Act. Today the Republican leadership is asking the House to take up meaningless legislation that is not going to go anywhere. The Prescription Drug Fair Competition bill has the potential to help millions of consumers right now. But I do not have to tell you that it has not been considered in the House yet, and I do not see any indication that it is on the schedule in the immediate future.

Right now, millions of seniors pay too much for vital medicines because big drug companies are boosting their own profits by keeping lower-cost generic drugs off the market. The Waxman-Brown-Thurman bill, which we would like the opportunity to bring up for a vote since they are not bringing anything else up for a vote, would stop this abusive practice and reduce the cost of prescription drugs for millions of American senior citizens. In fact, the legislation would reduce total spending on prescription drugs by $60 billion over 10 years according to the nonpartisan Congressional Budget Office.

We are going to ask for a ''no'' vote on the previous question, and I will talk about this again a little bit later so that we can actually bring this legislation up, legislation that will help senior citizens right now. But no, the other side, they do not want to do anything. They do not want to do this. They do not want to do appropriation bills. They do not want to be here. They want to go home. We all know there is an election going on and sure we would like to spend some time with our constituents; but our first obligation is to legislate, is to be on the floor of this House working, not to be here for 2½ days starting at 6:30 on a Tuesday and ending at 3 o'clock on a Thursday. Shame. Shame on the other side.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentlewoman from Ohio (Ms. PRYCE), a member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I rise in strong support of this important rule that will allow for consideration of these timely resolutions. We on this side of the aisle are very proud of all our timely accomplishments, starting with our budget. We went on to pass many, many important items for the American people: corporate responsibility, prescription drugs, historic tax relief, welfare reform, pension reform, and probably most importantly, homeland security.

Mr. Speaker, I am a very strong supporter of all these things, the death tax repeal permanency which this measure includes; but I am here this morning to address an issue that I have been more closely involved with. More than 4 months ago in this very Chamber, the House of Representatives passed comprehensive welfare reform legislation to build on the 1996 historic reforms that changed the culture of our system from one of cyclical dependence across generations to one of personal responsibility. This legislation is a culmination of strong reflection and cooperation between Members of Congress who care passionately about ensuring that all Americans have the opportunity to live successful, productive lives.

Mr. Speaker, much has changed since 1996. We have witnessed welfare rolls drop from 14 million to 5 million nationwide. More single mothers are employed than ever before, and nearly 3 million children have been lifted out of poverty. Prior to 1996 in my own home State of Ohio, we were passing out welfare checks to the tune of $82 million every month. Post-reforms, the price tag has been reduced to less than $27 million, and it is going to those who really need the help. In one State alone, that is a savings of $50 million.

The welfare reform bill we passed in the House some 4 months ago will protect children by increasing child care funding and improving the quality of child care. It will strengthen families and improve child well-being. And it encourages States to implement innovative programs to offer struggling families the tools and resources they need to secure jobs and provide for their independence. Each one of these provisions is unique to the House bill and will not become a reality if the entire Congress does not finish up its work on reauthorizing welfare reform.

As we consider this resolution, only 11 days remain before the 1996 reforms expire on September 30. The House of Representatives has done its work. Failure to deliver this welfare reform reauthorization to the President's desk before the expiration date could send the tremendous progress that we have seen since 1996 spiraling backwards into a sea of dependence.

Over the last 6 years, millions of American men and women have overcome adversity, reversed course and rebuilt their lives. They have taught their children about the dignity of having a job and providing for their family. They have shared their stories with friends and neighbors. They are proud. We cannot afford to backpedal on the progress that we have made. Too many people have worked too hard to get where they are today.

It is time for the Congress to complete action on this reauthorization. The House has answered the call of the American people and the President is waiting to sign this into law. I strongly encourage my colleagues to support this rule and all the underlying resolutions.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), who is a prime sponsor of legislation that will actually help some people today dealing with the issue of generic drugs.

Mr. PALLONE. Mr. Speaker, I have great respect for the gentlewoman from Ohio, but I could not believe that she would start out by talking about the Republicans passing the budget. She knows very well that unless you pass the appropriation spending bills pursuant to that budget, you have not done anything. As my colleague from Texas mentioned, the Republicans have only brought up five of the 13 appropriation bills. To suggest that they are dealing with the budget and the spending is absurd. They are not. They have not dealt with it. They are not bringing up the bills.

But, more important, this morning, this resolution that we are considering essentially chastises the other body for not bringing up welfare reform or estate tax repeal. The bottom line is that this body, the House, has the opportunity under the Republican leadership to pass a very important piece of legislation which is sponsored by my colleague, the gentleman from Ohio (Mr. BROWN), and another Republican on the other side, the gentlewoman from Missouri (Mrs. EMERSON), that would deal with the cost of prescription drugs. We know that our constituents say that the biggest problem that they face is health care costs and particularly the cost of prescription drugs. The other body has already passed this bill, which is called the Greater Access to Affordable Pharmaceuticals Act, by a 78–21 vote, overwhelmingly, because they know it would save American consumers over $60 billion in prescription drug costs. Rather than pass sense of Congress resolutions here today that are meaningless, why do the Republicans in the House not simply take up this Senate bill and save American consumers millions of dollars on their drug costs?

This bill, the Senate-passed bill, would close the loophole and restore competition in the pharmaceutical market while protecting an inventor's right to legitimate patent protection. It deals with patents. It deals with bringing generics to the market quicker in order to cut the cost of prescription drugs. Under the bill, once the valid patents on a prescription drug expire, competitors can enter the market and consumers can get lower

prices. The reason the savings from this bill are so substantial is that competition is the best weapon we have against overpriced prescription drugs.

Why is it not happening? It is not happening because the pharmaceutical industry is giving literally millions of dollars to the Republicans and the Republican leadership to not bring this bill up, because they do not want it to happen. Today in Congress Daily are ads, large ads, full page, by the pharmaceutical industry, by PhRMA, the brand-name drug lobby, saying, don't pass this generic bill. In Roll Call there is another full-page ad: Don't pass this generic drug bill. Because the pharmaceuticals are concerned that they are going to lose money, that the American consumer is going to save money and they are going to lose money if we bring up this bill. In fact, it has gotten so bad that they are actually pressuring some of the companies that have been lobbying and asking that the generic bill come up; they have been pressuring them to withdraw their support for the generic bill.

There was another thing today in Congress Daily where they are trying to get some of the Republicans who support this bill to not support the discharge petition to bring it up. It is an outrage what the pharmaceutical industry is doing. Let the House Republicans bring this bill up rather than the nonsense that they are proposing this morning.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, while I congratulate the other side on their valiant, but unsuccessful, partisan attempt to change the subject, I rise on behalf of this rule as an opportunity to put the House on notice and put the House on record that we need to move right now on welfare reform. This reform is the most important social reform that Congress has achieved since I came here in 1994, and right now it is at risk. Welfare caseloads under our initiative have fallen by 60 percent to their lowest levels since 1965. Nine million recipients have gone from welfare to work, from dependency to independence. We have learned from this success that we can help people bootstrap themselves and become self-reliant and proud. We have reaffirmed that the welfare system is supposed to provide a safety net, not a hammock.

Mr. Speaker, it has been 4 months since the House passed the Personal Responsibility, Work, and Family Protection Act reauthorizing these reforms. We passed this bipartisan bill which would build upon the success of the past 6 years by improving day care and increasing opportunity. We strengthened the welfare system by making it less permissive, but at the same time providing real incentives to work. Sadly, some on the left would rather go back to the days of welfare dependency, limited opportunity, and stunted hope for some of our most underprivileged Americans. These reactionaries want to run out the clock on welfare reform here today so that they can turn back the clock and repeal those critical welfare reforms. We cannot allow that to happen. My answer to them is that we need to move forward.

Congress has a narrow opportunity to do something real for our neighbors in need. Congress must pass a 5-year welfare reauthorization bill now, before this program expires.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

The previous speaker mentioned running out the clock. The Republican leadership announced we are not going to be in session tomorrow and we are not going to be in session Monday. They have lots of time for this. They just do not have time to actually legislate.

□ 1100

Now, the Republican leadership has announced that we will not be in session on Friday, we will not be in session on the next Monday, and we will not come back until 6:30 on Tuesday. Meanwhile, time is ticking away and all Federal agencies are going to run out of money because appropriation bills have not been passed by this body on September 30. So I would urge them, if they are very concerned about time, that they bring those appropriation bills to the floor so our Federal agencies did not run out of money on October 1.

Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Texas for yielding me time.

Mr. Speaker, rather than acting on bills that actually help the American people in some way, Republican leadership is focusing on meaningless resolutions that chastise the other body for not taking action on measures the House has passed. If we had sent the other body decent legislation, rather than bad ideas, the situation might be different. I am thinking of the Republican crown jewel, a Medicare drug coverage bill so grossly inadequate, written by the drug companies, that it is an insult to Medicare beneficiaries and to their families. But that is another story.

Fair is fair, Mr. Speaker. Before Republican leadership demonizes the other body, they might want to rid the skeletons from their own closet. The other body, for instance, passed legislation that finally does something about out-of-control prescription drug prices, and did so in a responsible, bipartisan manner. But Republican leadership in this House has blocked even a vote on that legislation, which will save American consumers, mostly the elderly, $60 billion.

Brand and generic drug companies alike exploit loopholes in the laws to block competition in the marketplace. The Federal Trade Commission has acknowledged it, the Patent and Trademark Office has acknowledged it, the President has acknowledged it. But House leadership and the prescription drug industry are virtually the only ones who have not acknowledged it.

Why is that? Could it be the millions of dollars the drug industry gives to Republican Members of Congress? Could it be that the drug industry, using drug industry money through phony ads run through a group called 60–Plus and run through a group called USA Seniors, that they are running ads in support of the drug plan that they wrote, the drug industry wrote on behalf of Republican Members of Congress?

Could it be, in the most cynical move I have seen in my 10 years in this body, the drug industry wrote a bill, a prescription drug bill that really was not worth very much, pushed it through Congress, gave money to Republican Members of Congress, then ran ads, in the most cynical move imaginable, thanking those Republican Members of Congress for voting for it and saying that it was an ad written by United Seniors Association, but it is actually funded by the drug industry, which they will not tell you?

The Senate-passed bill, Mr. Speaker, closes the loopholes the FTC has identified and would deliver more competitive prescription drug prices to the American people. There are 3 companion measures in the House, any of which would restore competition in the prescription drug marketplace, saving consumers $60 billion. Some of those are sponsored by Republicans, but Republican leadership will not let those bills come to a vote. Instead, we are passing meaningless resolutions today.

If the House squanders this opportunity, we will likely go home without providing any kind of prescription drug relief to seniors and others who desperately need that help.

Mr. Speaker, I urge the House to permit consideration. I urge Republican leadership to allow us to vote and to take House action now on legislation to stop the brand name and generic drug industry from blocking this legislation and stop their shenanigans, to bring prescription drug prices down, something we could do today in this body. The other body passed this legislation. If it dies in the House, the Republican leadership can congratulate themselves for successfully catering to the drug industry again and again and again at the expense of the American public.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, in 1996 Congress set out on an ambitious plan to transform welfare from a program that kept people dependent upon government handouts to a structure that empowers people on their own to be self-sufficient.

Today, I believe we can declare welfare reform a huge success. Consider these facts: The poverty gap for families with children has decreased by over $4 billion since 1996. Hunger among children has been cut in half, and the poverty rate for African American children is at its lowest point in U.S. history.

Success stories abound. One of my constituents, Dorothy, reports that when she was hit hard several years ago, she participated in an innovative program designed to help people become more self-sufficient. Once on the verge of bankruptcy, she is now employed and regularly contributes to a savings account in hopes that one day, one day, she will be owning a home.

The House passed H.R. 4737 to reauthorize the welfare reform program last May. The Senate has not acted on it. All of us on Capitol Hill must continue on the path of reform by working together to send a welfare reform authorization to the President this month.

Support the rule and give our constituents the well-deserved opportunity to have a hand up, not a handout.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, first of all, I would be more impressed with my colleagues on the other side and their commitment to a full deliberation of the welfare bill if they had not used their power in the rules to shut off adequate effort in this House when we debated welfare to address one of its great defects, child care. They would not allow an amendment which I think would have passed if they had given us a chance to vote on it, which is why they would not, which would have expanded child care as part of welfare.

But we are not just talking about welfare. As I listen to the Members on the other side complaining that a legislative body is not doing its work, this is the end of September. We have not passed an appropriations bill for the Department of Health and Human Services or Education or Labor or Transportation or Housing and Urban Development or the Environmental Protection Administration.

The gentleman from Ohio talked about September 30 being the date when the welfare bill expires. The whole Government expires on September 30 and they have not passed any bill for the domestic agencies. Listening to people who have that record of nonfeasance complain that somebody else is not getting its work done, I feel like I kind of wandered into a nudist colony and somebody complained that I was not wearing a tie. I have never seen a more bizarre example of people trying to object to a fault that they are themselves guilty of.

We all understand, by the way, why we do not have appropriations bills. We have a split in the Republican Party. We voted in 2001 a very large tax cut. Since we voted that tax cut, this administration has committed to spending more than half a trillion dollars over the next 10 years between the war in Afghanistan, the war they want to have in Iraq, running Iraq, running Afghanistan, homeland security, and a lot of other things. The result is that there is not enough money to fund the Government even at what I would consider the minimal level that many of the Republicans want. So here is the problem. We have the intellectually consistent Republicans who, having voted for a tax cut, are prepared to make substantial reductions in the appropriations bills. We have many of us on the Democratic side who thought the tax cut went too far and we do not support such drastic restrictions as shutting down efforts to clean up Superfund sites or taking away funds from public housing or reducing other important funds, but then we have the bulk of the Republican Party. They voted for a tax cut which reduced revenues, but they will not support appropriations bills that reflect the revenue reductions. So what do they do? They do not pass anything. There is a split between the Republican party, between the intellectually honest conservatives who voted for a tax cut and are prepared to reduce spending, and the rest of the Republicans who said, wait a minute, you must be kidding. We cannot reduce spending to that level. We cannot let the American people know what the true consequences of our tax cut are. So how do we deal with this? We do not vote on an appropriations bill for the Department of Health and Human Services. We do not vote on an education bill. They are going to give us a big CR, a big continuing resolution.

I can remember Ronald Reagan standing here waving a continuing resolution and decrying it. I guess this is the birthday present that Ronald Reagan gets this year, a complete repudiation of his denunciation of continuing resolutions by a Republican Party incapable of appropriating.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

This debate today is on a rule that is to bring a sense of Congress on two issues that in fact this House has passed, the estate tax and the welfare reform. I do not know that we would be having this debate on the sense of Congress if in fact there could have been an opportunity for us to sit down and compromise on the estate tax. We could have looked at the $6 million that we tried to offer as an alternative on this floor at 99.7 percent of the debate which was about small businesses and farmers, and the numbers show that in fact that $6 million would have done that. No. Instead, we have got to worry about how we are going to cover for Ken Lay and his wealthy friends. And I have got to say that just does not get it with me.

On top of that, you talk about welfare reform. It is in the Senate. Today it is my understanding that the Senate was going to be talking about homeland security, which you have also criticized them for. There are only so many hours in a day. I think they are going to get to welfare reform, but while they are getting to all these issues that you are talking about, there ought to be a debate on them, which is what the Senate is trying to do. So in saying all of that, here we are, that was just mentioned by the previous speaker. We have got a situation here in the House where we cannot get the Health and Human Services bill up. So any welfare reform that is done on paper is meaningless unless we have the money to back it up. And right now we have nothing because we have no HHS bill that would provide those dollars.

So what are we trying to do on this side? We are trying to talk about another piece of legislation that has passed the Senate. We cannot have a blame game. You criticize them for not passing something. Then you come over here and we will say to you, guess what, there is a piece of legislation that every one of us would be best to be able to go home and talk about, and that is the generic drug bill. And by the way, that does not cost us anything but it saves $60 billion over the next 10 years on making sure that we have generic drugs coming to our constituents.

So what is happening here is that we have a bill that has been prepared and passed on a bipartisan vote in the Senate on generic drugs that now could be over here, picked up, passed. We could go home and not talking about it costing the Federal Government anything. But, no, we are not doing that.

I was home in August. I was out there every day, and I talked to the people in my district, and I just want to talk about a couple of people that see people every day. We had Rick Limehouse, who is a pharmacist at the Pill Box Pharmacy in Clermont, and he said he is appalled at the escalating cost of medication just in the 2 years he has been in business. Because of the public outcry against these rising costs, he said that some drug companies have started to offer discount cards that discount what the pharmacy can charge but not what the pharmacy pays for the medication. At the same time, the manufacturers continue to raise the price of their medication at a rate beyond anything that can be attributed to inflation. The generic bill, getting these drugs to the market, would be helpful.

Pharmacist Ken Norfleet of Brooksville said, ''Every day,'' and we just do not happen to see this every day, ''we see people coming into the pharmacy who decide not to buy their prescriptions,'' or that they are cutting their dosages in half because they cannot afford the high cost. And what are they doing? They are jeopardizing their health and their well-being.

I would call upon my colleagues from the other side. There is a discharge petition down here that does not say only Democrats can sign. It says House Members can sign, Members of Congress. How about if we cannot take home the appropriations bill and we have to talk about continuing resolutions? How about at least let us take home one present to them. Let us at least show them that we are concerned about their cost of medications. Let us at least have the stomach to stand here, sign that petition that says we are willing to cost not only to seniors but to all families on generic drugs. That would be a gift to them. And as we go through the tax cuts and talk about these things, I hope we all will remember what Mr. Lindsey said about the war, that it is $100 billion. We are already into deficit spending. Do you not think we should be talking to our constituents about not leaving this debt to our children and our grandchildren?

□ 1115

Mr. HASTINGS of Washington. Mr. Speaker, I want to advise my friend, the gentleman from Texas (Mr. FROST), that I just have one speaker to close, so I will reserve my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I just wanted to remind us all that it is interesting to have resolutions on the floor that recommend action by the other body, but the important thing is for us to do our work here.

I am a member of the Committee on Appropriations. We have eight of the 13 appropriations bills which have been dealt with by the committee, but which have not been put out here on the floor to be dealt with by the full body. Why is that? The main reason is because the leadership of this House has taken an approach to fiscal policy which is totally unreasonable and unrealistic. This is not anything new; it has been going on now for a couple of years. My Republican colleagues have taken us from a situation within the Federal budget of growing surpluses to now deepening deficits, and they do not know how to deal with it. They do not know how to solve the problem that they have created for the people of this country with growing deficits in the Federal budget. They cannot fund the necessary things that need to be done.

In addition to that, there is a whole host of issues that are crying out for attention; most notably, a prescription drug program which will allow the senior citizens of this country to get the medication they need to restore themselves to health and to maintain their health. We have a good bill.

If we want to talk about something the Senate has done, they have passed a good bill. Their bill provides for a prescription drug program as an entitlement under Medicare. That is what the AARP wants, that is what all of the associations that represent senior citizens want, and it is what the older people of our country want. They want an entitlement program under Medicare for prescription drugs. You refuse to bring that bill out. Why? Because you are the great beneficiaries of the largesse of the pharmaceutical companies. They have made enormous contributions to the Republican Party in this House in order to keep this bill from getting to the floor.

So instead of telling the Senate what they need to do, let us deal with our own business right here in this House.

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

It is with deep regret that I observe the timidity on the other side. We have two great political parties in this country. We want to join the issues. We want to enter into debate on this floor. We want to cast votes. We know that we do not necessarily have the votes here; they are in the majority, they probably can pass anything they want to, but we want the opportunity to debate and consider legislation. They are denying us this opportunity, not just with this generic drug legislation that we would like to bring up today, but the legislation that funds the Government of the United States.

Mr. Speaker, it is a sad day for the country, quite frankly, that the Republican Party has become so timid that they want to show up at 6:30 on Tuesday and leave at 3 o'clock on Thursday because they do not want their Members to have to vote on tough issues. We are paid, hired by the American people, and paid to show up here, to work a full week, and to take tough votes, and if they are not willing to take tough votes, if they are not willing to bring matters to the floor, then perhaps it is time for someone else to be in charge.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that immediately after the House passes these do-nothing resolutions, it will take up the Prescription Drug Fair Competition Act of 2002, H.R. 5272. My amendment provides that the bill will be considered under an open amendment process so that all Members will be able to fully debate and offer amendments to this critical bill. It is time for the House to do its work and pass legislation to help the American people, not simply play blame games.

A ''no'' vote on the previous question will allow the House to take up this bill and provide much-needed relief for the high cost of prescription drugs. However, a ''yes'' vote on the previous question will prevent the House from taking up a bill that actually makes a difference.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

Mr. FROST. Mr. Speaker, I urge a ''no'' vote on the previous question, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Washington (Mr. HASTINGS), for yielding me this time, and I congratulate him on his management on what clearly is a very important measure here. It has been mischaracterized by my friends on the other side of the aisle, but we are very proud of what we have been able to accomplish in this 107th Congress. It is clear that Republicans are in the majority, but we have what is today a six-vote majority. It is extraordinarily narrow, but we have been able to work in a bipartisan way to address the issues that we are going to be bringing up once we pass this rule.

It was with bipartisan support that we brought about reform of the welfare system. It is with bipartisan support that we passed repeal of the death tax. It is with bipartisan support, Mr. Speaker, that we were able to bring about pension reform. These are measures that Democrats and Republicans alike supported in this body, and we are very proud that we were able to provide, under the leadership of Speaker HASTERT, the encouragement and the direction and the momentum to get these measures through.

Now, we have done this along with our work on the appropriations bills. Mr. Speaker, I think that it is important for us to note that in the past when our friends on the other side of the aisle controlled this body, we had, in fact, continuing resolutions. We have always gone through challenges when we have dealt with the appropriations process. Where are we today? Well, this House has passed five appropriations bills, appropriations bills that deal with both domestic and international issues and our national security issues as well. We have passed the Interior appropriations. We have passed the Treasury-Postal appropriations bill, both of which have measures that deal with domestic issues here. We have passed the Military Construction appropriations bill. We have passed the Department of Defense appropriations bill, and we have passed the Legislative Branch appropriations bill, obviously dealing with this institution, dealing with the very important security here in the Capitol.

So we are very proud of the fact that we have been able to pass these appropriations bills, and we know, Mr. Speaker, that we have even more work that the committee has done, the Committee on Appropriations, dealing with

the Energy and Water appropriations bill, the Foreign Operations appropriations bill. As we sit here debating these issues, our colleagues should know, Mr. Speaker, that the members of the Committee on Appropriations and the leadership is working together on these issues. So we hope very much that we are going to be able to complete as many of these measures as possible.

The resolution that we are dealing with today, in fact, is focused on the accomplishments, the accomplishments of the 107th Congress. We have passed a prescription drug bill from the United States House of Representatives. We have been able to provide tax relief to middle income wage-earners in this country providing child care benefits and repeal of the marriage tax penalty. We have been able to deal with a wide range of issues in a bipartisan way again, Mr. Speaker, since the tragedy of a year ago on September 11. We have been able to pass a supplemental appropriations bill that has helped us deal with our national security. We have been able to come together and work on a wide range of issues to combat this war on terrorism. Those things have been done in a bipartisan way.

So that is why it is very troubling, Mr. Speaker, to hear my colleagues on the other side of the aisle talk about the fact that we have not acted. Yes, there continues to be more work to do. But we have been able, as I said, to get these measures out of the House of Representatives and, unfortunately, the Senate has not taken up a number of these measures.

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

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, the gentleman said with regard to the appropriations bills, well, the committee has done them. Why would we be taking 5 days off now if the committee has, as he said, passed these appropriations bills? Why are they not on the floor? Why do we not get those appropriations bills that the committee has already voted on?

Mr. DREIER. If I could reclaim my time, Mr. Speaker, I would say that we have been able to pass these five appropriations bills and we are working to move these measures forward. These measures that we have, and I have yielded and I am going to close the debate here now, we have had, in fact, these other very important measures that need to be reaffirmed here with this measure that we have, and we are going to continue to work on this appropriations process, and that is our job and we are going to continue to do it.

So let me say, Mr. Speaker, I have already yielded, I am going to close the debate now so that we can move ahead with the vote on the previous question and so that we can then move ahead with these very important measures. Let me say, Mr. Speaker, that I believe that it is the right thing for us to do to reaffirm our support for permanent repeal of the death tax, which has been pointed out by my colleagues, again, in a bipartisan way, how punitive this is, how it hurts economic growth and it stifles the progress that small businesses and family farms have been able to make.

I also believe that when we look at the benefits with 7 million people having, since 1996, come off of the welfare rolls, the ability that we are going to have to strengthen that. We need to reaffirm our support from this institution for that very important welfare reform.

So, Mr. Speaker, I urge strong support of this rule and for these resolutions so that we can, in fact, move ahead with our very important work.

The amendment previously referred to by Mr. FROST is as follows:

At the end of the resolution add the following new sections:

SEC. . Notwithstanding any other provision in this resolution, immediately after disposition of resolution H. Res. 525, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5272) to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. . If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third day order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of that bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Following the vote on the previous question, pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution, and then on the motion to suspend the rules and pass House Resolution 523 postponed from yesterday.

The vote was taken by electronic device, and there were—yeas 214, nays 202, not voting 16, as follows:

[Roll No. 397]

YEAS—214

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

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley

Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Bachus
Blagojevich
Bryant
Carson (IN)
Cooksey
Gephardt
Gillmor
Hilleary
Jenkins
McKinney
Miller, George
Mink
Oxley
Roukema
Stump
Waters

□ 1150

Ms. LEE and Messrs. HONDA, SPRATT, RAHALL, EVANS, HILLIARD and FORD changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote, followed by a 5-minute vote on the motion to suspend the rules on H. Res. 523.

The vote was taken by electronic device, and there were—ayes 213, noes 200, not voting 19, as follows:

[Roll No. 398]

AYES—213

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

NOES—200

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

NOT VOTING—19

Bachus
Blagojevich
Bryant
Carson (IN)
Cooksey
Gephardt
Gillmor
Hilleary
Hunter
Inslee
Jenkins
Miller, George
Mink
Oxley
Payne
Roukema
Rush
Stark
Stump

□ 1200

Mr. CRAMER changed his vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, on Thursday September 19th I missed rollcall vote Nos. 396, 397 and 398 due to chairing a hearing on terrorism with FBI Director Mueller testifying. If I had been present, I would have voted ''aye'' on each of these votes.

RECOGNIZING CONTRIBUTIONS OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 523.

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. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 523, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 399]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
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
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
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
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
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, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Blagojevich
Bryant
Carson (IN)
Cooksey
Frost
Gephardt
Gibbons
Gillmor
Hilleary
Hunter
Jenkins
LaFalce
Miller, George
Mink
Oxley
Roukema
Shays
Stump
Weller

□ 1209

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. WELLER. Mr. Speaker, on rollcall No. 399 I was unavoidably detained. Had I been present, I would have voted "aye."

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON LEGISLATION EXTENDING AND STRENGTHENING SUCCESSFUL 1996 WELFARE REFORMS

Mrs. JOHNSON of Connecticut. Mr. Speaker, pursuant to House Resolution 527, I call up the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 525 is as follows:

H. RES. 525

Whereas the 1996 welfare reform law (P.L. 104–193), approved by large bipartisan majorities of the House of Representatives and of the Senate, has delivered dramatic results by promoting record increases in work and earnings among current and former welfare recipients, reducing the number of children in poverty by nearly 3,000,000 and achieving record low rates of child poverty among African-American children and children raised by single mothers, and lifting 3,000,000 families from welfare dependence as part of a decline in national welfare rolls of more than 50 percent;

Whereas despite these unprecedented gains, 2,000,000 low-income families remain dependent on welfare, challenging the Congress to build upon that success by putting even more Americans on the path to self-reliance;

Whereas changes to the law are needed to better promote the creation and maintenance of strong two-parent families, including healthy married families, in order to enhance child and family well-being;

Whereas further changes are needed to improve the quality and availability of child care, since the experiences of young children greatly affect their success in school;

Whereas the House of Representatives, on May 16, 2002, passed H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002, which includes needed enhancements proposed by the President and extends and strengthens reforms for the coming five years;

Whereas H.R. 4737 would provide a total of $170,000,000,000 in Federal and State funds to support work, child care, education, training, and other family needs;

Whereas the Senate has yet to approve legislation to extend the Temporary Assistance for Needy Families (TANF) program, the Child Care and Development Block Grant, and Title V Abstinence Education State Block Grant programs as required by September 30, 2002; and

Whereas the failure of the 107th Congress to extend the TANF or child care programs by September 30, 2002, would threaten the opportunities currently available for low-income families and create fiscal uncertainty for States: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, prior to September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms.

The SPEAKER pro tempore. Pursuant to House Resolution 527, the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Maryland (Mr. CARDIN), the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Massachusetts (Mr. TIERNEY) each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Twelve days, 12 days. In 12 days, the welfare reform legislation expires. Mr. Speaker, this is a very serious matter. This House passed reauthorization of the welfare reform legislation on May 16. The Senate has not acted. We have 12 days, yet welfare reform has been an unprecedented success.

Never have we passed a reform of a program that has resulted in a decline in child poverty. This bill has resulted in the largest decline in child poverty ever, and in not just 1 year but in consecutive years; and the most dramatic decline in child poverty has been among African American children. Nearly 3 million children have left poverty since welfare reform, and this is not just because we had a good economy.

During the good economy of the Reagan years, when hundreds of millions of jobs were created, welfare roles increased about 12 percent. It is the result of welfare reform that children are leaving poverty, that there has been a substantial reduction in the number of children living in poverty several years consecutively.

Secondly, the most exciting and wonderful news about welfare reform is that of the women on welfare, 33 percent are now working. The percent of those on welfare and working has tripled. It has gone from 11 percent to 33 percent.

□ 1215

Many of those women are still receiving some welfare benefits as they make the transition to complete independence, but 33 percent are working. That is incredibly good news and it will strengthen those families economically and emotionally. But that also means that 67 percent are not meeting the State definition of working, which does not include complete independence from welfare benefits.

So we do have a lot more work to be done, and I am proud to say that the reauthorization passed by this House recognized that those women who were not meeting the standards of work need more education. They need more training, and it creates tremendous flexibility for the States to not only help women get into that first job, but enable them to have the time they need for the education, the skill development to deal with all those problems that we know from our research which represent barriers to women getting into the workforce and barriers to their rising up the career ladder so that the salary that they earn is a salary that can honestly support a family with children.

The reauthorization bill represented a giant step forward, building on what we learned from the old program, enabling the new program to be far more powerful in the lives of the women and children in America who are on welfare and basically living on extremely low incomes, if not in poverty.

Mr. Speaker, I am proud that the House acted. The Senate has not acted. I call on my colleagues to lay out to the other body the importance of reauthorizing welfare today as it expires in 12 short days. That is not even 2 weeks. In 12 short days, this program expires.

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

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

Mr. Speaker, this is what we call filler because the majority, the Republicans, do not want to bring up legislation that is important to enact before the end of the fiscal year.

If I had been told that on September 19 as one of the last bits of business before we adjourn for the week and come back on Tuesday of next week, not Monday, with not acting on in this body 8 of the 13 appropriation bills, that we would be taking up a meaningless resolution in order to kill time, I would not have believed it; but, that is what we are doing.

The gentlewoman from Connecticut is right. There are 12 days left before the end of this fiscal year. The Republicans have only scheduled 4 more legislative days before the end of this fiscal year. In 4 legislative days funding for education, for veterans affairs, for environmental issues, for law enforcement, and for housing will all expire. This body has not even taken up those appropriation bills; yet we have time for this meaningless resolution.

Yes, I am concerned about the end of this fiscal year and getting work done. It is important that we reauthorize the welfare reform bill, TANF reauthorization. I have been working for 2 years to try to get reauthorization of TANF.

This body missed an opportunity to get that done when it chose a partisan route rather than a bipartisan route which we could have passed when the bill was originally before us, a missed opportunity, making it much more difficult for this Congress to send to the President a meaningful TANF reauthorization bill.

Mr. Speaker, we should have built on the success of the current welfare reform bill. We should have built the success that provides flexibility to the States, but instead the legislation that passed this body took flexibility away from the States and made it more difficult for them to do their programs on welfare. Education and training are important, but the bill that passed this body says it is important for everyone but the mother on welfare with a child; that person does not need education. That is the wrong message.

The bill that passed this body says we do not want welfare recipients to have real jobs. We want makeshift employment, even though every study has shown that will not lead to people leaving poverty.

The bill that passed this body is an unfunded mandate on the States requiring them to spend billions of dollars more and not providing the necessary resources. This resolution states that changes are needed to improve the quality and availability of child care. I agree. We have not done that in this body. We need to do it.

Mr. Speaker, there is still time. I urge my colleagues to join in a bipartisan effort. We introduced a proposal that I authored along with the gentleman from Wisconsin (Mr. KIND) and the gentlewoman from California (Ms. WOOLSEY) that builds on the current welfare system, providing the flexibility and the resources to the States. It took welfare to the next level to get families out of poverty. It had the support. We put in the proposal that the national Governors wanted and that the welfare administrators thought were necessary in order to build on the current welfare system, and it is consistent with the bipartisan effort of the other body.

There is time if we are willing to work in a bipartisan way to get TANF reauthorization passed, but we cannot do it the way that the other side of the aisle did it when this bill first came before this body.

Mr. Speaker, I regret that today is another missed opportunity.

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind the body, the Senate has not acted. We must go to conference. We can conference this bill and get it to the President's desk in 12 days. The Congress owes that to the American people.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, 4 months ago the House passed a 5-year welfare reform extension bill. Yet now, just 11 days remain before the successful Temporary Assistance to Needy Families Program expires. The 1996 law lifted nearly 3 million children from poverty. It resulted in a dramatic increase in the employment and earnings of single mothers, all while reducing welfare dependence by 9 million people.

Still, we know we have more work to do in the next phase of welfare reform. Some in Washington seem to be willing to allow the program to run out at the end of this month. They seem to believe a simple extension would suffice, but a simple extension of this program will not help the nearly 60 percent of the adults on welfare who are doing nothing now to engage in activities that will lead them on the road and the path from poverty to self-reliance. A simple extension will not provide $2 billion in increased child care funds to support more working low-income families, and a simple extension will not invest more in families by promoting healthy marriages and preventing the millions of children born out of wedlock from growing up without the benefit of their father.

We must act now. So join us in supporting H. Res. 525. It is my sincere hope that we will soon get to a conference with the other body so we can work out our differences on this important legislation. More than 2 million low-income families in America are depending on us for help.

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

Mr. HERGER. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

I guess I am just a little bit confused on the basis of initial remarks by the gentleman from Maryland (Mr. CARDIN) because the arguments that he just made were exactly the ones he made when we had the welfare debate on the floor of this House, and I know that he would have rather had his position prevail than the one that did, and that is the bill that we passed and sent over to the Senate. And what it sounded like was he wanted to revisit the debate that occurred in the House prior to House passage of our legislation, and what I would urge him to do is, if he wants to have another chance at that debate, would be to vote for this resolution which says it is ''the sense of the House of Representatives that the 107th Congress should complete action.''

If the House has passed legislation to complete action, we have to get the Senate to pass legislation, and I would hope that that impassioned speech that he just made to us, those of us who debated and already voted on the welfare bill, could be made to his colleagues in the Senate so that they would move a bill off the floor, we could go to conference, and he would then hope that his position would prevail in conference. But to say that he is opposed to urging the Senate to complete action is to basically say that wonderful and impassioned speech he made is not going to go anywhere because we cannot get the conference to try to get his position to prevail. And so moving this resolution hopefully will nudge the other body along so that his position can be presented in conference and the House and the Senate can resolve their differences.

So I do not understand how folks are arguing that they want to be on both sides. One, this is meaningless, and, two, his impassioned plea ought to be heard again; and the only place it can really be heard again by the House is in conference.

Vote for the resolution, and the gentleman from Maryland (Mr. CARDIN) I will see in conference.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would make the following advisory: that as recently as December 19 of 2001 in response to a point of order, Members are reminded to confine their remarks to factual references to the other body and avoid characterizations of Senate action or inaction, remarks urging Senate action or inaction, remarks urging other Members to urge the Senate to take action or inaction, or references to particular Senators.

The Chair would also note that there have been remarks during the course of debate where praise has been heaped upon the other body, and just as criticism is not appropriate, neither is praise as a characterization.

Mr. CARDIN. I thank the Speaker for that clarification.

Mr. Speaker, I yield myself 15 seconds just to respond to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. Speaker, it is just regrettable that we did not follow a bipartisan action in this body like some others have done on the other side of the aisle. I think that is regrettable because that has made it much more difficult for us to reach an agreement with so few days left in this session, and I still say this is a meaningless resolution. It does not do one thing, and I think Members can vote any way they want, and they will be surprised to learn that this is not a Special Order.

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

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

Mr. LEVIN. Mr. Speaker, I am glad the chairman of the committee spoke, and I want to respond and also to the gentlewoman from Connecticut (Mrs. JOHNSON), because I think this resolution is an effort to shift the blame. The bottom line is, okay, the Senate should act. But why are they having trouble acting? It takes 60 votes. A major reason is because the House started this debate on the wrong foot including the gentlewoman from Connecticut (Mrs. JOHNSON). They started on a partisan approach. There was no effort to work with those of us who worked on welfare reform in 1995 and 1996, including the ranking member of the subcommittee. Zero effort. And that included the administration. It came forth with a proposal that in the judgment of the administrators, the vast majority of State administrators, was the wrong way to go. They said it was going to create flexibility. Also, there was the problem of poverty, that such a large percentage of the people who were moving off of welfare to work remained in poverty, and the studies show that the average income for people who have moved from welfare to work is something like 2,000 bucks a quarter. So we said let us build on welfare reform and its successes, let us acknowledge where it has had shortcomings and move on from there.

But you said no, you are going to proceed like you did on prescription drugs on a partisan basis, and the administration was part and parcel of that strategy. So now you are reaping not the benefits but the downsides of that approach, and you say to the Senate act after you got this off on the wrong foot, and the administration continues to insist on its bill which cannot receive 60 votes in the Senate.

□ 1230

There was a bipartisan effort within the Finance Committee, very contrasting with the partisan approach that you took.

So now you are saying it is the Senate's fault when the basic fault was the failure to do this in the right way in the first place right here. It was inexcusable for you and for the chairman not to sit down with Democrats, surely those who had worked on welfare reform, who had helped to build child care and day care into it and see if we could find common ground. So you have no common ground in the first place. The vote was 229–197 here. Inexcusable. What do you expect now?

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself 30 seconds.

The gentleman's recollection of the process of our subcommittee is, in my mind, completely faulty. Remember, one of the primary goals of the other party's approach, the Democrats' approach on that subcommittee, was to include as a major goal of the new welfare reform bill to reduce poverty and, indeed, we did that. Second, They were very interested in more education and training and we do that.

So it was a very good bill. It got through the House with a bipartisan vote. The Senate has not acted. We need to go to conference to get this bill to the President's desk.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I admire and respect the gentleman from Maryland. I appreciate his point of view, but I have the opposite point of view. We have been working very hard. When welfare reform first came up, there was complete and total resistance on the other side of the aisle. We have gotten together and we have passed a good bill in the House on a bipartisan basis. I would love to have had more votes. That would have been wonderful. But the clear, pure fact remains, article 1, section 7, clause 2 of the Constitution simply requires that the House and the Senate have to pass legislation before it can be signed by the President and become law. The House has done their portion. The remainder is clear. We need compliance with the Constitution. That is what this debate is about. It is very meaningful.

It is very clear that 60-plus pieces of legislation have been passed under article 1, section 7, clause 2 by the House of Representatives. Those pieces of important legislation lie dormant. I thank the gentlewoman for bringing this to the House and I encourage that we support and pass this resolution.

Mr. Speaker, 6 years ago, despite an outcry of criticism, the U.S. Congress passed the most sweeping welfare reform measures ever. Now, 6 years later, no one can argue that this reform has been an overwhelming success. We have worked to end a cycle of dependence and replaced it with a spirit of self-sufficiency. These welfare-to-work success stories are proof positive of what I have always said—a government support check, while helpful, is no substitute for a paycheck.

On May 16 of this year, this House passed comprehensive welfare reform, the President

is asking for reform, the American people deserve reform and the Senate has not taken up this important legislation. Now is not the time to turn our backs on these successful reforms. We have replaced a cycle of government dependency with families that are proud of the work that they do and that are no longer dependent on a government check. That's the right thing to do to strengthen families, and we need to keep that record of success going.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds to respond to the gentlewoman from Connecticut. Current law allows the States to use education and training as part of the core work requirement in welfare. States have used that well and it has worked well. The bill that passed this body takes away that flexibility from the States. That is why the Governors are upset. That is why legislators are upset. That is why administrators are upset. And that is why people are upset. You take away the flexibility of the States on education and training for women trying to get off the welfare system.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding time.

Mr. Speaker, there are 4 scheduled legislative days remaining until the end of this fiscal year. Four days remaining. There are people watching the proceedings here in the gallery and all around the country who may be thinking that what they are watching is the House of Representatives at work, carrying on the business of the people. No, unfortunately they are wrong. We are sitting here chatting about a resolution to express the sense of the House that Congress should complete action on the welfare bill. We are not talking about completing action on anything right now with 4 scheduled legislative days remaining.

We now have eight, count them, eight appropriations bills that have not been passed, with 4 days remaining. We could be working on that legislation right now. So it is really quite amazing that the Republican leadership would squander its opportunity to make real progress on a legislative agenda, real progress on addressing the problems and concerns of the American people by taking up issues that are completely under their control right now.

The Democrats, given our minority position, have limited ability to control the agenda, so we have a discharge petition right now to take up a piece of real legislation that would reduce the cost of prescription drugs, H.R. 5272. This is a bill that would stop the gaming of the system and would allow real competition so that we could find lower prices for prescription drugs in this country. This is something that people really care about. Let us do something real and stop this chitchat.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I would remind the preceding speaker that the Senate has not acted on welfare reform and the Senate has not acted on prescription drugs. The House has reauthorized welfare reform and the House has passed a very strong bill providing prescription drugs to seniors as an entitlement. It is very disturbing that 12 days before this bill expires, before the welfare reform bill that has reduced poverty among children more dramatically than any change in public policy in my lifetime, that it could languish unauthorized. The House has acted. The Senate has not. The fact is there are 12 days and that this Congress cannot complete work on welfare reform alone.

Mr. Speaker, welfare reform has helped women and children in America. It has been a good thing in their lives. We need it. For the preceding speaker to have said that we have cut work education and training is simply wrong. It is true we do not allow 12 months of vocational education, but for the first time we not only allow 4 months of any kind of education, whether it is vocational or not, but then 2 full days for 5 years. So we allow ongoing education which not only can help you prepare yourself for a job but through which then you can develop the skills to advance your career and move up the salary and career ladder. It is the most generous inclusion of education and training and opportunities in welfare reform that we have ever passed.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. I thank the gentlewoman for yielding me this time.

Mr. Speaker, it looks like we are prepared to vote on a resolution that lays out exactly why the country needs and expects to see the 5-year reauthorization of welfare reform law finished sooner rather than later.

Remember, we only have 7 days remaining before the historic reforms will expire on September 30. There are two things we ought to bear in mind. First, the main reason welfare reform needs to be reauthorized and, second, what it takes to get the job done. Welfare reform has been good for America. It is replacing welfare checks with paychecks. It is fostering independence. It is boosting personal incomes. And it is truly improving the lives of millions of children.

We have to reauthorize welfare reform because there is more to be done to help millions of struggling families develop dignity and self-respect. We have been working on reauthorization since January. In February we built the HOPE Action Team. We pulled together committee and subcommittee chairs, administration officials and other Members of Congress. We held weekly meetings to drive both the timetable and the policies to ensure timely passage. We met twice a week. We worked late into the night. We stayed at the table to hammer out our differences so that we could put up a good bill here on this floor. It was a lot of work for a lot of people.

At the same time, I urged our Members to learn more about welfare reform by visiting former welfare offices that are now job placement centers. I urged our Members to meet with folks that are involved in the system. Many of us did sit down with both folks who are still on welfare and people who have left welfare for the world of work. We wanted their perspective on the changes that we made 6 years ago and the improvements that still needed to be made. We learned a lot.

Back in April, I visited the Texas Workforce Center in Houston. A man told me that welfare reform had changed his life and the changes he made offered his children a powerful lesson in doing things the right way. He said, ''They saw me getting up with them each morning,'' because it was time to go get a job. ''I could see in their eyes that they were happy about that.'' I think that is what it is all about.

In closing, I would like to remind the Congress that it takes work to pass a good bill. It takes time and effort to bring everyone together. It takes time to get a bill out of committee. And when you are dealing with several committees of jurisdiction, it takes even more work. Securing final passage of the bill is an even tougher assignment. But the House completed its work. We put in the time and we got the job done for the American people. Our work in the House will pay off for the American people, but it will all be for nothing unless and until Congress finishes welfare reauthorization.

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

Mr. Speaker, normally as the ranking member of the subcommittee that has jurisdiction over welfare, I would make a recommendation to my colleagues as to how they should vote on legislation affecting welfare and TANF reauthorization. I do not really have a recommendation to my colleagues on this resolution because I do not think it does anything. I really do think we are wasting time today.

I would like to see TANF reauthorization done this year. We should get it done. It is extremely important. The gentlewoman is right. We need to reauthorize the program. But I have a recommendation to the Republican leadership. Use this time to pass the appropriation bills we have not passed yet. We have not even taken up appropriation bills for the first time here. We normally spend a day or two on the important appropriation bills. With 4 legislative days left, you are not going to schedule them, are you? But, instead, you are going to schedule a resolution that does nothing. We should be talking about what we are going to do with seniors on prescription medicines within the Medicare system, not rely upon private insurance which has already left my constituents in Maryland. But, no, instead we have a resolution before us that really does nothing.

I have heard some of my Republican colleagues say that the other body has

not done anything. I know we are not supposed to characterize, you are using that as a fact, and you are wrong. The relevant committee in the other body has in fact brought out a bipartisan bill. We should embrace it. But instead, no, our Republican friends in this body are still hanging on to what we did earlier that has no chance of being enacted. We do need to talk and work out a bipartisan bill. But that is not what is happening here today.

Let me just, if I might, quote from some traditionally Republican sources. A Republican State legislator speaking on behalf of the National Conference of State Legislatures talking about H.R. 4737 said, ''What troubles State legislators is not that the House bill focused on work but that it will to force States to establish community work programs at the expense of those who have left or never been on the rolls.''

Business groups have testified before our committee, ''Under these requirements, many States would have to reduce or abandon their current efforts to place welfare recipients in jobs and prepare them for employment in favor of workfare programs that generate 'work' hours, however unproductive.''

Yes, Mr. Speaker, I agree that we need to reauthorize TANF in the 107th Congress. The only way that can be done to help our States is if it is done in a bipartisan way.

□ 1245

Unfortunately, the majority, the Republicans, have refused to include the Democrats in this process. They have refused to really follow the recommendations of our States, the people who manage our welfare system. As a result, we are now faced with a situation where the other body in fact has acted in a responsible, bipartisan way, and still we pretend that we cannot get together. We are going to play hard ball, to the effect that nothing is going to get done. Well, I regret that, because a lot is at stake, the people in this Nation who depend upon these programs to take care of their children, to prepare themselves for work.

Yes, we should be moving people out of poverty in this Nation; we should be building upon the successes. I supported welfare reform 5 years ago. I support reauthorization of welfare this year. It is an important program, and we need to get it done.

I urge my colleagues to vote any way that they want to on this resolution, because I do not think it will do anything. It does express some sentiments that are important, and I think some of our colleagues on both sides of the aisle may feel that way. But I know I am expressing the majority sentiment when I wish this time would have been used to bring forward the appropriations bills so we could have our debate on issues we have not acted upon in this body.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Before recognizing the gentlewoman from Connecticut, there has been some discussion at the dais about potentially the gentlewoman using her time at the conclusion of the Committee on Education and Workforce time. The gentleman from Maryland (Mr. CARDIN) still had 30 seconds remaining at this time.

Is the gentlewoman from Connecticut (Mrs. JOHNSON) inclined to close out her portion of the debate now or reserve it to the conclusion of the Committee on Education and Workforce debate?

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield my remaining 30 seconds to the gentleman from Ohio (Mr. BOEHNER) to control.

Mr. CARDIN. Mr. Speaker, I yield my remaining 30 seconds to the gentleman from Massachusetts (Mr. TIERNEY), who is managing the time for the Committee on Education and the Workforce.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would note that terms like ''bipartisan'' and ''responsible'' are just as much characterizations as ''irresponsible'' and ''partisan,'' and are inappropriate references to the Senate.

It is now in order during the course of the resolution to consume the time allotted to the Committee on Education and the Workforce. The gentleman from Ohio (Mr. BOEHNER) will be recognized for 15½ minutes and the gentleman from Massachusetts (Mr. TIERNEY) will be recognized for 15½ minutes.

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

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

Mr. Speaker, in May, my colleagues and I passed important legislation to reauthorize the 1996 welfare reform law, one of the most successful social policies ever enacted by Congress. It has transformed the lives of millions of families and helped them achieve self-sufficiency. The 1996 welfare law has done its job, and now it is Congress' job and unique opportunity to improve upon that 1996 act.

The key reason why many former welfare recipients are leading independent lives today is clear: we require individuals to work for their benefits. Under the old system, welfare families could expect a lifetime of cash assistance without engaging in constructive activities of any kind.

When Republicans gained control in 1994 of this Congress, we vowed to change our Nation's welfare system. It took awhile. The debate was spirited. But by 1996, after vetoing the bill twice, a reluctant President Clinton finally signed the landmark Personal Responsibility and Work Opportunity Reconciliation Act into law.

The success of those reforms has been extraordinary. Welfare caseloads have fallen over 50 percent, nearly 3 million children have escaped poverty, and the black child poverty rate is now at its lowest point ever.

Between 1996 and 1999, overall spending on cash assistance in my home State of Ohio declined by $19 million a month, enabling the State to increase funding for job training, child care, literacy and transportation programs that further assist families in moving toward self-sufficiency.

The legislation the Committee on Education and the Workforce committee passed in early May builds on that success. Based on President Bush's reform blueprint and introduced by my friend and colleague, the gentleman from California (Chairman MCKEON), the Working Toward Independence Act strengthens the work requirements in current law, which will ensure that even more welfare families are able to move into productive lives. This measure was incorporated into the comprehensive welfare reform bill that passed the House in May.

The bill increases child care funding by over $2 billion and places an increased emphasis on improving the quality of care for our young children. With welfare caseloads cut in half since the welfare reform law was enacted, States will be able to devote significantly more money to expand access to quality child care.

We know that State and local leaders have been on the front lines of welfare reform. The flexibility in the 1996 law is one of the reasons it has worked so well. That is why this bill would give States and localities even more flexibility. With broadened waiver authority, they will be able to continue the kind of innovation that has proven so successful over the last 5 years.

Welfare reform is a top priority for this Congress. President Bush deserves a chance to sign this important piece of legislation into law this year. For the good of millions of Americans moving from welfare to work, this reauthorization must be completed by the conclusion of the 107th Congress. I urge my colleagues to approve the resolution.

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

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

Mr. Speaker, many would take issue with some of the broad terminology in the so-called ''whereas clauses'' in this resolution, but I do not really think that is quite the issue here. I do not think there are too many who would argue with the desire, mutually felt by everyone in this Chamber, and I assume in the other Chamber, for completion of the conference's work.

The real fact of the matter is it seems a little disingenuous to be standing here talking about a rather meaningless resolution, as we have here today, filling up time that could be used to get the business of the House done. I would think that the Republican majority should be more than a little bit embarrassed that this is the best that they can do at this particular time of the year.

We have, what, eight more spending bills to finish before this year that apparently the leadership on the other side cannot muster and move the agenda on, so we sit here talking about a resolution that everybody is well intentioned to get the conferees' work done. You can say that in about one-half a minute.

But we will be out of here in a little while today. We are not staying to complete the work of the House. We were out of here yesterday by about 3:00 or 3:30. We did not come in Monday. We are not going to be here Friday. We are not coming in next Monday. So you talk about the time left to pass this particular bill out of the other House. Well, perhaps it is better than spending all of our time instructing the other House how to do their business, we could talk about how this House might do its business.

After all, we could do a lot that would change people's lives better for their welfare. We could bring forward the health and human services and education bill. Would that not be a marvelous factor. If we want to talk about things that would help people's lives and really matter, we could bring up that bill.

But the problem is that the majority knows that their budget of last year does not allow for that. This administration put out a budget and went around the country with my colleague from Ohio as part of the group doing a real ceremonious occasion talking about the Leave No Child Behind Act.

Well, the fact of the matter is their budget leaves many children behind, because if they brought up the education spending bill, on that budget they would be about $7 billion short. We have November 5 coming up; and between now and November 5, there are not too many people on the other side of the aisle who want to make it clear to the American people that they are coming up short on their promises.

So instead of bringing forward the spending bills before the end of the fiscal year and before November 5, we are sitting here banging back and forth on a resolution that has no import and no meaning except for great intentions, which we all share.

We could do a lot for people. We could do something about education; we could do something about Head Start. People that are on welfare and people that are not on welfare need to have their children get an education and get a start in school and be ready for school at an early age. We could bring forward bills that would allow us to put more resources into that program, which has proven to be successful.

We could do more for child care. Certainly the welfare bill that passed the House does not do enough. That is one of the reasons I perceive why it is a bit tied up on the other side, because people want to try to reach some nonpartisan or bipartisan resolve as to how that bill might improve its education piece and its job training piece and in fact its child care piece.

But this is a very partisan group that we see bringing forward things, and that is why the House bill does not do it, and that is why there is difficulty getting it done in the other body.

Mr. Speaker, we can bring forward matters that talk about school programs and after-school programs that would help many families in this country. But the House does not do that. They are busy talking about this inane legislation before us now.

Mr. Speaker, last year when the House passed its budget, it was the administration's budget, and they had a $1.7 trillion tax cut, there were many like myself and others who argued that that tax cut was way too big and it did not distribute any tax breaks fairly across a broad spectrum.

But whatever that debate is, that debate is by the board. Things have happened since then: September 11, a change in the economy, many more reasons to spend. The CBO, the Congressional Budget Office, is telling us that that tax cut is probably responsible for almost half of the decline in our surplus. We are no longer in a surplus; we are going into a deficit for some unforeseeable future period of time.

All of these things have changed, and what we need to do as the House, Mr. Speaker, is come back and revisit that budget. I understand why the other side is embarrassed to come forward and tell the American public they cannot deal with the health and human services and education spending bill because their budget would be $7 billion short.

So let us deal with that. Let us have a conference and sit down in a bipartisan or nonpartisan way and try to work through that to find out how we can help American families, how we can provide for public schools, where 90 percent of our children go, and give them the kind of investments they need and not leave them $7 billion short of the President's promise.

Let us talk about what we can do for Head Start and Early Head Start and child care programs so the people can get to work. Let us talk about job training programs that this administration intends to cut and talk about filling them properly when people are in fact being unemployed at higher rates than was anticipated, and let us talk about doing something for those in terms of unemployment compensation, and healthcare for those unemployed, matters which, for some reason, are not being brought up in front of this House now with the small amount of remaining time that we have.

There are many, many things that we could do that would better fill our time than taking up a resolution that is going to have no impact and has no business telling the other side on this Hill what to be doing.

So, Mr. Speaker, with that in mind, I would just say that I am going to reserve the balance of my time and let some other speakers go, but I think this time could be much better spent doing the real business of this House.

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

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2½ minutes to the sponsor of this resolution, the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, it is instructive to note that sometimes it is important to stay focused and that when the House passes repeated resolutions, sometimes that helps us get focused and get a bill to the President's desk. I would point to the stimulus bill that finally, after the House passed a stimulus bill four times, actually got to the President's desk and helped keep Americans on the job and stimulate our economy.

So today we are here to talk about staying focused on welfare reform and to advance it the next step. We all know that in 12 days the welfare reform authorization bill will run out, and families all around this country deserve to know what the program will be in the coming years if it affects their families, and States need to know that too for their budgets.

The fact is in our country freedom and opportunity depend on being able to get on the first rung of the ladder and begin a climb up that rung of the ladder, out of poverty into independence. The only way that is possible is to have a job and to build your skills and build on that job and begin to grow into independence. Our welfare reform bill helps families do that.

I want to mention the way that I think it is most important, and that is the increase in child care. As I move around my community and talk to families, talk to people that are part of the support system, talk to people that are running the day-care centers in the most disadvantaged neighborhoods, what I hear over and over is that more dollars are needed for child care.

□ 1300

Many families and many moms, as they expand their work opportunities, need to know that their children are in a good, safe childcare facility. They need to have that reassurance that their children are well cared for and that they can afford the childcare.

So we help families that are in this transition period going from dependence and government control of their life to independence, opportunity, having choices they have never had before, by making sure the resources they need to make that transition are there.

I am thankful that the House has passed the bill, and I want to thank the committees for passing this resolution. It will help us stay focused and make sure that we get this to the President's desk.

Mr. TIERNEY. Mr. Speaker, I just wonder how many times Members of this side of the aisle are going to have to be bringing up issues like education

and money for prescription drugs to get the other side focused on the business of this House, and not the other body, so that they can be addressed.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise in strong unity with my colleagues in urging passage of the welfare reauthorization bill some time this year. We do have a responsibility to provide meaningful job training, job training that will work with our community colleges, our vocational schools; work that fits into training programs that are not eligible under the House bill. We need to get families back to work. We need to provide quality child care that will allow our children to grow up in a safe and nurturing environment.

The House bill fails to do that. In Minnesota right now, I have waiting lists. I have waiting lists with thousands of children. The House welfare reform bill will increase, increase in Minnesota the number of children on the waiting list.

I have heard from my county, I have heard from the State of Minnesota, I have heard from welfare reform recipients. Child care is critical, child care is needed, and child care is lacking in the House bill.

Passing welfare reform during this Congress is not the only responsibility we must take. Families and seniors and all Americans are deeply concerned about skyrocketing health costs. Today's health care spending continues to consume too large a portion of all families' incomes and causes too many children to live in poverty. And, oftentimes, it is the reason why families end up in welfare.

The average price paid for brand name prescription drugs is often three times, three times the same medicine in generic form. The residents in Minnesota's 4th District should not have to pay significantly more for the same medicine simply because it has a brand name attached to it.

These are lifesaving medicines. We are dealing with lifesaving medicines, not designer jeans. Now is the time to close the loophole that allows some drug companies to continue their stranglehold on the market. We have arrived at a point where people throughout this country are literally breaking their prescription pills in two, scrimping and saving every dime to pay for their lifesaving medication. We cannot allow this to continue.

We have an historic opportunity to pass legislation that restores fair competition and stops the continued rise in drug prices. This legislation has already passed the other body and we must act now. We cannot continue to keep affordable drugs out of the reach of people who need them the most. To do that would be unconscionable. To do that puts families in poverty. To do that can indirectly add to our welfare rolls.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in strong support of House Resolution 525.

In May, the House of Representatives passed a welfare reform bill that builds on the success of the 1996 law which has been nothing short of remarkable and has hushed the naysayers who said requiring welfare recipients to work for benefits would further bind poor families to a life of poverty. But the Senate has not acted on welfare legislation.

In May, the House passed a welfare reform bill that will continue to dismantle the shackles of welfare that chain millions of American families to a life of poverty. Yet, the Senate has not acted on welfare legislation.

In May, the House passed a welfare reform bill that includes significant funding increases for child care, boosting discretionary funding for the Child Care Development and Block Grant to $1 billion over 5 years. Still, the Senate has not acted on welfare legislation.

The simple truth is that welfare reform based on work helped to lift 3 million children out of poverty. Employment of single mothers is at an all-time high at more than 70 percent, and 700,000 fewer single mothers are living in poverty today than in the 1990s.

The bill passed by the House in May provides for 16 hours per week of education, training, and other constructive activities as defined by the State. The education opportunities, balanced with the 24-hour per week work requirements, are more than sufficient to help welfare recipients find fulfilling work that will help lead them and keep them out of a life of poverty.

In my district in southern California, over the course of 5 years, going to school part-time, 16 hours a week, a student can earn an associate's degree and, in some cases, a bachelor's degree. With an associate's degree, a student can begin a fulfilling career at a number of well-paying jobs. The average annual salary of a mechanic in my State is $31,250; a registered nurse, $56,140; computer specialist, $45,380. Associates' degrees are offered in each of these professions.

Mr. Speaker, I strongly support this resolution and I believe that the House welfare reform passed by the House achieves the balance between the work requirements and additional education and training which will help pull millions of families from poverty.

Mr. TIERNEY. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the Committee on Education and the Workforce.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the end of September is approaching. The House has passed only 5 of 13 appropriations bills, and yet here we are taking precious time to debate a meaningless resolution urging the Senate to pass a welfare reform bill. Do I want the Senate to pass a welfare reform bill? Of course I do. I want them to pass a good welfare reform bill, a bill that gives welfare recipients access to the education and training they need to get jobs that pay a livable wage; a welfare bill that ensures that there will be safe and affordable child care for children while their moms are away from home, and a welfare bill that holds States accountable for helping families move towards self-sufficiency.

Rather than taking time here on the House Floor to debate the Senate's schedule, I urge the House leadership to attend to the important business of the House, such as the generic drug bill that has already passed the Senate. If the leadership here in the House really wants to do something to help families, passing the Greater Access to Affordable Pharmaceuticals Act, the GAAP Act, would do the trick.

In the year 2001, for the fourth year in a row, Americans increased their spending on prescription drugs by more than 17 percent, and it is known that the longer a big drug company can keep a generic drug off the market, the more it costs consumers. The GAAP Act would get generic drugs to the market faster, helping American families save money. In fact, the Congressional Budget Office estimates that the GAAP Act would save consumers over $60 billion over the next 10 years; $60 billion.

So let us help all families, both those on welfare and those who are not. Let us stop wasting precious floor time on the business of the Senate and instead get on with the legitimate business of the House, such as passing the rest of the appropriations bills and the important bills that are before us like the GAAP Act.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the chairman for yielding me this time.

I rise in strong support of House Resolution 525. This resolution keeps our commitment to America's kids and to America's great promise of welfare reform. Our welfare reform bill adds an additional $2 billion in extra funding for childcare and developmental block grants. This makes a very good bill become even better with more child care. Why is that? Well, more funding means more kids covered. More kids covered means more parents working, and that is our ultimate objective, to give every American the opportunity to work and to gain the dignity and self respect that comes with providing for your own family.

The past 6 years of welfare reform have shown us what works and what does not work. When I meet with former welfare recipients throughout my congressional district, each and every one of them tells me that their

success simply would not have been possible without childcare assistance. The House has passed an outstanding bill that builds upon the welfare successes of the past 6 years. Let us get it to the President's desk and into law as quickly as possible.

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

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the chairman for yielding me this time. I rise along with many others on this side and really both sides that have encouraged the passage of this resolution and our encouragement to see to it that we make the reauthorization of welfare reform and welfare to work a reality.

While I have listened to some of the reasons to somewhat diminish any enthusiasm for this resolution, I thought to myself, facts are stubborn things. We have legitimate differences between bodies of the Congress and between individuals on the potential of war, on certain appropriations, certain legal questions, the Patients' Bill of Rights, and some are legitimate, some are political, some are not. But facts are stubborn things. Nobody disagrees that we have changed lives in America, this Congress did, for 3 million Americans. Nobody disagrees that there are 2 million more Americans out there who we can help. Nobody disagrees with that. Some may disagree with the degree of help, but no one disagrees that what many feared would put people on the streets has changed their lives. It would be sad and tragic for those among us that need the most help from this Congress to suffer because this Congress got in so many differences during meaningful debates where there were issues of differences that it forgot those who have been forgotten the most. We have a bill that improves child care, we have a bill that improves the flexibility on TANF. We have a bill that takes the stated goal of putting those 2 million Americans still on welfare and giving them meaningful training, meaningful child care, transportation and work and independence, and yet the clock is running.

So I concur with the chairman and many Members on both sides that we urge those in this Congress to move forward and send welfare-to-work reauthorization to the President's desk for his signature to benefit those 2 million Americans.

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

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, this is a big day for me. It was just 9 months ago today that I had the privilege of being sworn in as one of the newest Members of Congress. It was right about this time of the day, and I am cherishing that memory at this time. I particularly appreciate that I had people who were helping me from the beginning, like the gentleman from Ohio (Mr. BOEHNER). And one of the very first things that I found out upon being elected was the extraordinary leadership in the House of Representatives. Also I want to thank the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from Texas (Mr. DELAY).

As I was attending conference meetings, I found out that we would be having the ability to work on welfare reform reauthorization, and I was just so excited because I had the privilege and opportunity in the South Carolina State Senate to be the chairman of the conference committee for the Family Independence Act which was the State equivalent of welfare reform. It was just an exciting time. It was the first time, one of the first times that a Republican had the opportunity to serve as chairman of a conference committee.

As we were working on welfare reform in South Carolina, we were told we were wasting time. We were told that it would not work. I was told that we need to have more hearings, and I offered. I said, well, fine, let us have a hearing every day. Let us meet every day until it passes.

So it did pass in South Carolina, and it did pass here in Washington. It has been a phenomenal success, as my colleagues can see from this chart.

□ 1315

There has been since 1994 a reduction in the number of people on welfare by caseload from 14 million to 5 million. It has been one of the most extraordinary successes of social policy in the history of the United States.

So I think it is very important. The House has passed this, and the Senate needs to bring it up. This is so important for the people to have the opportunity of independence.

I have had the opportunity to visit the department of social services offices all over the district I represent, from Beaufort to Richmond and Lexington, from Hampton and Allendale. I have met the social workers who have made the program work, who have helped people get jobs. It has been exciting to see the number of people who now have opportunities that they did not have before.

I am just really appalled that the Senate has not acted. I hope they will.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to avoid improper references to the Senate.

Mr. TIERNEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my friend, the gentleman from Georgia, was talking about facts being stubborn. I think he is right, but the one stubborn fact that we cannot avoid here this afternoon is that this bill does nothing. It is a very stubborn fact that this is a resolution of the House attempting somehow to tell the other body when and how they should act. I think it is probably inappropriate to do that, but it is also a waste of our time and effort, because it is, obviously, going to go on its own schedule.

Another fact that is very stubborn that will not go away is the fact that this is filler. We are standing here doing this on this resolution because the majority in this House will not go forward with the rest of the business that needs to get done before the end of this fiscal year: eight spending bills that they are failing to move forward.

I know my colleague, the gentleman from Ohio (Mr. BOEHNER), has done the work in his committee. The bill which is the subject matter of this particular resolution before us now was passed through his committee and passed through the House and is gone. But the stubborn fact of the matter is there are eight spending bills that have not gone through the appropriations process and gone through the House and been passed along. We could be dealing with that instead of talking about this resolution that is essentially meaningless.

Another stubborn fact is we could be dealing in particular with the education spending bill, because American families want to know how we are going to improve their school and education system for their children.

We could be talking about smaller classroom sizes.

We could be talking about well-prepared teachers with good, professional development.

We could be talking about after-school programs to help families deal with the situation that they are working and their children have a need for a place to go, and further structures to help them pass the rigid exams that are now given as part of the accountability aspect.

All of these the President's budget underfunds, despite his high rhetoric on the Leave No Child Behind Act. In fact, it is all part of the $7 billion they are coming up short on their budget for their promises during that authorization bill.

We could be talking about prescription drugs for our seniors and doing something about the price for all Americans; but apparently the majority does not have a way to get that matter before us, or chooses not to, because they will not be telling the story that the American people want to hear.

We could be talking about small businesses, which their budget proposes to cut by billions of dollars, in fact taking away the very popular 7(a) loan program, which helps many businesses start up and expand and stay in business. There is a lot of rhetoric about how we all ought to support small business, but nothing coming forward in this House where we have the opportunity to do it.

We could be talking about health for the unemployed, because the economy has turned around since this administration has taken over. It is going

straight downhill. We have gone from a surplus situation to a deficit matter.

We have families in my district and other districts who are out of work occasioned by September 11 circumstances. The economy turned down before and after that. They have exhausted their unemployment benefits.

We have had to have a discharge petition, signed by virtually everyone on this side of the aisle, trying to get that matter before the House's attention so we can do something about extending people's unemployment benefits, so we can do something about helping them maintain health care for their family at this trying time. We have seen nothing coming forward at this opportune time.

We could be doing something about job training, to get people back to work. We need that, but this administration and the majority only wants to talk about taking away resources.

Mr. Speaker, there is business to be done in this House. That business is not telling the other body what to do with their time; the business of this House is to take up an agenda of items that by law we should be dealing with before the end of this fiscal year.

We should be dealing with America's issues, with the people's problems, the ones they want to deal with and that they want to hear us talk about: how we are going to educate their children and give them assistance to do that; how we are going to make sure we are not taking money out of the Pell grant program, or increasing the cost of loans for college students at a time when they are really pressed; how we are going to give those displaced people the tools to get back to work; how we are going to make sure that people have health care; what are we going to do about prescription drug benefits, and the high cost in an industry that makes outrageous profits, but fails to acknowledge the fact that the taxpayers' money assists them with research and development, so the prices should be fairer.

Those are the issues that we should be dealing with in these ending days of this session. This should be a shameful matter, for our colleagues on the other side of the aisle to bring forward this resolution that does absolutely nothing; that may express good intentions that we all want a welfare bill to pass through; but the fact of the matter is, this body has finished its work.

We have much more work to do in other areas, and it is a disgrace that that is not what is before this House at this particular time. I would hope and think that the leadership on the other side of the aisle might understand that that is what America wants, and get down to that business, and get down to it soon.

We do not mind working; they may. We can be in on Mondays and Fridays. We can be in all day Tuesdays and Thursdays. We do not need to be ending at 3 o'clock on Wednesday and Thursday.

Let us get to the business of this House, Mr. Speaker. Let us do that so we can let America know that we want to deal with the issues that they are confronted with every day. They take the responsibility to get up. People go to work. People do all they can do to support their families, all they can do to give them an opportunity. We have the obligation to make sure that the government does its part.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my colleague, the gentleman from Massachusetts (Mr. TIERNEY), rattled off a number of bills that he thought should become law. The fact is, many of these bills have been passed by this House. As a matter of fact, there are some 50 bills that have been passed by the House, but yet the Senate has not acted.

One of those bills would be the prescription drug bill, passed by the House, but yet the Senate has not acted. Another one of those bills is the welfare reform bill that we are dealing with here today.

In 1996, when we passed welfare reform, all the naysayers said that it will push people into poverty, it will push them onto the streets; we should not do this. I recall the gentleman from Massachusetts making remarks to that effect.

The fact is, since 1996, we have reduced welfare caseloads in America by some 60 percent. Three million children in America today are no longer in poverty because we helped move people from welfare to work. We can make an awful lot of additional changes and help more people in welfare if we are willing to move the reauthorization of that bill.

Now, it just so happens that the welfare bill that we passed in 1996 expires next week. The gentleman wants to get our work done? So do we. That is why we have this resolution on the floor today, to urge us to complete action on this bill so that we can in fact get it to the President's desk.

Mr. TIERNEY. Mr. Speaker, will the gentleman yield for a clarification?

The gentleman has a great memory, but I do not think he can remember that I was here in 1996 when I was not.

Mr. WOLF. Mr. Speaker, welfare reform is working. The 1996 welfare reform law has been a huge success in promoting work and giving thousands of needy families a chance to share in the American dream.

Just take a look at some of the yardsticks which measure the success of the welfare reform law:

Child poverty has fallen sharply. Since 1996, nearly 3 million children have been lifted from poverty; the African-American child poverty rate is now at a record low.

More parents are working. Employment by mothers most likely to go on welfare rose by 40 percent between 1995 and 2000.

Dependence fell by unprecedented levels. Welfare caseloads fell by 9 million—from 14 million recipients in 1994 to just 5 million today.

As positive as that good news is, we also recognize that there is still more work left to do. We need to help the 58 percent of recipients who are not working or training for a job. We need to end the cycle of family break-up and encourage families to form. We need to continue to assist the 2 million families who remain dependent on welfare.

I was pleased to vote with large bipartisan majorities of the House and the Senate to pass the 1996 law. I again voted just this past May with a majority in the House for H.R. 4737, the Personal Responsibility, Work and Family Promotion Act of 2002, to strengthen and extend the 1996 reforms for 5 years.

H.R. 4737 is on the Senate calendar. The President is waiting to sign this legislation to continue the progress we have made to support low-income families' efforts to go to work and give children a chance to succeed in life. Before the 107th Congress adjourns, we can and should have a final vote on this measure. It's the right thing to do for the 2 million families who remain dependent on welfare.

Mrs. CHRISTENSEN. Mr. Speaker, I rise to speak on H. Res. 525, expressing the sense of the House of Representatives that Congress should pass a welfare bill before September 30th.

The Welfare Reform bill is among the most significant and important pieces of legislation that this Congress will consider. While there is a sense of urgency to adopt legislation on Welfare Reform this year, September 30th is less than 2 weeks away and Congress should not rush to pass such an important bill. We should take as much time as is necessary to work on the bill.

The Republican base bill which did not allow for amendments, would increase poverty instead of reducing it, as it purports to do. The bill, in its present form, imposes massive new mandates and additional costs on States at a time when States are struggling financially and cannot absorb not one penny more of new costs. In my district, the U.S. Virgin Islands, our Department of Health and Human Services is under threat of strict penalties for lack of job placements. Jobs are simply not as available as they were when the original Welfare Reform bill was passed. And let's not forget that our economy is still recovering from the aftermath of September 11th and that Congress has not passed any economic stimulus legislation, except for the Airline bailout bill. This country's offshore areas, would be particularly negatively impacted, because of even less resources, and poor economic conditions with fewer jobs within geographical limitations.

Mr. Speaker, the Welfare Reform bill passed by the House is a set back for this country. If the reactionary political climate of an election year is pressuring us to pass a bill, lets simply extend the current authorization into the beginning of 2003 so that we can do this right. Let's think of the people who are most affected by our actions. Let's give our states and territories flexibility and let's give our people hope.

Mr. STARK. Mr. Speaker, I rise today in opposition of H. Res. 525, urging House and Senate conferees to approve a final welfare bill.

It is vital that Congress reach agreement on welfare so that vulnerable families have the help and assistance they need to become self-sufficient. But, House Republicans are putting politics ahead of people. They are offering this resolution to taunt Senate Democrats for not rolling over and rubberstamping their draconian welfare bill.

I applaud Senate Democrats for taking a careful look at the challenges facing Americans struggling in poverty. We need to pass legislation that fixes many of the flaws in welfare reform. I am glad Senate Democrats are there to protect these families against Republicans that are little more than foxes guarding the hen house.

House Republicans are declaring that the 1996 welfare reform bill is already a success. They tout the welfare bill they passed this year as an even better improvement. Yet, there are still too many families struggling to get out of poverty. There are too many families without safe and adequate child care. And Republicans have largely ignored the vast number of people who face insurmountable barriers in moving from welfare to work.

The bill passed by House Republicans ignores the last six years of careful study in applying the same old ideological prescriptions to very real flaws in welfare reform. They are focused on kicking people off welfare without any concern for whether or not these Americans have jobs that pay a living wage. Their bill fails to expand access to job training, education or rehabilitative services needed for them to maintain stable employment.

The American people want results, not political gamesmanship. Vulnerable families struggling on welfare deserve meaningful help and a fighting chance to succeed. Let's not give Republicans an opportunity to score political points at their expense. I urge my colleagues to join me in voting against this resolution.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the House rules.

All time for debate has expired.

Pursuant to House Resolution 527, the resolution is considered as read for amendment, and the previous question is ordered.

The question is on the resolution.

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

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

The yeas and nays were ordered.

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

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT OF 2002

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 527, I call up the resolution (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 524

Whereas the death tax has been a leading cause of the dissolution of family-run businesses and a burden on families which save and invest;

Whereas a bipartisan majority of the House of Representatives passed the Permanent Death Tax Repeal Act of 2002 on June 6, 2002, by a vote of 256 to 171;

Whereas failure to enact that Act will reimpose the death tax after 2010 on families, farms and small businesses throughout the Nation;

Whereas the death tax will continue to prevent families from creating, expanding, and retaining farms and businesses if the death tax is resurrected;

Whereas the threat of a resurrected death tax will cause American families, including farmers and small business owners, to waste vast amounts of their time and other resources on efforts to plan to comply with the tax;—

Whereas permanent repeal of the death tax will promote job creation and economic growth by allowing farm and small business families to invest in productive, job-creating assets those resources they will otherwise spend on planning for and paying death taxes; and

Whereas the Senate has not passed that Act or equivalent legislation: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and the Congress should present to the President prior to adjournment the Permanent Death Tax Repeal Act of 2002.

The SPEAKER pro tempore. Pursuant to House Resolution 527, the gentleman from Iowa (Mr. NUSSLE) and the gentleman from Wisconsin (Mr. KLECZKA) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

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

Mr. Speaker, the House has done its work on so many issues this session, including passing a budget. In fact, we have passed our budget twice in the House of Representatives, standing shoulder to shoulder with the President at this very important time in America's history.

We have done our work. Among our accomplishments, the House has passed the Permanent Death Tax Repeal Act of 2002, H.R. 2143, by a very healthy, bipartisan margin back in June. The Senate has not yet taken action on this legislation.

A temporary repeal of the death tax makes absolutely no sense. It does not make any sense, and it is not fair. Unless this very subtle quirk in the law is not repealed, thousands of Americans will lose tax relief that they deserve and that they expect.

Let us call this what it really is. If we do not permanently bury the death tax, small business owners and family farmers will face a massive tax increase in 2011. The 2001 tax relief law phases out the death tax entirely by 2010; but without action to ensure permanency, it reappears in its full fury on January 1, 2011. This creates a ridiculous situation where one minute, one moment, one tick of the clock means the difference between no death tax and a full hit, depending on when someone passes away.

Mr. Speaker, the death tax is fundamentally unjust because it results in double taxation. Our Nation's laws prevent double jeopardy in court; we should also wipe out double taxation in the law.

Iowa's family farmers and small business owners pay taxes throughout their lifetimes. After they pass away, the Federal Government taxes the value of their property yet again. More than 1,500 families in Iowa and thousands across this Nation filed death tax returns last year alone. The IRS imposes rates of up to 60 percent on the value of a family farm or business when the owner passes away.

To pay these very enormous tax bills, many people, many kids, are asked to visit the IRS and the undertaker on the very same day, forced to sell their farms or businesses in order to pay for those taxes. These are family businesses and family farms that in some instances have been in their family for generations.

Mr. Speaker, sound planning cannot be made without stability in our Tax Code. The President recently spoke about this need for permanent tax relief in Iowa this week. He is ready to sign a bill.

The current uncertainty surrounding the death tax makes it extremely difficult for owners of Iowa's family farms and businesses and America's family farms and businesses to make wise decisions. The legal and administrative costs of compliance inhibits the economic growth and expansion that our economy so sorely needs at this time.

The House has done its work. It has passed permanent death tax repeal. The Senate has failed to act. We need action, and America needs action.

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

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

Mr. Speaker, I rise in opposition to this resolution before us today. This resolution is nothing more than a press release; and I believe that the appropriate arena for press releases is in the press gallery, not here on the floor of the House of Representatives. I always thought that the floor was where we debated legislation, not press releases.

The amount of unfinished business currently pending is extremely large. Not one of the 13 mandatory appropriation bills has become law, even though the next fiscal year is only about a week away. In fact, this House has only passed five of those 13 appropriation bills.

The Republican leadership has refused to schedule desperately needed bipartisan school construction legislation. The Republican leadership has also failed to schedule legislation to help all Americans with escalating prescription drug costs. Now the Republican leadership has a new strategy: pass resolutions praising old, irresponsible tax bills and then blame the Senate.

The resolution before us today is not only a press release, but it is a very

misleading one, at that. The underlying bill has no effect until the year 2011. Notwithstanding the rhetoric, the estate tax affects only the wealthiest segment of our society. Let me repeat that, Mr. Speaker: notwithstanding what my friend, the gentleman from Iowa (Mr. NUSSLE), has said, the estate tax affects only the wealthiest segment of our society. In fact, only 1.3 percent of all estates face inheritance taxation.

□ 1330

The Republicans have defeated Democratic efforts to prescribe immediate tax relief in the estate tax area by increasing the exemption.

The gentleman from North Dakota (Mr. POMEROY) offered a substitute earlier this year which would have provided an immediate $3 million exemption per person or $6 million for married couples. That substitute would have immediately repealed the estate tax for virtually all farms and virtually all small businesses. But the Republicans did not let that come up for a vote. However, those farms and small businesses were held hostage by the Republican leadership in its attempt to repeal the estate tax for the truly wealthy.

Finally, Mr. Speaker, I would urge that this House return to the real issues facing this country: The lack of a prescription drug benefit under the Medicare program, reducing the costs of prescription drugs for everyone, ballooning deficits, the need to finance our fight against terrorism and a bipartisan commitment to improve our education system.

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

Mr. NUSSLE. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, all of bills that the gentleman just mentioned, the House has passed. It is, again, the Senate that fails to act.

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

Mr. COX. Mr. Speaker, I would observe in response to the previous speaker that the House has acted on prescription drugs. We have passed a prescription drug bill here to add a prescription drug benefit for Medicare beneficiaries. The President has said he will sign it and it awaits action in the Senate where the bill is not moving.

The same is true of the death tax. The House has acted. We have already, Democrats and Republicans, voted on a bill by majority vote here and sent it to the Senate. It is the bill the President has asked for and he will sign it. It makes permanent the repeal that is already in existing law. We repealed the death tax originally because a majority of the Congress and a big super majority of the American people recognize that the virtual confiscation of an individual's after-tax lifetime savings is wrong and immoral.

It was said just a moment ago that this somehow affects only the rich. To the contrary, the problem has been the forced liquidation of small businesses, and the people that are laid off, who lose their jobs at ranches and farms and small businesses across the country are not the rich. In fact, the rich person is the only one who does not care because he is dead by definition, but, rather, they pay a 100 percent tax because they lose their jobs, they lose everything. By destroying jobs, by destroying small businesses, the death tax has properly earned the opprobrium of the American people.

Now, in the other body they slipped in a mickey. Repeal expires somehow in 10 years. That 10 years is coming closer so it is January 1, 2011 that we will have the death tax right back again, even though it has been repealed. That is why the New York Times referred to this as the ''Throw Mama From the Train Act.''

Whether you are for or against a death tax, nobody can be in support of this provision that has a repeal and then springs back to life in 10 years. The House has acted and now both the House and the American people want the Senate to act on permanent death tax repeal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all Members to confine their remarks to factual references to the other body, and avoid remarks characterizing Senate action or inaction, remarks urging Senate action or inaction, or references to particular Senators.

Mr. KLECZKA. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, my good friend from Iowa (Mr. NUSSLE) indicated all the items I talked about, we passed. Well, I would challenge him to tell the House when we passed legislation to reduce the cost of prescription drugs for everybody in this country. There is a discharge petition pending and I challenge him to sign it if he is serious about that.

When did this House do anything about school construction costs? On that we have done nothing at all.

Mr. Speaker, I yield 6 minutes to the gentleman from North Dakota (Mr. POMEROY), a distinguished member of the Committee on Ways and Means who has advanced some real reforms in the inheritance tax area.

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

Mr. Speaker, what we have before us is a sense of Congress. And we can pass these all day long and they will not accomplish anything. So let us talk on this important topic, the estate tax, especially as applied to family farmers and small businesses, about doing something real and doing it now.

I have legislation very similar to what we considered when we considered the substitute to the estate tax repeal, and I am absolutely convinced as I stand here before the Speaker that we can enact this legislation and get it to the President for his signature before going home in a few weeks at the end of this Congress.

Mr. Speaker, H.R. 5008 would, effective January 1 of 2003, take the exclusion for estate tax up to $6 million for couples. If a couple has assets of less than $6 million, we have repealed the estate tax.

Now, what is important is to note that this is effective January 1 of 2003. The legislation advanced by my friend across the aisle does not have an effective date until 2011. Nothing they are talking about on their side takes effect before 2011. We proposed something that takes effect in a very meaningful way January 1 of next year.

I was moved when my friend from Iowa (Mr. NUSSLE) talks about family farms, visiting the IRS and the undertaker on the same day. That is a terrible thing. Let us do something about it.

The research that I have done shows that if we take what Democrats would be prepared to vote for right now, excluding couples with estates under $6 million from the estate tax effective January 1 of 2003, virtually all the farms in North Dakota do not have estate tax problems. And if you look at how this applies to small business, you can almost conclude the same thing.

IRS data shows that 99.7 percent of the estates in this country do not have problems. We take this estate tax issue and we eliminate it. We repeal it. We repeal it immediately for all but three-tenths of 1 percent; 99.7 percent get full relief now.

Now, at the end of a legislative session, these family farms the other side speaks so much about, they want something and they want it delivered. They want it now. I would suggest to the other side, what would be wrong with the procedure where you take what you can get right now and you come back for more later.

Your bill does not do a thing until 2011, so what is the matter with taking $6 million as an estate tax exclusion right now and come back for the rest later.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. NUSSLE) to answer that question.

Mr. NUSSLE. Mr. Speaker, I will be happy to answer that question.

The gentleman does not give us permanent death tax repeal. We want permanent death tax repeal.

Mr. POMEROY. Reclaiming my time, it is absolutely permanent for estates of $6 million and below.

Effective January 1 of 2003, if you are a couple with an estate valued at $6 million and below, we forever repeal your estate tax exposure. What would be the matter with taking that as an opening proposition? We will take the problem and make it go away for $6 million and below and we will come back for the rest later.

Because I will state that the legislation the gentleman supports will leave farm families with joint estates of $2 million and below subject to estate tax

exposure in 2003. Under my legislation, it would be $6 million and below.

Why would they not take the $6 million now and come back for the rest later?

Mr. Speaker, I yield to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Because of the magic word the gentleman has put into their legislation, and that is ''if.'' We have no ifs. We want permanent death tax repeal. They have permanent death tax. And only if, then we get some kind of exclusion. We want permanent death tax repeal.

Mr. POMEROY. Reclaiming my time, because what the gentleman has done is lay out very clearly where he comes down. He comes down on behalf of the richest three-tenths of 1 percent and the gentleman is not about to let those family farmers in Iowa or North Dakota get the meaningful relief they deserve January 1 of 2003, because they are holding out for the Ken Lays and the multi-bazillionnaires of this world as opposed to taking action now that for Iowa and North Dakota family farmers would virtually make the estate tax go away.

When one is a family farmer, we are dealing with assets of less than $6 million per farm couple. And that is why initiating this legislation, H.R. 5008, that is why this legislation is so important.

We significantly improve the situation from their tax exposure January 1, $6 million and below, no estate tax under our legislation January 1.

Under the majority bill, estates over $2 million will be subject to estate tax. They do nothing about that. They leave this exposure out there until the year 2011 because they have taken the position if they cannot deal with everybody, they will not deal with anybody.

They will hold out for the richest three-tenths of 1 percent in this country, rather than move legislation forward that will help family farmers and small business. I think it is a shame because right now, at the end of this session, the Democratic minority is prepared to enter a bill that will make the estate tax for $6 million for couples go away. And if you want to come back for more later, come back for more later. Your bill does not take effect, anyway, until 2011. I think if you were real sincere about this, you would take what you could get now and come back for the rest later.

The point is they are not sincere. This is a political press release and it is a shame.

Mr. NUSSLE. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I appreciate the gentleman's comments on my sincerity and I will reserve making the same claim back.

We repeal the death tax, no ifs, no ands, and no buts. The gentleman from North Dakota (Mr. POMEROY) cannot even get a majority on his own side to agree with his amendment and his motion to recommit, as we saw in the last time it was presented on the floor.

Mr. Speaker, I yield 1 minute to the very distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I do rise in strong support of permanently repealing the death tax which was passed by the House.

In a former life I practiced estate law. I worked with people to navigate this extremely complex tax. And I was not helping the Warren Buffets or the Bill Gateses of the world. I was helping the sons and daughters of small business owners to try and keep their parents' dreams alive so that they would have that property.

This insidious tax punishes thrift. It has discouraged entrepreneurship and it has penalized working families. What is more, taxing money that has already been taxed is patently unfair.

In Illinois alone, over 5,500 families filed a death tax form in 2001. Many of them were small business owners and many of them were family farmers.

Mr. Speaker, sound decisions cannot be made without permanency. The uncertainty of the future of the death tax makes it difficult for owners of family businesses and farms to make wise economic decisions. Any way you look at it, Americans are taxed too much, not too little. It is time for Congress to bury this burden once and for all.

Mr. KLECZKA. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

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

Mr. Speaker, this resolution does not belong on the floor of the House of Representatives. It belongs on the floor of the Mickey Mouse Club. This resolution says that Congress, which has not been able to do its work, ought to use its time to pass resolutions telling itself to get its work done. Only in this place would that make sense.

What is also revealing about this turkey is the fact that it selects what work it wants to put at the top of the priority list. And guess what it is? This resolution does not say that this House should sit down and meet its basic responsibilities by passing the budget for the year, by passing the appropriations bills. Those are the only real budgets. The budgets that come out of the Committee on the Budget are a joke.

This resolution does not say that we should meet our responsibilities to homeland defense by passing an appropriations bill that adequately funds the FBI and the Coast Guard and the U.S. Marshals to protect the American people from terrorists. It does not say the Republican caucus ought to end its internal war so they can finally bring to this floor the Labor, Health and Education bill so we can meet our responsibilities to fund education and Federal investments in education for the year. Oh, no, no, no. It does not do that.

It does not say that the Congress ought to get off its duff and assure that we have a fully funded fuel assistance program to ensure that our low income elderly do not have to choose between heating their homes and eating this year. Oh, no, no, no, no, no.

All it says is that the one thing we will take the time out to prattle about is the need to satisfy the richest people in this country with yet another tax break.

□ 1345

Those people just happen to be the people who can make the most generous response to fund-raising requests. The leadership of this House apparently does not want the House to vote for a Labor-H bill that adequately funds our schools and funds health care problems, and yet they also do not want their caucus members to vote for a bill that sticks it to the schools and the elderly before the election. They want to put that dirty business off until after the election. Oh yes, we will solve that problem later we are told; you understand, we are too busy to do that now.

What they want to do is obvious. They want to do the same thing they did 2 years ago. They want to hide from parents interested in education in this country what their intentions are for the education budget until after the election; and then after the election, they will cut back the expenditures for education just as they did 2 years ago, just as they did 2 years ago.

Mr. Speaker, in my view, this House is sick. It is dysfunctional. It focuses only on the needs of a tiny fraction of our society, the most well-off 2 percent. If ever there was a product that demonstrated the true values of the people who run this House, this is it. This is it. For all practical purposes, this Congress is in a government shutdown. You just have not had the guts to tell the people yet, and then you single out one little exception of that shutdown to reward the people who can respond with thousand-dollar and hundred thousand-dollar contributions. My God, what a set of priorities.

Mr. NUSSLE. Mr. Speaker, I yield myself 10 seconds, and say what really needs to be exposed is the tax-and-spend attitude of the gentleman who just spoke. Taxes and spending, taxes and spending. Raise taxes, increase spending.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, it is no secret that the Tax Code hurts our economy. We all know that Americans who try to save get penalized and that many Americans need tax attorneys and lawyers to help them file their returns, especially the farmers and small businessmen impacted by the death tax.

While the House has passed legislation to make the death tax repeal permanent, because a temporary repeal of the death tax just makes no sense, it still has not been signed into law. As

we wait, families are selling their farms and their businesses just to pay their taxes. They are putting money into hiring attorneys and lawyers to find ways around the tax instead of investing in their businesses and hiring new workers. All this is happening while the rich continue to avoid the estate tax by setting up charitable foundations and other schemes.

Mr. Speaker, family farms and businesses, especially in Illinois, have the right to pass the fruits of the labor on to their children. Congress needs to act. I look forward to voting on this legislation today, and I urge my colleagues to support this legislation.

Mr. KLECZKA. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the gentleman from Iowa just attacked my positions as a ''tax and spender.'' I would point out that when he took over as chairman of the Committee on the Budget, this committee was running a large surplus; and under his magnificent leadership he has managed to return us to deficits of over $300 billion when you count the Social Security account. Taxes and spending may be bad, but taxes and borrowing is a whole lot worse.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, this resolution calling upon the other House to join in the permanent repeal of the estate tax I think reduces cynicism to a new low. The permanent repeal of the estate tax, first of all, very obviously benefits only a handful, a tiny fraction of the American people; but the other problem has to do with the other taxes that have been repealed by this House or reduced by this House.

A study just out today by the Brookings Institution and the Urban Institute shows the fraudulent nature of that tax cut. It shows how middle-income people are being forced into the alternative minimum tax. It shows how middle-income people across the country are going to pay up to $1 trillion in alternative minimum taxes over the course of the next decade. It shows how the tax cut that was rammed through this House in the early days of 2001 by the Bush administration, when the Republicans controlled both Houses of the Congress, is shifting the burden of taxation away from the rich and to the middle class.

Middle-income people are paying more and more taxes under their so-called tax cut while millionaires are paying less and less taxes; and that is what they want to do with this particular tax cut today, to the estate tax, and of course, they have not figured out how to pay for any of this.

What they have done is taken us from a situation of budget surpluses just 2 years ago to a situation now of increasing budget deficits. That is how they are paying for these programs, shifting the tax burden from the wealthy to the middle income and paying for it by requiring the people of this country to borrow more money, putting into jeopardy the Social Security trust fund and the Medicare trust fund. That is where they are borrowing the money.

So while they give tax cuts to millionaires, they jeopardize the Social Security trust fund, they jeopardize the Medicare trust fund, and they make the government borrow more money. This is cynicism at its worst.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I think it is imperative that we do something to repeal the death tax permanently. We can change many taxes, such as the income tax, the sales tax, the property tax, from year to year; and it does not promote long-term devastation. But when we have a death tax that is in force until the year 2009 and in 2010 it goes away completely and in 2011 it comes back to 55 percent, we have an untenable position. It is absolutely impossible to do any long-term estate planning under the present system, and that is why this has to be repealed so people can plan now in 2002 what is going to happen in 2012, 2013, 2014, and 2015.

Let me give a quick example. We have heard about the very wealthy people who are profiting from this. There was a ranch that was owned by Doris and Harry Coble in Nebraska. This was a 12,000-acre ranch in the Sand Hills. That is a small ranch that will barely support one family, maybe an income of $30,000, $40,000 a year. It was in the family for over 100 years. The land appreciated over time. The land and cattle upon their death was worth about $5 million. The inheritance tax on that ranch was over $2 million. The capital gains ran that up to about $3 million, and the heirs absolutely could not afford to own that property. So who bought the property? Ted Turner. Will Ted Turner pay an inheritance tax? Will he pay a death tax? No, he will not. That is the upper three-tenths of 1 percent we have been talking about. So our property in Nebraska and other parts of the Midwest is being bought out by absentee landlords who are able to buy those lands and those properties at those prices. So we are losing the income, we are losing the capital from those areas, and the ownership is moving out of the State.

So I think for the benefit of ranches, farms, small businesses, we absolutely have to make this permanent which will provide us with some long-term planning capabilities.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. GRUCCI).

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

Mr. GRUCCI. Mr. Speaker, today I come to the floor to support a measure to urge action on the permanent repeal of the death tax, the only tax that forces families to visit the undertaker and the IRS on the same day.

For the past 85 years, small-family businesses have been forced to hand over up to 60 percent of the estate to the Federal Government. This is a requirement for the families to sell their farms, sell their small businesses, sell their fishing boats in order to satisfy their tax obligation. One does not have to be an advocate for less government to understand that taxing the dead is just a bit extreme.

Family businesses from Montauk Point to Monterey Bay have worked hard, many times through several generations to reach the American dream. It is our duty to protect and secure the dream for the future generations of Americans that wish to work the family farms that their grandfathers built, lead the small businesses that their mothers started, or fish the waters of their fathers. It is their right to carry on the American dream, and the Federal Government should not take that dream away from them.

I urge my colleagues to join me in supporting the passage of the removal of the death tax and make it permanent. The House has moved expeditiously on this issue; the Senate has yet to act.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a distinguished member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, today we are voting on a sense of the House resolution which, frankly, makes no sense. Rather than taking up legislation that actually helps our ailing economy, rather than providing relief for workers or pensioners who have fallen victim to corporate greed, rather than tackling the remaining eight appropriations bills in the 2 weeks before the fiscal year ends, the Republican leadership is wasting time in the people's House by playing politics.

We all remember, Mr. Speaker, the glorious talk of future surpluses ''as far as the eye could see'' in order to provide a trillion dollars in tax cuts for the next 10 years. Sadly, these surpluses have vanished, and now we are scratching our heads trying to figure out how to fund national priorities. The President has asked for $38 billion for homeland security, $48 billion more for national defense, and now perhaps 1 to 2 percent of the GDP, $100 to $200 billion to prosecute the war in Iraq; and we know in this Chamber today that the President is going to get much of what he asks for.

But with a war on terrorism and Iraq looming, the Republicans have chosen to spend the last few months pushing one bill after another to cement in place the Bush tax cuts. Any economist worth his salt or her salt will tell you that the future is always uncertain, particularly long-term forecasts. So

why would you want to lock in escalating tax cuts?

Every one of us today has had an opportunity in our offices to hear from the 3,000 visitors who have successfully fought the scourge of cancer in their own lives. Six people from my congressional district visited with me today. Ovarian cancer, breast cancer. They were applauding the work of the NIH, applauding the work of our hospitals, particularly our teaching hospitals across the country and universities, and asking us for more money for cancer research. We know that that is a priority, and the Members of this House are about to act upon an estate tax repeal that they know in the next year or so we are going to have to revisit. It is sad commentary on the priorities that we have as Members of this House.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the very distinguished gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, the death tax is one of the most unfair taxes. It taxes farmers and small business owners twice. First they pay taxes throughout their years and then the Federal Government taxes the value their property again at the time of their death. More bluntly put, it is simply unjust; and if you do not believe that, just ask Charles Wilfong, a farmer from my home State of West Virginia. Mr. Wilfong wants to be able to pass his farm along to his children, but he is so fearful that his children will have to sell portions of the land in order to pay the hefty bill the IRS will hand them once he passes away. Desperately trying to keep his farm intact for his children and grandchildren, he continues to explore potential legal methods to keep that which he has worked so hard for.

Mr. Speaker, Mr. Wilfong is not alone. Many other farmers and small businessmen and women could suffer disastrous effects that the death tax can have on their future. Many people have worked hard their whole lives to build a strong future for their children and grandchildren. Our tax laws should not punish hard work by forcing family members to pay death taxes to the IRS.

Mr. Speaker, I urge Congress to give permanent relief from the death tax. It is time for Congress to banish the death tax once and for all.

□ 1400

Mr. KLECKZA. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, there is something that somehow is not mentioned very often on this floor, and that is our Nation is going broke. We certainly have military threats, but we have an even bigger threat of our Nation going broke.

The gentleman from Iowa (Mr. NUSSLE) last year passed this budget, the President's budget and the President's tax cuts, and the net result of that budget and those tax cuts, passed with Republican votes in the House and Senate, because the other body was controlled by the Republicans then, has increased the national debt by $440,604,894,921 in 1 year.

The President was in Iowa last week saying we need a budget. My goodness, if it is another one of those, we do not need it. This is on track to be the largest deficit in American history. The previous record was held by then-President Bush in 1991 where the fiscal year budget increased by $435 billion.

If this continues, and we only have 12 days left in this fiscal year, the gentleman from Iowa (Mr. NUSSLE) would have orchestrated the single largest increase in the American deficit in 1 year. And according to Mitch Daniels, Director, Office of Management and Budget, just last week in a meeting with a number of conservative House Democrats, only 10 percent of the President's tax cuts have taken effect so far. So how broke will we be when the other 90 percent kicks in?

Mr. Speaker, I know the gentleman from Iowa (Mr. NUSSLE) well enough to say that he would not go buy a house and say to the Realtor, I do not care what it is going to cost because my kids are going to pay for it. I guarantee Members the gentleman would not go buy a fancy car and say, I do not care what it costs because my yet-unborn grandchildren are going to pay for it.

That is the effect of the gentleman's tax cuts. The gentleman took a Nation that broke even 1 year, and increased the national debt by $440 billion the next there. There is nothing funny about this because the other side of the aisle are sticking my kids with their bill. Yes, some kids, like the Bush kids, are going to get a $10 million tax break out of this; but my kids get stuck with the bill; and until that bill is paid, they are going to pay, like every other American child, $1 billion a day on interest on that debt.

Mr. Speaker, if the gentleman thinks more of that is a good thing, please tell the American people that more debt is good. I happen to think the national debt is the single largest threat to our Nation at this moment.

Mr. NUSSLE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have heard a speech on the floor today that I am the least effective and that the budget is a joke. That was by the gentleman from Wisconsin (Mr. OBEY), the very distinguished ranking member of the Committee on Appropriations.

Now we hear from the gentleman from Mississippi (Mr. TAYLOR) that I am the all-powerful chairman of the Committee on the Budget that can, with the wave of my hand, both create surpluses and deficits. I would submit to both gentlemen that they probably not only need to check the Constitution and the rules of the House, but check the record.

Mr. Speaker, it was Osama bin Laden. Osama bin Laden. There is a name out of history that maybe we forget from time to time who had at least a little bit to do with what has happened this last year; a little bit to do with the challenges in our economy; a little bit to do with the emergency that we have before us; a little bit to do with the war against terrorism. It seems to escape Members' memory banks; but the one thing that should not escape Members' memory banks is that we should not have a Tax Code in America that taxes Americans constantly and consistently when they are not looking. We need to make permanent the death tax repeal.

Mr. KLECZKA. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I would remind the gentleman from Iowa (Mr. NUSSLE) that the September 11 attacks were 19 days before the end of the last fiscal year. In the last fiscal year, we ran a deficit. It was not because of the last 19 days. By all accounts the war on terror has cost this Nation $20 billion. That means the other $420 billion worth of debt went to other things. Spending increases occurred because the Republican budget passed with Republican votes. Reductions in collections occurred because of the Republican budget.

Mr. Speaker, the number is $440 billion. That is a thousand, times a thousand, times a thousand, times 440 further in debt than we were 1 year ago. One would think that Republicans would be looking for ways to balance the budget.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I am proud of many of the things that we have accomplished in the 107th Congress. On the House side, we have passed lots of legislation, from homeland security to pension reform to cracking down on corporate fraud and misdeeds. We have done a lot of things. Plus, we have passed a budget. Unfortunately, in a bicameral legislative body, there needs to be a budget on both sides to get things moving.

Here an example of some of things that we have done: the House has voted to end the death tax. Just ending it alone would create 200,000 jobs in America. To say we do not need that, to say that is not important is ridiculous. It increases household savings due to the lower prices by $800 to $3,000 a year. The American people want the death tax cut made permanent.

The President is waiting to sign this bill. Making it permanent gives people something that they can count on, some dependability. The House passed this several months ago. The fact is the Senate has not acted on House legislation to permanently repeal the death tax.

Unfortunately, that is not the only thing: welfare reform. 14 million people used to be on welfare. It has dropped now to 5 million people. Five million people. We are still working on it, but just think about it, 9 million people are now working and productive citizens. The American people want welfare reform, and they want us to continue; but the fact is the Senate has not acted on welfare reform legislation that the House passed months ago.

Another fact, the Senate has not acted on this legislation. There are only 11 days remaining before the historic 1996 reforms expire on September 30. This is not a good way to conduct business in this town; and this is one thing that the American people want, is us working together and passing this legislation and getting it to the President.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I recommend that our Congress on both sides of the aisle read the front page of the New York Times Business Section today. The horror that has been let loose on the American people has to be accounted for. This is no left conspiracy. What has been done is unconscionable.

What has happened, they want to exacerbate this situation and make it worse. In 2001, only 1 million people were eligible for the alternative minimum tax. When these tax cuts go into effect and the full effect is there, 37 million people will have been impacted by the alternative minimum tax. The other side better prepare those taxpayers, or we better figure out in the 10-year budget how we are going to effect what has been brought upon this country. The Republicans have forced us into deeper debt. And those people making between $75,000 and $500,000 will be impacted even 4 to 5 years from now. The other side of the aisle better tell them now, tell them what is at stake for them; otherwise they are doing a disservice to the American taxpayers.

Mr. Speaker, the friends of the American taxpayer, have they told the American middle class? Have they read the report from the Brookings Institute which was made public? I ask the other side of the aisle to read it.

Mr. NUSSLE. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding me this time and compliment the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), for putting forth a budget and passing a budget in the House of Representatives. As we all know, the other body has not even brought a budget to the floor, so it is very difficult to get important legislation done or appropriations bills in that other body with the current situation.

This resolution today is extraordinarily important for real people who are facing a real problem of trying to deal with a tax that they believe to be wrong. Many believe, as I do, that it is simply immoral to tax twice assets that people have worked all of their lives to save, to try and put something together for a family, to build a business, and then at the day of death have the Federal Government walk in and say that we are going to take away 50 to 60 percent of those assets that have been worked a lifetime for.

There are some economists that say that no one pays the death tax; it is not a big consequence. The fact of the matter is that is simply wrong. I can give an example of the Behn family in my home county. I talked to Larry Behn this morning. He is the grandson of Arthur and Frieda Behn. Larry is selling cars in Hampton today. Back in the early 1980s, he had the misfortune of losing both of his grandparents at the same time. At that time land values in Iowa and across the Midwest were at the very highest they have ever been. Because both of his grandparents passed away at the same time, the valuation of their property came in at that very high level. They, like most farmers, did not have the cash to pay that. As the estate settlement went on, the valuation of farm land in Iowa nose-dived. By the time they were forced to sell those farms, the 1,500 acres that Arthur and Frieda Behn had worked a lifetime to put together so their children and grandchildren would have that opportunity, the valuation was about a third.

They had to sell off that land. Because the valuation had gone down so much, it barely covered the cost of the death tax that they were stuck with. Because of that, they have lost those 1,500 acres of land. They have lost that hope that Arthur and Frieda Behn had put together over a lifetime. It is simply wrong what this death tax does to real people. We have got to repeal it and do away with it because it is wrong. There is right and wrong in this country.

Mr. Speaker, I received a letter from a couple in my district in 2000 when the debate was going on about repealing the death tax. They write: ''At age 79 and age 77, with serious health problems, my wife and I are very worried and concerned about how large our estate tax will be. It is affecting our eating and sleeping habits. Old people like us should not have to have these concerns.''

Mr. Speaker, I do not think anyone can say it better than these folks did, that it does have real effect on real people. It is wrong. We need to repeal the death tax immediately. I hope the other body would soon take up this important legislation that the House of Representatives has acted on a broad bipartisan basis to achieve.

Mr. KLECZKA. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, I listened to the gentleman's tale of the couple sitting at home and wringing their hands over the estate tax. I represent a district as large as the gentleman who just spoke, and today if a couple like that in my district passed away, there is a $2 million exemption.

□ 1415

In my district, there are not many people who are sweating over the inheritance tax because we do not have that wealth. $2 million for a couple just is not there. What they are wringing their hands over is an affordable drug benefit for Medicare, something that this House did not pass in decent form.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding time.

Mr. Speaker, if I could have one wish today, I would wish that hardworking Americans could take 5 minutes out of their busy schedules and watch this ridiculous Republican charade occurring right now on this House floor. They would be outraged, as I am. The President has not signed even one of the 13 must-pass appropriation bills that fund everything from the Department of Defense to Federal spending on transportation, education and health care. Not one. This House has failed to consider, let alone pass, even one appropriations conference report. Not one. Yet, with just 11 days left in the current fiscal year, with eight appropriation bills still to be considered by this House, we are dithering on a blatantly political and utterly meaningless resolution on the permanent repeal of the estate tax.

Does the GOP have an ideological predisposition to mismanage? Or has it been hijacked again by the faction that Newt Gingrich called, and I quote, ''the Perfectionist Caucus''? Those are Newt Gingrich's words, not mine. We have already passed a permanent repeal of the estate tax, a repeal that benefits, as my friend from Wisconsin has said, a few thousand wealthy families at the expense of millions, not once but twice. So why this resolution and why now? Here is why. Because the Republican leadership has made a commitment to put the Labor-HHS-Education spending bill on the floor next. But it knows that if it does at current funding levels that eliminate or cut crucial education, labor and health programs, its moderates will vote it down. You do not have the votes.

It is hard to be sympathetic with the GOP's plight because it precipitated this budget debacle by passing its fiscally irresponsible budget. The chairman of the Committee on the Budget blames the Senate. The chairman of the Committee on the Budget knows full well, if he is honest with the American public, that nothing that the Senate has or has not done precludes this House from acting. We have deemed his budget to be in place. The problem he has is, his side does not want to vote for the budget that he put in place. It was a charade when we passed it—I did not vote for it—and it is a charade months later on this very day.

So what do we do? We fiddle while Rome burns. We fiddle on silly resolutions like this that are patently political and purely political and solely political. The leader is on the floor. What a shame. What a shame that we fail to do the business of the American public and fiddle while our budget and fiscal posture in America burns.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding time and for his good work.

Mr. Speaker, I rise in strong support of House Resolution 524 which urges the Senate to vote on House legislation to repeal the death tax.

Mr. Speaker, Americans get overtaxed virtually every day of their lives. As an employee, one's salary gets taxed. As an investor, one's earnings often get taxed twice. As a consumer, one's purchases get taxed. After getting taxed at every stage of one's life, why should one have to be taxed again during life's final stage? It is not right.

On June 6, in an effort to right this wrong, the House successfully passed H.R. 2143 which would permanently repeal this unjust death tax. However, the Senate has not acted on this permanent repeal of the death tax, and many of the family business owners in New Jersey wonder whether their family business will survive when their aged parents who started these businesses die. If the repeal of the estate tax is not made permanent, the tax will be reinstated in 2011 as it existed under current law.

To avoid destroying many small businesses and savings accumulated after years of hard work by this death tax, I strongly urge the support of this resolution and I urge my colleagues to do the same.

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

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today in strong support of this resolution, H. Res. 524. I am convinced that death should not be a taxable event. There is a widely read, widely respected book, the Bible, that says one of the duties of a parent is to have an inheritance for their children and grandchildren. Under the present law, if that duty is fulfilled, up to 81 percent of that inheritance will be taken by the Federal Government. That is not fair.

To say that we are not moving forward, as my good friend the gentleman from Maryland was thundering from the well of the House, is simply not the case. We are working to make sure that our small businesses and family farms do not lose those farms that their children can carry on. This is very important legislation. The House has done its duty. It is very clear. The Constitution says both the House and the Senate must act in order for this good law to become law.

Mr. Speaker, I urge everyone to support this very important legislation and help do the job that this House was brought here to do. We have done ours. Here is our opportunity. I thank the gentleman from Iowa for bringing it forward and I encourage its support.

Mr. Speaker, I rise today in strong support of House Resolution 524 sponsored by my good friend Mr. NUSSLE.

I am convinced that death should not be a taxable event in a free society. Why should the Federal Government confiscate half of the assets accumulated through a lifetime of hard work?

The death tax disproportionately affects enterprises that are asset rich, but cash poor, such as family farms and small businesses.

According to Citizens for a Sound Economy, only 13 percent of family businesses or farms will survive to a third generation of operation. We can no longer tolerate this tax on hard work and the entrepreneurial spirit.

This will not be the final step in reforming our outdated system of taxation, but we must begin the journey to assure tax policies that promote fairness, efficiency, and economic prosperity for all our citizens.

In an effort to alleviate the potential nightmare for future generations and correct an injustice in the Tax Code, we must permanently repeal the death tax. I urge my colleagues to support this resolution.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I rise in support of this resolution calling for the permanent end of the death tax. I come from an area that has been hard hit with loss of manufacturing jobs. An area that offers promise is in small businesses, small farms. The death tax is a job killer. Last week I was talking to a gentleman from Henry County that had a small business valued at about $4 to $5 million. He said, I would like to expand, get more equipment, buy more facilities, have more property and hire more persons. He said, ''I don't want to go down that road. The death tax will cost me too much, because I'm hoping to live past December 31, 2010.''

We need to end this job-killing death tax. We need jobs in America. One way to do it is kill this tax.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means and probably one of our most important leaders with regard to the repeal of the death tax.

Ms. DUNN. Mr. Speaker, I thank the chairman of the Committee on the Budget for yielding me this time. We have talked about death tax repeal for a long time. For years, literally. We have talked about the effect the repeal of the death tax would have in freeing small business to create more jobs. In fact, if this resolution is successful, small businesses estimate that 200,000 jobs would be created in this next year in this country. Certainly at a time of economic downturn, that is the sort of growth piece of tax legislation that we are looking for. We have talked about the effect of the death tax on women-owned businesses. In fact, the National Association of Women Business Owners a couple of years ago did a survey and they discovered that the cost of compliance to comply with the death tax is about $1,000 a month for the average small business owned by women. These are dollars, Mr. Speaker, that these women would like to put into benefits for their employees, into health care coverage, a huge need in this Nation. These dollars are wasted dollars. They go to pay for life insurance coverage so that at the end of a person's life, that payment to the tax man, to the IRS man that has to be made in cash within 9 months, could be done and made easier on the family because of the life insurance policy proceeds. We have talked about why members of the conservation and environmental community support the permanent repeal of the death tax. They do not want to see subdivisions pop up in beautiful farmland that had been a huge benefit to everybody in the neighborhood. We have talked about the Black Chamber of Commerce, the Hispanic Chamber of Commerce, the Indian National Council, all the groups that are on board with us to permanently repeal the death tax. For the minority community, it takes three generations to develop a business that creates standing. They do not want to have to give up their businesses that they have put their hearts and souls into developing. It is a bad tax.

We encourage our neighbors to consider this bill and to pass permanent repeal of the death tax so that those dollars can be where they will not be wasted to build the economy of this Nation.

Mr. KLECZKA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard some pretty outlandish things here this afternoon. First of all, we were told by the gentlewoman from Washington who just spoke that next year we are going to create 200,000 jobs if we repeal the death tax, the inheritance tax. The fact of the matter is it is not going to be repealed under current law until 2011. So how can we create 200,000 jobs if it is not going to be repealed for another 9 years? It is all nonsense. In fact, the gentleman from Massachusetts indicated what we are talking about is a sense of Congress resolution to tell the other body to do something that we already did. Understand that? It is a sense of Congress. It does not change any law. It is like calling your neighbor and saying, ''Hey, rake your leaves.'' That is what this is all about.

This House already did the bad thing by passing the repeal of the inheritance tax. And why did we do that? To the benefit of 1.3 percent of the wealthiest Americans in this country. As I look at

the gallery, Mr. Speaker, I would bet no one in that gallery is going to pay an inheritance tax on their estate, for the current law today has a $2 million exemption per couple. And for those who have a lot more than $2 million like Mr. Bill Gates, maybe their heirs should pay something, because in a lot of situations, some of that wealth has never been taxed, anyway. It could be built up in the stock market. It could be property value. What my Republican colleagues want to say is, for the wealthiest 1.3 percent in America, they will pay no tax at all. This is big bucks. If we do this repeal of the inheritance tax in the years 2011 to 2021, that is going to cost the Treasury $800 billion. That is some real money, my friends.

And where are we today in this Federal budget? We are going to end the fiscal year over $300 billion in the hole. Yet we are giving out tax breaks for the wealthy like popcorn. The President today is talking about an unprovoked attack on another country which will cost millions and millions of dollars. And my colleagues are talking about a tax break for the millionaires of the country. Is something wacko in here? Is something not reading right? Yes.

Just recall, 20 months ago as we started this congressional session, we had surpluses, as my colleague from Iowa said before the Budget Committee, as far as the eye can see.

□ 1430

We had surpluses as far as the eye could see, and 20 months later we are in a $300 billion deficit. Yet those folks are still pushing to give tax breaks to the wealthiest of individuals.

Now, to take care of the farmers and small businesses we proposed a $6 million exclusion from inheritance tax. That would take care of 99 percent of the farmers, the ranchers and the small businesses in this country. But it did not take care of the wealthy ones, and that is why they are pushing to take care of the Ted Turners and the Bill Gateses and the other multi-multi-millionaires from WorldCom and Enron who treated their employees so well.

This resolution does nothing, but the tax policy we already passed does disaster, because it means ''you guys ain't going to get a drug benefit, your educational construction for New York is not going to be funded, because we are in a deficit.''

So let us not shed big alligator tears today for the wealthiest of the wealthy. They can afford their drugs. They send their kids to the best schools available. It is the people like I represent from Milwaukee, Wisconsin, who are not worrying about an inheritance tax, a death tax today. They are worrying about paying their mortgage. They are watching their 401(k)s, their retirement benefits, dissipate as the market keeps going down, and this administration is doing nothing about it. They have turned a blind eye, and my retirees are looking now to go back to work. And we have money around here for the wealthiest of the wealthy, the richest of the rich?

What misdirected policy. Let us worry about the deficit and take care of the working men and women in this country. Ted Turner will do well without this, and his heirs will do better than him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members that remarks should be addressed to the Chair and not to occupants in of the gallery or others who may be watching in the audience.

Mr. NUSSLE. Mr. Speaker, to close our side of the debate on this important resolution, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY). There is no one in our caucus who during his career has held the banner of tax reform and tax reduction any higher than our very distinguished majority leader.

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

Mr. Speaker, I often reflect these days on what a wonderful privilege it is in my life to be a Member of this body and to be able to be here on the floor of this great Chamber and listen to the debates. I marvel also at the technology that we have, Mr. Speaker, probably the finest sound system in the world. And when I reflect upon the quality of our sound system, I am always curious as to why we need to holler so much. It just fascinates me.

We have been thoroughly admonished, those of us on our side of the aisle. We have been indicted. We have had fingers pointed in our direction, sternly and with resolve. We have had the volume turned up as the feigning of moral outrage had to take a new dimension of loudness. And as I have watched this debate and have seen the gymnastic theatrics and volume from especially the other side, I find myself reflecting on the great speeches of American governance and am consoled, my friends, by those marvelous words, The world will never note nor long remember what we say here today.

Why are we here again in this Congress, Mr. Speaker, that has been perhaps the single most productive Congress in our lifetime, where we did everything that one would expect to have done by any Congress at any time, and then met the urgencies of the September 11 attack on America and the legislative requirements that we took; such a Congress, so productive, that even The Washington Post describes this as ''the do-something Congress''?

No, there is not a question here about whether or not we are getting our work done. We are getting our work done to a degree that is beyond the experience of any Member in this House. Our problem is over 50 percent of the critical pieces of legislation passed by this House have not yet found themselves through the complete legislative process; and so we, out of our frustration, call attention to it.

Why this bill, this ending of the death tax? We have so strong a conviction that it is wrong. We do not say it is wrong for the small family farm, it is wrong for the small businessmen and women, and, by the way, it is okay to impose it on Bill Gates. Bless his heart, Bill Gates, who has probably given more money to charitable causes in this country in this past year alone than would be represented by the entire lifetime cumulative earnings of all the Members of this body alone. Bill Gates, this charitably active person who we like to come to this floor and vilify.

If we were to take that point of view, ladies and gentlemen, would we not say burglary is wrong, and we ought to have laws that protect everybody in America from burglary, except the Bill Gateses of the world; ignoring the fact that indeed the burglar would most likely prefer to burglarize Bill Gates's home as opposed to my home?

If it is wrong, it is wrong for all of us, irrespective of station in life. This is what a system of justice tells you. There is right, there is wrong; there are things that are just; there are things that are unjust; and there is equal protection under the law.

Now, let us talk for a moment about the fellow who works hard and creates a successful business for himself, his wife, most often his partner in the venture; somebody that gets together and says, let us pool our resources, take a risk; let us build this business; let us construct a better farm, a better living for ourselves and our family.

They take their limited earnings on which they have paid taxes and from which their after-tax earnings they have acquired some savings, and they convert that to an investment in their business. They pay taxes on everything they buy and on any dollar's worth of earnings they have along the way, and have all their life. And then, after paying taxes on everything they have owned, earned or done all their life, they finally have had some success in their life and they have something that we now know is an estate.

Let us just examine the record of human action. What do people do with their estates? Well, the most popular thing that we want to do with our estates is give them to our children. Do we know anybody, anybody, who does not work first for their children, their grandchildren, for the future of their family? Just look at the record of what we voluntarily do with those things we have accumulated in our life. We voluntarily give them to our children.

Now, if we are not voluntarily giving things to our children, what do we voluntarily do with the things that we have earned and worked for and built all our life? We give it to charity. We give it to charity.

How many instances have we had where our family has worked hard all their life, built a success, have an estate, and then decided I will voluntarily give it to Washington? I would say rare cases indeed.

Washington cannot help themselves. Washington has got to grab the bucks, dip their hands in the estate, rob the grave.

They say, Well, if you take away the estate tax, people will not give to charity. Why do people give to charity? Because they have it in their heart. Why do they hire tax accountants and lawyers when they decide how they will give to charity? To maximize their after-tax contribution to the charity, because they prefer to. And they pay, indeed, expensive consulting fees to lawyers and accountants so they can indeed get a larger share of what they accumulated to the charity and a lesser share to the government. That is imposing upon them the requirement that they give.

People are funny. People like to do what they choose to do, not what they are made to do by onerous tax laws or any other purpose.

Let me just say, Mr. Speaker, that after all the times you have taxed me all my life on everything I have said, done and earned, to then tax me at the time of my death, to defraud my children or deny my children that which they justly deserve because they had the good sense to be my children, and I love them so dearly, is an injury. It is an injury to the fondest hope I ever had in my life that my children would do well and have something better than I had when I started, a not uncharacteristic American dream.

Who in this room, who in this Nation, does not dream that our children will have more to begin with and do better than we did? Do we not devote our life to that work? So the government does harm to the fondest dream of our hearts when they compel us to deny our children the fruits of our labor. That is injury.

It is not enough that we should injure the poor American citizen. We, being the government, must compound the felony by adding insult to injury. Let me give you an example.

We have a family farm. They have assets that are valued at $4 million. Mom and dad work on that farm each and every day of their lives. They raise their children, they pay the bills, and they try to get their youngsters off to college. The typical farmer with $4 million in farm assets makes a modest $35,000 a year, on which they pay approximately $4,200 in taxes and struggle to get by and do the things we all dream to do for our children. $35,000 a year.

Now, you would look at that farmer out there struggling. You see his wife going again to Easter services in the same dress she had last year, sacrificing, as they both do, so the kids can have better school clothes than they would otherwise have, and you say, These are not rich people. We ought to help them. You would develop enormous farm programs to help these poor folks on the farm.

Bless their luck, their hard luck. We use the expression hard scrabble dirt farming. But they have a day in which they get lucky: they die. They die, and on that day they are instantaneous multi-millionaires; people to be vilified; people to whom we will point our fingers and angrily proclaim are the undeserving richest people in America.

Bless their little old hearts, they had to die to get rich. They had to die to be mistreated. They had to die to have people in this government say it is not only just, but it is necessary in the cause of justice to take half or more of their property away from their children or away from the charity of their choice. That is insult.

Why are we here again today? Because we are committed to stopping the injury, stopping the insult. How about us trying to be appreciative of the dreams of the American people, recognize the manner in which they struggle, have an understanding of their goodness, and some respect for what they have acquired, accumulated over a lifetime of hard work, and say to that poor fellow on his death bed, George, you have worked hard. What you have got is the fruits of your labor. You have a right to do with it as you will.

This is America, and we think at least on your death bed freedom should be your last experience with this government.

Mr. STARK. Mr. Speaker, I rise today in opposition to this ridiculous resolution. This is nothing more than the Republicans pandering to their wealthy contributors six weeks before the election. How timely!

This resolution is a complete waste of time. The House has already passed a bill to provide permanent repeal of the estate tax earlier this year, despite my opposition. Now, my constituents back home will ask. ''Why did you need yet another resolution for something that the House has already addressed?'' The only truthful answer is that the Republicans can't agree among themselves on how to proceed with spending bills this year so they are padding the floor schedule with meaningless drivel like this to make it appear that Congress is doing its job. The American people ought to be outraged!

Rather than addressing the critical appropriations bills to keep the government running, the GOP would rather debate this non-binding, meaningless resolution. If the GOP doesn't want to work on appropriations bills, we have 40 million disabled and elderly who depend on Medicare and have been clamoring for a Medicare prescription drug benefit. We could address that issue. Or what about the solvency of Social Security? there are critical domestic issues facing this Congress—and facing millions of Americans—that ought to be addressed today.

Repeal of the estate tax will only help the wealthiest one percent of those who receive inheritance, or around 23,000 estates per year. Congress is seeing declining federal income receipts; is being asked to fund a pending war in Iraq; improve security here at home; and must still address the needs of working families. We have much bigger issues than a tax that will affect 23,000 wealthy estates. Let's take our oath of office a bit more seriously and get back to the issues that matter.

I urge my colleagues to reject this absurd resolution and vote no on H. Res. 524.

Mr. UDALL of Colorado. Mr. Speaker, I support reform of the estate tax, but I do not support its repeal, and so I do not support this resolution.

For me, this is not a partisan issue. Instead, it is an issue of reasonableness, fairness and fiscal responsibility. While I did not vote for last year's bill that included changes in the estate tax, there were parts of that bill that I think should be made permanent. That is why I voted to make permanent the elimination of the ''marriage penalty'' and the provisions of last year's bill related to the adoption credit and the exclusion from tax of resolution to Holocaust survivors.

And, as I said, I support reform of the estate tax. I definitely think we should act to make it easier for people to pass their estates—including lands and businesses—on to future generations. This is important for the whole country, of course, but it is particularly important for Coloradans who want to help keep ranch lands in open, undeveloped condition by reducing the pressure to sell them to pay estate taxes.

Since I have been in Congress, I have been working toward that goal. I am convinced that it is something that can be achieved, but it should be done in a reasonable, fiscally responsible way and in a way that deserves broad bipartisan support. That means it should be done in a better way than was provided in last year's bill. For example, I have supported legislation to raise the estate tax's special exclusion to $3 million for each and every person's estate—meaning to $6 million for a couple—and to do that immediately.

Under that alternative, a married couple—including but not limited to the owners of a ranch or small business—with an estate worth up to $6 million could pass it on intact with no estate tax whatsoever. And since under the alternative that permanent change would take effect on January 1st of next year it clearly would be much more helpful to everyone who might be affected by the estate tax.

At the same time, the alternative was much fiscally responsible. It would not run the same risks of weakening our ability to do what is needed to maintain and strengthen Social Security and Medicare, provide a prescription drug benefit for seniors, invest in our schools and communities, and pay down the public debt.

The tax cut bill signed into law last year included complete repeal of the estate tax for only one year, 2010, but contains language that sunsets all of the tax cuts, including changes in the estate tax after 2001. Making that permanent would reduce federal revenues by $109 billion between 2002 and 2012 ($99 billion in lost revenue and $10 billion in interest charges) and more than $1.2 trillion in the decade between 2013 and 2022—when the baby boomers will be retiring.

But, as we all know, the budget outlook has changed dramatically since last year. In the last year, $4 trillion of surpluses projected over the next ten years have disappeared because of the combination of the recession, the costs of fighting terrorism and paying for homeland defense, and the enactment of last year's tax legislation. Full repeal of the estate tax would only make the budgetary outlook even more difficult, making it that much harder to meet our national commitments all in order to provide a tax break for less than 0.4 percent of

all estates. I do not think this is responsible, and I cannot support it.

And, as if that were not bad enough, just making permanent the estate-tax provisions of last year's bill would do nothing to correct one of the worst aspects of those provisions—the hidden tax increase on estates whose value has increased by more than $1.3 million, beginning in 2010, due to the capital gains tax. Currently, once an asset, such as a farm or business, has gone through an estate, whether any estate tax is paid or not, the value to the heirs is 'stepped up' for future capital gains tax calculations. However, last year's bill now enacted into law provides for replacing this with a 'carryover basis' system in which the original value is the basis when heirs dispose of inherited assets. That means they will have to comply with new record keeping requirements, and most small businesses will end up paying more taxes. That cries out for reform, but this resolution does not address that.

Mr. Speaker, the fact that we are debating this resolution shows that the Republican leadership is continuing to reject any attempt to shape an estate-tax reform bill that could be supported by all Members. Since I was first elected, I have sought to work with our colleagues on both sides of the aisle on this issue to achieve realistic and responsible reform of the estate tax. But this resolution does nothing of the kind, and I cannot support it.

Mr. JONES of North Carolina. Mr. Speaker, there is a saying that only in America can an individual be given a certificate at birth, a license at marriage, and a bill at death. Americans should not have to visit the undertaker and the IRS on the same day.

Unfortunately, small businesses and family farms, like those in Eastern North Carolina, are particularly vulnerable to the death tax. At the time of their death, Americans are taxed on the value of their property, often at rates as high as 55 percent.

Mr. Speaker, this places a tremendous burden on families who are already grieving the loss of a loved one. While small businesses and family farms are typically rich in assets, they often do not have the liquid resources to settle this size of bill with the federal government.

Too often, they are forced to sell some or all of their land or business, which often serves as their family's livelihood. Over the years, the death tax has devastated family-owned businesses throughout our nation's towns and cities. Today, less than half of family businesses are able to survive the death of a founder.

What could be more un-American? Under current law, 70 percent of family businesses do not survive the second generation and 87 percent do not make it to the third generation. The death tax discourages savings and investment, and punishes those Americans who work hard throughout their lives to pass on something to their children.

Mr. Speaker, the estate tax does not serve as a significant source of revenue for the federal government. The Treasury Department reported that in 1998, the estate and gift tax raised only $24.6 billion, which amounts to only 1.3 percent of total federal revenues.

In addition, economic studies conducted by former Secretary of the Treasury Lawrence Summers show that for every dollar in transfer taxes taken at death, $33 in capital formation is lost from the economy. Despite its little value to the government, the death tax undermines the idea that hard work and fiscal responsibility will be rewarded.

Thankfully, this Congress provided a phase-out of the estate tax beginning in 2002 by eliminating the 5% surtax and the rates in excess of 50 percent and increases the exemption to $1 million. Today, we need to take steps to ensure this phase-out is permanent and does not sunset in 2011. If H.R. 2143 is not signed into law, the death tax will re-appear, almost overnight on New Year's Eve, 2011.

Mr. Speaker, this Congress has done an admirable job of guaranteeing tax relief for every working American. Let's pass this bill now and finish the job we started when we took back the people's House in 1995.

Mr. BEREUTER. Mr. Speaker, as stated on the record many times, this Member continues his strong opposition to the total elimination of the estate tax on the super-rich. The reasons for this Member's opposition to this terrible idea have been publicly explained on numerous occasions, including past statements in the CONGRESSIONAL RECORD, and today this Member gain will reiterate the reasons for his opposition to the permanent repeal of the Federal estate tax.

This Member has every expectation that legislation to permanently repeal the Federal estate tax is going nowhere in the other body. Furthermore, on March 18, 2002, this Member noted, in his House Floor statement on H.R. 536, that he will most assuredly vote ''no'' on the total repeal of the inheritance tax, and this Member would further note that he in fact did vote ''no'' on the total repeal of the inheritance tax.

This Member again would say that while he is a long-term advocate of inheritance tax reduction, especially in regard to protecting family farms and ranches, and small businesses, this Member strongly opposes the permanent repeal of the Federal estate tax provisions. This Member believes that inheritance taxes unfortunately do adversely and inappropriately affect Nebraskan small businesses, farmers, and ranchers when they attempt to pass this estate from one generation to the next. This Member also believes that the estate tax elimination provisions are at worst a faulty product and at best only a shadow of what could be beneficially done to reduce the inheritance tax burden on most Americans who now and in the future are actually subject to such estate taxes.

It must also be noted that this Member is strongly in favor of substantially raising the estate tax exemption level and reducing the rate of taxation on all levels of taxable estates, and that he has introduced legislation, H.R. 42, to this effect. This Member believes that the only way to ensure that his Nebraska and all American small business, farm and ranch families and individuals benefit from estate tax reform is to dramatically and immediately increase the Federal inheritance tax exemption level, such as provided in H.R. 42.

This Member's bill (H.R. 42) would provide immediate, essential Federal estate tax relief by immediately increasing the Federal estate tax exclusion to $10 million effective upon enactment. (With some estate planning, a married couple could double the value of this exclusion to $20 million. As a comparison, under the current law for year 2001, the estate tax exclusion is only $675,000.) In addition, H.R. 42 would adjust this $10 million exclusion for inflation thereafter. The legislation would decrease the highest Federal estate tax rate from 55 percent to 39.6 percent effective upon enactment, as 39.6 percent is currently the highest Federal income tax rate. Under the bill, the value of an estate over $10 million would be taxed at the 39.6 percent rate. Under current law, the 55 percent estate tax bracket begins for estates over $3 million. Finally, H.R. 42 would continue to apply the stepped-up capital gains basis to the estate, which is provided in current law. In fact, this Member has said on many occasions that he would be willing to raise the estate tax exclusion level to $15 million.

Since this Member believes that H.R. 42 or similar legislation is the only responsible way to provide true estate tax reduction for our nation's small business, farm and ranch families, this Member will once again state his reasons, as follows, for his opposition to the total elimination of the Federal estate tax.

First, to totally eliminate the estate tax on billionaires and mega-millionaires would be very much contrary to the national interest.

Second, the elimination of the estate tax also would have a very negative impact upon the continuance of very large charitable contributions for colleges and universities and other worthy institutions in our country.

Finally, and fortunately, this Member believes that actually it will never be eliminated in the year 2010.

At this point it should be noted that under the previously enacted estate tax legislation (e.g., the Economic Growth and Tax Relief Reconciliation Act), beginning in 2011, the ''stepped-up basis'' is eliminated (with two exceptions) such that the value of inherited assets would be ''carried-over'' from the deceased. Therefore, as noted previously by this Member, the Economic Growth and Tax Relief Reconciliation Act could result in unfortunate tax consequences for some heirs as the heirs would have to pay capital gains taxes on any increase in the value of the property from the time the asset was acquired by the deceased until it was sold by the heirs—resulting in a higher capital gain and larger tax liability for the heirs than under the current ''stepped-up'' basis law. Unfortunately, H.R. 2143 made the stepped-up basis elimination permanent resulting in a continuation of the problems just noted by this Member—higher capital gains and larger tax liability for heirs.

In closing, Mr. Speaker, while this Member is strongly supportive of legislation to substantially rise the estate tax exemption level and to reduce the rate of taxation on all levels of taxable estates, and as such introduced legislation to this effect (H.R. 42), this Member cannot in good conscience support the total elimination of the inheritance tax on the super-rich. Therefore, this Member will be voting against H. Res. 524.

Mr. OTTER. Mr. Speaker, I rise today to support H. Res. 524. This resolution, expressing the view of the House on permanently repealing the death tax, also reflects the view of the American people concerning the death tax. Across this country shopkeepers, farmers, small manufacturers, and everyday individuals who managed to save for their families through hard work and sacrifice are urging the passage of the Permanent Death Tax Repeal Act of 2002. Passage of that act will provide added incentives for savings and productive

investment, and end the harmful dissolution of family farms and businesses. Idaho towns and farms in particular are hard hit by the death tax and urgently seek its permanent repeal. I urge members of this House to join a bi-partisan majority supporting H. Res. 524, supporting H.R. 2143, and supporting the American dream.

□ 1445

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

Pursuant to House Resolution 527, the resolution is considered read for amendment and the previous question is ordered on the resolution.

The question is on the resolution.

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

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

The yeas and nays were ordered.

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

MESSAGES FROM THE PRESIDENT

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order: House Resolution 525, by the yeas and nays; House Resolution 524, by the yeas and nays; House Concurrent Resolution 337, by the yeas and nays; and the motion to instruct conferees on H.R. 3295, by the yeas and nays.

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

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON LEGISLATION EXTENDING AND STRENGTHENING SUCCESSFUL 1996 WELFARE REFORMS

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 525, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 280, nays 123, not voting 29, as follows:

[Roll No. 400]

YEAS—280

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (TX)
Burr
Burton
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLay
DeMint
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Ferguson
Flake
Fletcher
Foley
Forbes
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Schaffer
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—123

Ackerman
Baca
Baird
Baldwin
Becerra
Bentsen
Berkley
Berman
Berry
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Evans
Farr
Fattah
Filner
Ford
Frank
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
LaFalce
Langevin
Lantos
Lee
Lewis (GA)
Lofgren
Lynch
Maloney (NY)
Markey
Matsui
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Schakowsky
Scott
Serrano
Slaughter
Solis
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Wexler
Woolsey

NOT VOTING—29

Barrett
Blagojevich
Brown (SC)
Bryant
Buyer
Callahan
Carson (IN)
Cooksey
Deal
Diaz-Balart
Everett
Fossella
Gephardt
Gillmor
Hilleary
Jefferson
Jenkins
Larson (CT)
Miller, George
Mink
Neal
Obey
Ortiz
Ros-Lehtinen
Roukema
Sawyer
Schrock
Stump
Taylor (NC)

□ 1508

Messrs. LANGEVIN, HILLIARD, RAHALL, DICKS, and REYES changed their vote from ''yea'' to ''nay.''

Messrs. BALDACCI, ALLEN, and STRICKLAND changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 400 today. Had I been present and voting, I would have voted ''nay.''

SENSE OF HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON PERMANENT DEATH TAX REPEAL ACT OF 2002

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of agreeing to the resolution, House Resolution 524, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 158, not voting 32, as follows:

[Roll No. 401]

YEAS—242

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Boozman
Boswell
Boucher
Brady (TX)
Burr
Burton
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ferguson
Flake
Fletcher
Foley
Forbes
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—158

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Becerra
Bentsen
Bereuter
Berman
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—32

Barrett
Blagojevich
Bono
Brown (SC)
Bryant
Buyer
Callahan
Carson (IN)
Cooksey
Deal
Doyle
Everett
Fossella
Gephardt
Gillmor
Hilleary
Issa
Jenkins
Larson (CT)
Miller, George
Mink
Neal
Obey
Ortiz
Ros-Lehtinen
Roukema
Sanders
Sawyer
Schrock
Sessions
Stump
Taylor (NC)

□ 1516

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISSA. Mr. Speaker, on rollcall No. 401, I was recorded as not voting. It was my intent to vote "yea". Had I been present, I would have voted "yea."

Mrs. BONO. Mr. Speaker, on rollcall No. 401 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 401 today. Had I been present and voting, I would have voted "nay."

RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR CONTRIBUTIONS TO BASEBALL AND THE NATION

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 337.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H.R. 337, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 38, as follows:

[Roll No. 402]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Burton
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano

Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—38

Barrett
Blagojevich
Brown (SC)
Bryant
Buyer
Callahan
Carson (IN)
Chambliss
Cooksey
Deal
Doyle
Dunn
Everett
Fossella
Ganske
Gephardt
Gillmor
Hilleary
Jenkins
Larson (CT)
Lynch
McKinney
Miller, George
Mink
Neal
Obey
Ortiz
Peterson (PA)
Ros-Lehtinen
Roukema
Sawyer
Schrock
Shadegg
Slaughter
Smith (WA)
Stump
Taylor (NC)
Thomas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair would advise the Members that one of the voting panels is out but those votes are being recorded and Members may verify their vote by checking at the desk or at the voting stations.

□ 1524

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CHAMBLISS. Mr. Speaker, on rollcall No. 402 I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 402 today. Had I been present and voting, I would have voted ''yea.''

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

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 3295.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 26, not voting 41, as follows:

[Roll No. 403]

YEAS—365

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

NAYS—26

Barr
Barton
Bonilla
Brady (TX)
Cannon
Collins
Culberson
Duncan
Flake
Goode
Hall (TX)
Hansen
Hostettler
Johnson, Sam
Jones (NC)
Kerns
Miller, Jeff
Myrick
Norwood
Paul
Sessions
Shadegg
Tancredo
Thornberry
Toomey
Young (AK)

NOT VOTING—41

Barrett
Blagojevich
Brown (SC)
Bryant
Buyer
Callahan
Carson (IN)
Clement
Combest
Cooksey
Cubin
Deal
Doyle
Dunn
Everett
Fossella
Gephardt
Gillmor
Hilleary
Jenkins
Larson (CT)
Markey
McCarthy (MO)
Miller, George
Mink
Neal
Obey
Ortiz
Osborne
Peterson (PA)
Ros-Lehtinen
Roukema
Sawyer
Schrock
Slaughter
Smith (WA)
Stump
Taylor (NC)
Thomas
Thune
Wamp

□ 1533

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, I missed rollcall vote No. 403 today. Had I been present and voting, I would have voted ''yea.''

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, on Thursday, September 19, 2002, I was unable to be present for roll call votes No. 402, Recognizing the Teams and Players of the Negro Baseball Leagues, and No. 403, the Waters Motion to Instruct Conferees on H.R. 3295—Help America Vote Act.

Had I been present, I would have voted "yea" on roll No. 402 and "yea" on roll No. 403.

PERSONAL EXPLANATION

Mr. BROWN of South Carolina. Mr. Speaker, I missed rollcall Nos. 400, 401, 402, and 403 due to attending my brother-in-law's funeral. Had I been present, I would have voted "yea", on all four rollcalls.

PERSONAL EXPLANATION

Mr. FROST. Mr. Speaker, I was unexpectedly detained during the vote for H. Res. 523 recognizing the contributions of Historically Black Colleges and Universities. Had I been present, I would have voted ''yea.''

PERMISSION TO HAVE UNTIL MIDNIGHT, MONDAY, SEPTEMBER 23, 2002, TO FILE CONFERENCE REPORT ON H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Monday, September 23, to file a conference report on the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes.

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

There was no objection.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 524 and H. Res. 525, the resolutions just agreed to.

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

There was no objection.

REPORT ON H.R. 5410, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2003

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–663) on the bill (H.R. 5410) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I take this time to inquire about the schedule for next week.

I am pleased to yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, let me thank the gentlewoman from California for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, September 24, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. I will schedule a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. Recorded votes on Tuesday will be postponed until 6:30 p.m.

Mr. Speaker, for Wednesday and Thursday, I have scheduled the following measures: a conference report to accompany H.R. 1646, the State Department Authorization Act; a resolution calling for completion as soon as possible for the worker pension security legislation that passed this House in April and has not been considered in the other body; H.R. 4691, the Abortion Nondiscrimination Act of 2002; a continuing resolution; and H.R. 4600, the Health Act of 2002.

I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for that information. I have some further questions if the gentleman will be available.

I understand the gentleman is saying H.R. 4600, the medical malpractice bill, will be on the floor next week. Could the gentleman give us a little more what day it would be?

Mr. ARMEY. I thank the gentlewoman for the inquiry; and if the gentlewoman would continue to yield, we expect to deal with that bill on Thursday of next week.

Ms. PELOSI. Mr. Speaker, so it is my understanding that next week we will be in Tuesday night, Wednesday and Thursday again; we have given away Monday and Friday again?

Mr. ARMEY. I thank the gentlewoman for the inquiry; and if the gentlewoman will yield, in fact, the gentlewoman understood exactly correct.

Ms. PELOSI. Mr. Speaker, we have given away tomorrow, we are giving up next Monday, we are giving up next Friday, and the list of unfinished business continues to grow. The number of legislative days continues to shrink.

Does the gentleman expect the bill to deduct education expenses to be scheduled for next week? If so, on what day?

Mr. ARMEY. I thank the gentlewoman for the inquiry. I am sorry I did not hear the bill the gentlewoman was referring to.

Ms. PELOSI. The back to school act, so-called.

Mr. ARMEY. Oh, I am sorry. No, I do not expect to see that back on the floor, at least not next week.

Ms. PELOSI. Mr. Speaker, how long will the continuing resolution be?

Mr. ARMEY. Again, I want to thank the gentlewoman for the inquiry. There are consultations going on bicamerally and bipartisan in the highest leadership levels and with the two respective bodies' Committees of Appropriations, and that information has not yet been finally agreed to; and when it is, I expect the Speaker will make an announcement, as I would expect the majority leader in the other body to do so as well.

Ms. PELOSI. Mr. Speaker, my understanding is, the gentleman, when asked about this continuing resolution, if we are going to have a lame duck session, et cetera, said that he consults with Puff the Magic Dragon. Puff the Magic Dragon, lame duck, this place is getting more and more like a menagerie or some would say a zoo.

I have some concerns because today we voted on a resolution that urges the Senate to take certain action; but I know there is a bill that has overwhelmingly passed the Senate 78 to 21 that the Congressional Budget Office estimated would lower prescription drug prices by $60 billion over the next 10 years, $60 billion. Can the majority leader inform us if that bill will be scheduled before Congress adjourns in October, heeding the gentleman's concern about not following up on business completed by the Senate?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry, and I understand that perhaps the animal rights caucus may be a little bit concerned about some of the examples we use around here. We do consult with magic dragons, indeed tolerate lame ducks in our committed effort to keep pork off the floor of this House.

That having been said, with respect to the bill the gentlewoman has asked about, this bill is a poor and paltry substitute for a comprehensive prescription drug benefit for American seniors. The House passed a bipartisan comprehensive Medicare prescription drug benefit in June. The Senate has not yet passed a bill. This bill is quite simply not good enough for those of us in the House who did the hard work to pass a real prescription drug benefit bill available to all American seniors, and it remains our hope that we will be able to pass a real prescription drug bill before the end of this year.

Ms. PELOSI. Mr. Speaker, perhaps the gentleman did not hear me. He said that the Senate had not passed a bill. The Senate had passed it 78 to 21, the prescription drug bill relating to generic drugs which would lower the cost by $60 billion over 10 years, according

to the Congressional Budget Office. We have a discharge petition to that end to bring it to the floor. I urge our colleagues to sign it, but it was passed by the Senate, contrary to the gentleman's comment that the Senate had not passed a prescription drug bill.

We now have 4 legislative working days until the end of the fiscal year. We also have eight appropriations bills to fund the entire government, and the House has yet to consider them. Are there any appropriations bills that will be considered to be scheduled next week or the week after so that Members can be prepared?

Mr. ARMEY. Again, I want to thank the gentlewoman for her inquiry with respect to the appropriations bills. We continue to work on our efforts to maintain the commitments we have made to not only the President's budget recommendation but this House's own passed budget, and those remaining appropriations bills, while insofar as we are able we work on those bills with respect to which we have gotten to conference with the other body, and it is our hope that at least some of those conferencing bills might come to the floor in the next week or two.

Ms. PELOSI. Mr. Speaker, there are no dates in particular.

Can the gentleman tell us when the Iraq resolution will be brought to the floor that was distributed to us today?

Mr. ARMEY. Again, I want to thank the gentlewoman for her inquiry. This is, of course, a matter of serious consideration by each Member of this Congress, as it is with the administration and the American people also sharing our concern here. The President has sent a resolution draft up before the two bodies of Congress. As my colleague knows, the President and his team continue to make information available through, many times, secured briefings to Members of Congress and through the committee process, when possible, before the American people. We would expect that the committees of jurisdiction on these matters would continue to work their will on this resolution and bring it to the floor.

It has been, I think, the insistence of the Speaker in matters especially of such gravity that we work through our normal process, respecting the jurisdictional rights and the expertise of the committees. So I would encourage the gentlewoman and all of my colleagues to watch as the committees work on this very important resolution; and I would, however, expect that we should see this resolution on the floor in the not-too-distant future. I hate to be so ambiguous, but I think it is only fair to the committee to give them the time to do their job as they see fit.

Ms. PELOSI. Mr. Speaker, I appreciate the seriousness with which the gentleman is treating the consideration of that resolution; and as soon as my colleague knows, I am sure he will let us know and when it will be brought to the floor.

There are many other issues that the American people are concerned about that relate to education, to a prescription drug benefit, to access to health care, pension security. The list goes on and on; and as we come in for our 2-day-a-week work weeks in Washington, D.C., we are becoming less relevant to the problems that the American people are facing. It is almost as if they are saying to us, Earth to Congress, we are still here, we have these challenges in our economy and our workforce, et cetera, and get to work and get some of this done so that we can go forward.

Mr. KOLBE. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, if the gentlewoman would yield for a question to the majority leader, and I know the gentlewoman's interest. I just filed a few minutes ago the Committee on Appropriations, Subcommittee on Foreign Operations Export Financing and Related Programs bill which had passed the committee last week and the subcommittee the week before.

□ 1545

While there are certainly differences of opinion on it, it is a bipartisan product; and I wonder if the gentleman can give us any indication when that bill might come to the floor.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, first, I thank the gentleman from Arizona (Mr. KOLBE) for filing the bill. I am very pleased about that. I will discuss the scheduling of it with the Speaker. We will schedule it as soon as possible.

Ms. PELOSI. Mr. Speaker, as a member of the subcommittee of the distinguished gentleman from Arizona (Mr. KOLBE), I have a great deal of interest when the bill comes to the floor as well. I associate myself with the questions asked by the gentleman from Arizona.

Mr. Speaker, I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY, SEPTEMBER 23, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 24, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 23, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, September 24, 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 NEXT

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

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

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PLATTS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2002, to the *Federal Register* for publication.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2002*.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith the 6-month periodic report prepared by my Administration on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2002.*

ELIMINATE THE DEATH TAX

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

Mr. SMITH of Texas. Mr. Speaker, today the House passed a resolution urging Congress to eliminate the death tax. The death tax is the wrong tax on the wrong people at the wrong time. It punishes those who save and invest. It prevents parents from helping their children; and it forces many farmers, ranchers and small business owners to sell off a lifetime of hard work.

The House of Representatives has done its job. Last year we voted to repeal the death tax, but the Senate has not acted on similar legislation. Repealing and reducing taxes leaves more money in working families' pockets. When they spend it or invest it or start a business, new jobs are created and the economy is benefited. Like a weed in a garden, the death tax is not useful, does harm, and needs to be eliminated.

COMMENDING CONDUCT OF CAPITOL HILL COMMUNITY DURING ANTHRAX EVENT

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

Mr. FILNER. Mr. Speaker, I rise today to introduce a resolution that commends the entire Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax on Capitol Hill.

In particular, I want to acknowledge the Office of the Attending Physician and the health care professionals in his office who by their quick actions and early intervention prevented actual cases of anthrax within the Capitol Hill complex. They responded to and managed the largest bioterrorism event ever, providing direction locally that was used nationwide and even worldwide.

It should be noted that the anthrax letter event proved to be the largest public health crisis in the United States since the smallpox outbreak in New York City in the 1940s. The incredible response by the Attending Physician and his staff as they evaluated and treated over 7,000 people ensured the continuity of two branches of government, the Congress and the Supreme Court.

Mr. Speaker, I hope this bill we are introducing today can move quickly through the House and be passed before October 14, the 1-year anniversary of the anthrax letter arriving in Senator DASCHLE's office.

U.N. MUST PASS RESOLUTION

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

Mr. GIBBONS. Mr. Speaker, recently Iraq agreed to allow U.N. inspectors back into their country without conditions. After hearing that news, all I can say is we have been down this road before.

After a decade of deception by Iraq, the United Nations must show some real backbone if it wants to be a meaningful organization in the 21st century. Let us not forget that from 1991 to 1998, in spite of 13 different U.N. resolutions mandating unconditional access, Iraq never allowed that to happen. Saddam always had his conditions. Inspectors were kept from presidential palaces, mosques, and military installations, just to name a few places where we know he hides weapons.

The U.N. must pass a resolution that not only mandates unconditional weapons inspections, but also outlines the serious consequences for Saddam's Iraq if the U.N. inspectors do not get complete and unimpeded access and support.

The U.N. must take control and mandate unfettered inspections, and Saddam Hussein must comply. It is time for the U.N., and not Saddam Hussein, to be in the driver's seat.

FIGHTING TERRORISM HERE AND ABROAD

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

Mr. FOLEY. Mr. Speaker, I want to follow on the comments made by the gentleman from Nevada (Mr. GIBBONS) and urge Congress to continue its work in dealing with Iraq, and I specifically thank the gentleman from Missouri (Mr. GEPHARDT) for his very proactive role in this debate. This is a bipartisan effort to rid the war of terrorism. This is one party versus the other; this is good versus evil. President Bush has made that clear. Our allies in the U.N. have heard the message, and I urge us all to focus on this very serious problem we face in this Nation.

When people see the scourge of Iraq and the problems they pose to the free world, I think they, too, will join in a common voice and a common purpose of defeating terrorism and evil. Again I commend the minority leader, and for all those in Congress who are prepared to weigh in on this very critical issue of national security; and I certainly applaud the President, who has been steadfast since September 11 in leading this Nation not only to fight the war here at home but abroad.

SUPPORT SUDAN PEACE ACT

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

Mr. ARMEY. Mr. Speaker, over the past 20 years, over 2 million people have died and over 4 million have been driven from their homes in Sudan. Not by famine, flood or pestilence, but at the hands of people who claim a right to govern.

Mr. Speaker, people who engage in a systematic campaign of killing, terror, starvation, destruction and expulsion against the people of southern Sudan are not the fearless leaders we hope to see in power when times are rough. Rather, they are the heartless leaders who make times tough for their own people.

The government in Khartoum continues to brutalize the people in the south. Why? While we cannot know the darkness within their hearts, we know the roots of their hatred. We know that the Khartoum Government, known as the National Islamic Front, consists of those who are seeking to impose their version of Islam on the black Christians in the south, or destroy them if they do not get along. This is a religious crusade that uses genocide to convert disbelievers. The government wants to destroy the southern people because they are of a different race and religion.

We have one of the greatest humanitarian crises of our time. Khartoum's self-proclaimed jihad against the south, driven by religious and racial hatred and a lust for oil, has killed more people than died in Kosovo, Bosnia, Rwanda and Somalia combined.

Yesterday, September 18, marked the first day of the Vigil for Sudan. Thousands of people will be gathering outside the State Department at Galvez Park here in Washington to pray for the people of Sudan. We in Congress and all Americans should join with them. We cannot stand by. Let us finish our work on the Sudan Peace Act and be among those leaders who are fearless and who are not heartless.

SPECIAL ORDERS

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

HITLER COMPARISON INAPPROPRIATE

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

Mr. FOLEY. Mr. Speaker, first, I want to take a moment to thank the American Cancer Society and all of the various people who have come from around the 50 States, and right outside this Capitol building are providing a loud chorus of voices, working to fight cancer, whether it be breast cancer, melanoma, prostate cancer, colon cancer, any of the number of maladies that strike mankind.

It is terrific to see people, particularly those from the 16th Congressional District of Florida, participate in this very important day of public awareness, both for prevention of cancer and to, hopefully, find a cure for cancer.

Mr. Speaker, I also want to take a moment to express my personal outrage at the comments recently provided by German Chancellor Gerhard Schroeder's justice minister, Herta Daeubler-Gmelin, who said, ''Bush wants to divert attention from his domestic problems. It's a classic tactic. It's one that Hitler used.''

To compare our President in any way in a reference to the satanical Adolf Hitler to me not only demeans the friendship of Germany to the United States, but also indicates to me that politics in its raw form has found its way insidiously into the debate in the reelection of Mr. Schroeder as the Chancellor of Germany.

□ 1600

I was in Europe just the other day and happened to catch a few of his impassioned speeches where he was using the United States and our fight against terrorism as a means in which to exploit his election chances. A few weeks ago he was behind in the polls and he decided a good game was to play ''them versus us,'' as if the United States and Germany were at war, as if the United States and Germany were not bound together by economic and other issues of importance to both our peoples. It seemed to me that there is a lot of thanks that should be given from Germany for the Marshall Plan. After the problems Europe faced in World War I and II, it was the United States economically that came together to aid that community and help dramatically restore economic opportunity to millions of Germans. It was Ronald Reagan in fact that spoke and urged Mikhail Gorbachev to tear down this wall. We helped, if you will, along with others in the U.N. and the United Nations communities to work on ending the separation of East and West Germany. That to me is a human outreach of kindness from one people to another. If you look at the number of Mercedes-Benzes and Volkswagens and BMWs and German products that are purchased and consumed by the United States, I can say definitely we have been on the side of economic prosperity for millions of Germans. But to have the Chancellor and have one of his top ministers comparing anyone in the United States to Hitler, particularly pointing that reference to the President, is honestly unspeakable. It is demeaning, it is derogatory, it is plain sick.

When Mr. Schroeder or his opponent wins the election, I am certain the dialogue will shift to, You know, it's just politics. Just kidding. We really do oppose terrorism. We weren't necessarily saying we sided with Iraq and Saddam Hussein. We merely were using you at an opportune time for our political expedience. Mr. Schroeder, if the election or reelection of your government is that important that you can side with Iraq and Saddam Hussein, you do so at your own peril. This Nation has been a long and steadfast friend of Germany and its people. We have worked together on so many issues, too many to mention. But to sit here at an eleventh hour opportunity to regain power for the sake of power and demean our President and our commitment to working together for the international safety of every person on this globe is reprehensible.

I hope he will refute and rebut the words of his justice minister. I hope he will at least find them to be offensive. I hope they will work on strengthening their determination to continue our united efforts against terrorism, that they will in fact join with France and Britain and others who have long recognized the threat terrorism poses to a free people. The President's passionate deliverance of the speech to the United Nations woke up a lot of people to the real threat that is facing all people, not just the United States. This is not for self-protection. This is for global peace. The President embarked on a very, very difficult campaign and he did so alone, with few supporters and few allies. After his speech, I was overwhelmed by the outpouring of what I considered important support for going into weapons inspections and reopening U.N. peacekeepers and weapons inspectors into Iraq. That was a breakthrough and one I hope is taken seriously.

PAYING TRIBUTE TO CONGRESSMAN JOE EARLY

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

Mr. FRANK. Mr. Speaker, earlier this week my colleague, the gentleman from Worcester, Massachusetts, sponsored and the House passed and I voted for a resolution naming a post office in Worcester for a former colleague of many of us in the House, my colleague from Worcester's predecessor, former Representative Joseph D. Early.

I first met Joe Early in 1972 when I, along with two of my current Massachusetts colleagues (Mr. MARKEY and Mr. DELAHUNT), was elected to the Massachusetts House. Joe Early was by then an established leader in the Massachusetts House. Two years later, he came here. I was proud to support him in his campaign to come here in 1974, and 6 years later I became a member of the House and so worked with him for the ensuing 12 years.

I was very pleased to have a chance to join in naming that post office for him. I regretted the fact that I was not able to participate in the debate. I was tied up at a committee meeting. I thought I was going to be notified in time but to my error I came too late to make the debate so I am taking this special opportunity now because of my enormous respect for Joe Early and in particular for his extraordinarily strong understanding of what the role of government ought to be in our society.

Joe Early, during his time in the Massachusetts legislature, during his time here, showed that you could be compassionate, that you should be concerned about the needs of people who would otherwise be left behind without in any way being soft on waste, without in any way being tolerant of sloppiness or unnecessary expenditure. Joe Early was a tough fiscal watchdog. On the Ways and Means Committee in the Massachusetts House and here on the Appropriations Committee, he was a man who paid a lot of attention to the specifics and was very, very tough on those who would waste public money. But he also understood that there were important values for the quality of our life that had to be met with public money. Time and again when it would be unpopular, when demagogic amendments would be offered on the floor of this House to make cuts of various sorts, Joe Early would be one of the few courageous enough to point out how damaging they would be, how irresponsible it was to take that easy approach as opposed to doing the kind of tough, ongoing work that he did of familiarizing himself with the programs for which he had legislative responsibility and fighting hard to make sure that they took effect.

Those of us who knew Joe Early also were stimulated by his company. He was not, as people will remember who served with him, an unfailing dispenser of good cheer. If something was bothering you and you were looking for a smiley face, Joe was probably the last person on the continent that you wanted to encounter. But if you wanted serious conversation about our responsibility as an elected official, if you wanted to talk about both the strengths and the limitations of government, if you wanted to talk about

how you actually use the machinery of government and public funds to try and accomplish important goals, then Joe Early would be very, very high on your list of people to consult.

He was, in particular, interested in medical care. He was very proud of the first-rate complex at the University of Massachusetts Medical School that he represented, and the hospitals. He took on, to some extent, from Tip O'Neill, the great leader of the Massachusetts delegation, an interest in and an advocacy for the National Institutes of Health. Joe Early did as much as any man who served during that period to help America establish the position of leadership in health research, in providing the kind of resources that has done so much to improve the quality of human life.

So now that Joe is in retirement, I want to just take this opportunity to express my appreciation to my colleague from Worcester (Mr. MCGOVERN), Joe Early's successor, for taking the initiative in naming that post office after Joe Early because it is as much as we can do to pay tribute to a man who understood as well as anyone what the job of being a Member of the United States House of Representatives entailed and who used to the fullest the powers of this job to make life better for the people of this country.

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

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

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

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

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

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

IN TRIBUTE TO ARMENIA'S 11TH ANNIVERSARY OF INDEPENDENCE

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

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to the Armenia Republic on the nation's 11th anniversary of independence. On Saturday, September 21, citizens of Armenia as well as people of Armenian descent here in the United States and around the world celebrate their independence from the former Soviet Union. I traveled to Armenia along with the gentleman from Texas (Mr. DOGGETT), who is also in the House Chamber this evening, during the August recess, my fifth trip there since independence, and I witnessed firsthand the spirit and determination of the Armenian people. Their spirit has to be strong, Mr. Speaker, because they have suffered a dual, coordinated blockade by Armenia's two hostile neighbors, Azerbaijan and Turkey, for the preponderance of the young country's life. Despite this overwhelming burden, Armenia is currently poised to become a full-fledged member of the World Trade Organization and has identified joining the European Union to be its next priority.

Mr. Speaker, the United States has a fundamental national interest in bringing about stability in the strategically located Caucasus region and in supporting those emerging nations like Armenia that share our values. I was very pleased to see that Armenia was one of the first countries to pledge military and logistical assistance after September 11 and continue to hope that all parties that contribute in the war on terrorism can use that coordination as a catalyst for direct cooperation.

Mr. Speaker, it was the collapse of the Soviet Union in 1991 that allowed the Armenian people to reestablish a state and a nation, to create a society where their language, culture, religion and other institutions would prosper. The people of Armenia have endeavored to build a free and proud nation based on the principles of democracy and a market economy. The tiny, landlocked Republic of Armenia is surrounded by hostile neighbors. Even in the face of this enmity, Armenia continues to implement economic and democratic reforms. The International Monetary Fund and the World Bank have publicly noted Armenia's economic progress in recent years. Despite this progress under special and difficult circumstances, I saw firsthand that the economic reality of daily life for the people of the Republic of Armenia continues to be extremely hard.

Mr. Speaker, I hope that the Republics of Turkey and Azerbaijan will respond positively to Armenia's repeated offers to normalize relations. Specifically, I hope that Turkey will allow for the exchange of diplomats and allow the free flow of goods and people across the borders. And I hope that, with the active participation of the United States, we will resolve the Nagorno-Karabagh conflict in a manner that guarantees the security and self-determination of the people of Karabagh.

Finally, Mr. Speaker, I wish the Armenia people well on the occasion of their independence day and, more importantly, in their ongoing effort to establish good relations with their neighbors and their effort to build a vibrant democracy so that their children may prosper in the homeland of their ancestors.

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

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

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

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

THE COSTS OF WAR

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

Mr. DOGGETT. Members of Congress must thoughtfully reflect on their neighbors' concerns and not serve as a mere speed bump on a fast road to war. This Administration has failed to provide evidence to us here in the Congress, either secretly or publicly, that Saddam Hussein, a despicable dictator, represents an imminent threat to Americans, that he had a role in the tragedy of 9–11, or is in any way directly linked to the al Qaeda terrorist network, or that his danger to the world has significantly changed since 9–11. If such evidence exists, the President should come forward and ask for a declaration of war. Instead, the President has today submitted to the Congress the draft of a sweeping resolution that would, if approved and implemented fully by the Administration, commit thousands to death and extract billions from the pockets of American taxpayers.

It is interesting to contrast this resolution with that enacted in August of 1964 upon which the Vietnam War was fought, the Gulf of Tonkin resolution. At minimum, this Congress would do well to narrow the President's request today to the overly expansive language of the Gulf of Tonkin, which did at least limit the Commander in Chief ''to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.'' The resolution also provided that we would react if a member state of a particular defense treaty of which we were a member was ''requesting assistance in defense of its own freedom.'' President Bush is seeking much, much greater authority than the Gulf of Tonkin resolution.

I believe that it is very important for Americans to realize that launching a war against Saddam Hussein, despot that he is, will entail costs far beyond the battlefield. In addition to questioning why young Americans will be almost alone to die in order to win this war, there will be extraordinary costs that will touch the lives of every family in America—costs that will certainly require reaching into the pocket of every taxpayer in this country.

□ 1615

This week on the front page of no less a publication than the Wall Street Journal, President Bush's top economic adviser, Lawrence Lindsey, estimated that the cost of waging this war in which this Nation is about to embark may rise as high as $200 billion. That is ''billion'' with a ''B''. That is billions that take away the hopes and dreams of so many of us for the opportunities that this country could afford. That is $200 billion with a ''B'' that could be available to ensure a life of dignity for many older Americans; and provide economic security, healthcare, prescription drugs, and strengthen Social Security for our baby boomers. That is billion with a ''B'' that will not be available to assure the educational hopes and opportunities of a generation of young Americans. It is billions with a ''B'' that will be spent on war in Iraq, instead of being spent to address our many other types of security needs here at home.

The $200 billion estimate, as high as it is, may be misleadingly low. We do not know whether this includes the prolonged occupation of Iraq and all of the associated costs, which Vice President CHENEY has admitted are an essential part of this war; the rebuilding of Iraq, installing a new regime, wherever that might come from, as well as, of course, the much higher prices all of us can expect to pay as a result of increases in the price of oil.

According to the same Wall Street Journal article, other Administration economists say their main fear is that an Iraq war could lead to a sustained spike in [oil] prices.

This estimate also does not include the cost of the war widening if, for example one of our few allies decides to become involved, and as a result other oil suppliers no longer supply that oil and there is additional regional conflict.

''Whatever the bottom line,'' the Wall Street Journal reports, ''the war's cost would be significant enough to make it harder'', much harder, ''for the Bush Administration to climb out of the budget deficit hole,'' which, I would add, grows deeper and deeper.

So I would urge our colleagues to review this resolution very closely, offer their ideas, informed by their constituencies, and seek to work with President Bush to bring us together in favor of effective international arms inspection, instead of leading us into a war that cannot be justified based on present evidence.

QUESTIONS ABOUT THE NEED FOR WAR WITH IRAQ

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I join my colleague, the gentleman from Texas (Mr. DOGGETT), to place on the record this evening information important to the American people.

One of the questions I have on this resolution that President Bush has sent up to the Congress, the joint resolution to authorize the use of United States Armed Forces against Iraq, is the first question of why now, 7 weeks before an election?

Just about a week ago, the President properly appeared before the United Nations, and he talked about the grave and gathering danger of what was occurring inside Iraq relative to Iraq's development of nuclear weapons and biological and chemical weapons. But the President did not say an imminent danger. In other words, 7 weeks before an election in this country, why does a grave and gathering danger require us to take precipitous action against another nation state? I would ask the President if action is not imminent, why now? Why now are we faced with this resolution, 7 weeks before congressional elections? It is very, very curious timing.

One of the other questions I would ask the President is who is the enemy? Now, we know who caused the carnage over New York and Pennsylvania and at the Pentagon, and we know al Qaeda is a Middle Eastern-based terrorist network, but their base is not Iraq. So I would say, what is the connection between al Qaeda, where our attention should be focused, and Iraq?

I have gone to every single briefing here in the Capitol this week trying to get the evidence from the CIA, the Defense Intelligence Agency, former ambassadors from that region, weapons inspectors that have gone into Iraq in prior years. They have established no connection between al Qaeda and Iraq. So, who is the enemy? Who is the enemy, Mr. President, and why are you trying to pass this resolution at this point?

Our forces are engaged in many places on the globe, certainly keeping order in the Balkans. But now we have the Afghanistan situation facing us with terrible, terrible disruption inside that country, with terrorists coming back, the Taliban, the leftovers, creating difficulties in that region of the world. And I think it is very important to recognize that moving into Iraq will be a significant military undertaking.

Who is the enemy? Who is the enemy? We are not saying that Saddam Hussein and that despotic regime functions in a way that we consider acceptable on the face of the Earth. But what is the justification for now?

Let me mention also, is it just a coincidence that in Iraq, which holds the second largest supply of the world's oil reserves, is there any possibility that in the resolution the President has sent us where he talks about defending the national security interests of the United States and restoring international peace and security in the region, that it might have anything to do with the oil that sits underground in that particular country?

We know that about 2 years ago in October one of our destroyers, the U.S.S. Cole, was suicide-bombed in Yemen Harbor, and we know that we are extended in that part of the world to protect the oil lanes that are supplying this country every day.

I say to myself when I look at the President's plan for energy that he sent up here earlier this year, what a disappointment to me as an American, a 21st-century American, that he has us wed to oil as the future, a diminishing resource.

We should be moving to a carbohydrate future, not a hydrocarbon future in this country. We should be moving toward a hydrogen future, not a petroleum future. We should be moving to a photovoltaic future, to a fuel cell future, not a petroleum future. So both domestic policy and the flawed energy document released and our foreign policy are totally tied together in this wedding of oil and politics that has been the heritage of this country for the last 70 years.

It is time to change. America wants to move on. In fact, if we removed oil as a proxy for our foreign policy, what a different world this would be.

I think it is important to remind the American people that the current recession that we are in, causing significant damage across this country, including in districts like mine, was triggered by rising oil prices. Lots has happened since that occurred; but nonetheless, look at what you spend at the gas pump and watch international events and how they are tied to oil.

I would just say that it is time for America to change. I look forward to future debates on this resolution and the future direction for this country that is domestically independent and at peace in the world.

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

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

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

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

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

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

ESTABLISHING THE TRUTH ABOUT IRAQ

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

Mr. KUCINICH. Mr. Speaker, the Congress of the United States has just received from the White House a proposed draft which would put this Congress on the path of approving a war with Iraq. The text of the resolution is very instructive, because the text of the resolution seems to ignore some basic facts, and facts are important. They are urgent at this moment in our Nation's history.

The first fact we must keep in mind: Iraq had nothing to do with 9–11, yet the text of the administration's resolution implies that Iraq is connected to 9–11.

Second: Iraq has not been connected to al Qaeda, but the text of the administration's resolution implies that somehow Saddam Hussein has something to do with the al Qaeda terrorist network. Even the United States' own intelligence agencies, which have considerable resources, have not been able to establish that.

We also know that Iraq was not connected to the anthrax attacks upon this Nation. Yet the resolution which the administration has presented to this Congress would ask this Congress to wage war against Iraq as a matter of self-defense.

Now, what is self-defense? Self-defense is when someone attacks you, you have a right to defend yourself. On September 11, the year 2001, the United States was attacked. We have a right to defend ourselves. On the vote that came before this Congress on September 14, I joined other Members of Congress in voting for America to defend itself and in voting for America to pursue the terrorists and to bring them to justice; a task, I might add, which is unfinished. Yet that is ignored in this resolution.

This resolution instead will urge the American people to finance to the tune of over $100 billion a war against a nation which has not waged war against us. For the first time in our country's history, we are going to be asked to approve a resolution to wage a war of aggression, not a war of defense.

This is an important moment in the history of our Republic. All credible intelligence says that Iraq does not have usable weapons of mass destruction. They were destroyed in the Gulf War. Those weapons capabilities, which Iraq got from, guess who, the Bush administration, the first Bush administration, capabilities for biological, chemical and nuclear weapons of mass destruction, they were all destroyed in the Gulf War. Yet the administration would have the people of this country believe that Iraq still possesses those capabilities.

They do not. We have the ability to tell if anyone in the world is making nuclear weapons. We have technology that can tell if gamma rays are being emitted, which are an essential telltale proof of this work of construction of nuclear weapons.

There are 17 nations in the world which either possess, are trying to get, or actually have nuclear weapons capability. Are we going to begin waging war against some of those nations? Because this resolution brought by the administration to this Congress would somehow enable the administration to pursue war wherever they wanted to in the region.

Think about this, America: Iraq does not have any usable weapons of mass destruction. They do not have the ability to deliver those weapons to the United States. No one can come before this House and say that Iraq can launch a missile, if they had one, from Baghdad and send it here.

We have to establish the truth. ''Ye shall know the truth and the truth shall set you free,'' it says in the Scriptures. Let the truth guide America in this period. Let the truth create peace. Let the truth steer us away from war and find a path where America can protect the very soul of our Nation.

□ 1630

TRUTH FOR AMERICA

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

Mr. TAYLOR of Mississippi. Speaker HASTERT, today marked the 1,355th day that you have been Speaker of the House. During that time, in particular, in the past 1 year, while the Republicans have had a majority in the House, my colleagues will recall a year ago, they had a Republican majority in the Senate, and they passed their tax breaks, they passed their budget. They got their spending, they got their taxes. They increased spending by 16 percent and they cut taxes by 8 percent. So in one year, they have now added $440,605,894,921 to the national debt.

Those of us who have studied American history will be quick to note that from the day that George Washington became President almost until the beginning of World War II, our Nation did not acquire that much debt in well over 150 years. The Republican Congress, in one year, has increased the debt by that much.

One would think that their response to that would be some shame because, after all, all they are doing is sticking our kids with their bills. That is what they did today. They passed a bill to say that some kids can inherit unlimited amounts of money and not pay a penny's worth of tax on it. For those of us who are self-employed as a welder, a logger or a shrimper like some of my friends back home, they pay the employer's share of Social Security, they pay the employee's share of Social Security, so right off the bat they are paying about 18 percent of taxes. Plus they are paying income tax on that. But for the very wealthiest Americans, those who make the biggest campaign contributions, they can now, under the Republican plan, inherit unlimited amounts of money and not pay a dime on it; not pay a dime. Tell me it is fair to the self-employed person. Tell me it is fair to the lady who is going to clean up this building tonight who is going to pay at least 8 percent taxes just for Social Security and Medicare.

But what is really unfair is that in order to give the Bush kids and the Cheney kids this huge inheritance tax-free, they are sticking my kids, the Taylor kids, they are sticking the Jones kids, they are sticking the Jackson kids and everybody else's kids with the bill.

Mr. Speaker, this is real money, and when America borrows money, it is just like when a citizen back home uses their credit card. As long as you owe it, you have to pay interest on it. I bet not one person watching this realizes that the biggest expense of your Nation is not welfare, it is not food stamps, it is not transportation, it is not taking care of veterans, it is not defense; it is interest payments on the national debt. It is $1 billion a day. Almost every American can visualize $1,000. That is a big rent check, a house note and a car note for some people, but we can visualize a thousand bucks.

So what we are spending today on the interest is a thousand times a thousand times a thousand. It is squandered. It does not educate our kids, it does not help the military, it does not help old folks, it does not help kids, it does not help anybody. A third of that goes to Japanese and German lending institutions, the folks that lend us the money. So I am sure our World War II vets are particularly pleased to know that the folks we defeated in World War II now have the ability to crush our economy any time they call in the note.

So, Mr. Speaker, one would think that the prudent thing to do in response to running up that debt was come to this House Floor and say, okay, we have to cut spending, and maybe we ought to take a look at some of those gigantic tax breaks the Republicans gave their big contributors but, instead, no, they want to make them permanent, even though just last week, the head of the Office of Management and Budget, Mitch Daniels, told us that even with this huge increase in the debt, only 10 percent of the tax breaks have kicked in. So we are $440 billion broker than we were a year ago today. What do we think we are going to be when the big tax breaks really kick in?

Our Nation is now $6 trillion, that is a thousand times a thousand times a thousand times a thousand times 6 in debt. Why does it affect every one of you? Because you folks that I cannot talk to in the gallery under House rules, you pay Social Security taxes. You probably do not know that right now there is not a penny in the Social Security trust fund, and that if we could find the so-called Social Security lock box, all we would discover is an IOU for $1 trillion, 300 billion. That is a thousand times a thousand times a thousand times a thousand.

Every one of you who has ever worked paid Medicare taxes. The money is supposed to be set aside to help pay your health care bills when you get older. If you could find the so-called lock box, all you are going to find is an IOU for $263 billion, a thousand times a thousand times a thousand times 263. That is your money that they have taken and stolen, because it is borrowed if they have a plan to pay it back, but if you have no plan to pay it back, and there is no plan to pay it back, it is stolen.

Mr. Speaker, you have now been speaker for 1,355 days and you will not let this House vote to balance the budget. You will not allow a vote on a Balanced Budget Amendment to the Constitution, and you do not deserve to be speaker, but the American people deserve to know the truth.

LONELY IN THE QUEST FOR PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, sometimes the well of the House is lonely in both appearance and the substance of which one comes to speak. Today I speak about a matter that has troubled me from the time that the first pronunciations came from the White House as we moved toward the summer recess and then went home to our respective districts to be with our constituents and to listen to their viewpoints and to do their bidding; from that moment in June, I stood on the floor of the House and asked for concern and reconciliation on issues dealing with Iraq. In February of 2001 I stood on the floor to ask that we not abandon the crisis in the Mideast and, to my dismay, for 9 months, there was no attention to the proliferation of suicide bombings and killings, and even in the last 24 hours tragedy occurred in the State of Israel, our friend, with the suicide bombing. The war of terrorism still wages in Afghanistan, and President Karzai is depending upon the United States remaining strong and fighting against terrorism, building the Nation, helping the men and women and children that want democracy in Afghanistan. Based on the resolution that I supported after the terrorist acts, the horrific acts, and my own personal visit to Afghanistan visiting with the people, walking the streets, seeing the landmines and the devastation, I remain committed to fighting terrorism.

But it costs $1 billion a month, and we realize that the horrific act, as we have just seen, that occurred on September 11 occurred because we needed to do some things better, intelligence-sharing and information, and I hope that the families will get the truth.

But now we come with a pronouncement that we are prepared to make a unilateral attack on Iraq. As I read the resolution that the President has now offered to us, there are some things that I agree with, that Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of the civilian population. I agree. Whereas members of al Qaeda as organizations being housed, or the responsibility for attacks in the United States may be known to Iraq, I agree. But they may be known as well to Saudi Arabia and Pakistan.

We must realize that in this determination, we are better, as Americans, if we work through this process through reconciliations and the United Nations Security Council. What are we to do when nations around the world disturb us? Is it our responsibility to, on behalf of the American people, send our young men and women into harm on a unilateral basis? Are we to continue operating on a deficit where there is no money to wage war without substance?

I ask the President, as this resolution is sent forward, let us sit down at the table and really enunciate a policy that brings no shame to this Nation. For there are no wimps in this Nation; not a one of us would shy away from a fight to defend this land. I may not be in a position to go, but you could ask any one of us who would accept to go, but those young men and women are already on the frontline. I have seen them. I have seen the body bags in Afghanistan. Those of us who know history know how we left the marine troops in Lebanon where 200-plus died. Those of us who know history know about Vietnam and the body bags, 56,000 that came home.

Mr. Speaker, I have no intent to argue against an administration that wants to do what is right for America; I want to follow the Constitution that says this body must declare war.

This resolution in its language allows the President the opportunity to do unilateral attack on Iraq with no support from our multinational allies and to do a preemptive attack. I will go home this weekend to hold a citizens forum to listen to the constituents of the 18th congressional district. Whoever is hearing my voice, I ask you to join around kitchen tables, PTA meetings, churches and synagogues and mosques. Begin the discussion. Do not be acted upon. This is America.

Mr. Speaker, though this is a lonely place, I would much rather stand here today on September 19, 2002 and raise my voice, for I will never forget Secretary MacNamara's words post the Vietnam War: he wished he had said something. He wished he had stood up. He wished he was counted against a war that may not have been what we all thought it could have been; not against those heroes who died, Mr. Speaker, we will always respect the Vietnam vets, but I will come to this well lonely so that we can hear the truth and that peace will survive.

FREE SPEECH FOR AMERICA'S RELIGIOUS INSTITUTIONS

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

Mr. JONES of North Carolina. Mr. Speaker, I will not take the full hour, but as we are talking about our men and women in uniform, and I want to join with the gentlewoman from Texas, that we are very fortunate to have the men and women who serve this Nation, and God bless them, and also the families of those who serve this Nation, the men that serve this Nation and the women, that we do appreciate them. That is really one of the reasons I am on the floor today, because I do appreciate and I cherish the First Amendment right of the Constitution of the United States of America, and I know that many men and women have died for that right and other rights that we enjoy based on our Constitution.

But the reason I am here, Mr. Speaker, is because our churches and synagogues are denied the First Amendment rights to talk about issues such as political issues. Well, some people might not know the history, and the history is this, that from day one of the beginning of this Nation, the preachers and priests have had the freedom to talk about political issues and actually had that freedom until 1954. If this was 1953, Mr. Speaker, I would not even be on the floor, because there would be no problem. The churches had freedom of speech until 1954.

In 1954, Lyndon Baines Johnson, United States Senator and majority leader, a very strong position that he held in the United States Senate, had the H.L. Hunt family back in Texas opposed to his reelection because they were saying that Johnson was soft on communism. So the H.L. Hunt family had established 2501(c)(3) think tanks, obviously not churches, but think tanks. So Johnson, being the man that he was, put an amendment on a revenue bill going through the Senate in 1954 that was never even debated; they never debated the amendment. Basically what he said was if you are a 501(c)(3), you may not have political speech.

Well, Mr. Speaker, I am one who believes sincerely that the strength of this Nation depends on our spiritual leaders having the right of free speech, whether it be a political issue that they think is important or whether it should be a moral issue that is somewhat political. What Mr. JOHNSON did was to give the authority to the Internal Revenue Service to be able to say what can be said and not said as it relates to political issues of the day.

I must say, Mr. Speaker, that I believe sincerely that the moral future of this country depends on our religious leaders having the freedom to talk about issues, should they choose.

Let me give an example. A priest in my district, the third district of North Carolina, was asked by a parishioner who is a friend of mine, his name is Jerry Shield, Jerry Shield asked the priest in October of 2000 during the presidential election, he asked his priest, Father Rudy at St. Paul's in New Bern, North Carolina, he said, Father, please just make the statement at the end of the mass that George Bush is pro-life.

Mr. Speaker, that is not an endorsement. It is a statement, it is an educational statement for those parishioners that attended that church.

□ 1645

The priest said to Jerry Shield, I cannot do that, Jerry, because it will violate the 501(c)(3) status of this church.

Mr. Speaker, I have introduced a bill, H.R. 2357, the Houses of Worship Free Speech Protection Act. I am pleased to tell the Members that the support that we have from leaders around this Nation is really quite humbling, to be honest; people like Richard Land of the Southern Baptist Convention; James Dobson, president of Focus on the Family; David Barton, director of the Wallbuilders; James Martin, the 60 Plus Association; Tim and Beverly LaHaye, and we all know their fine work; and Concerned Women for America; also, the Family Research Council; the Religious Freedom Coalition, they support this legislation; also, David Keene, who is chairman of the American Conservative Union.

Dr. D. James Kennedy, one of the finest men I have ever met, from the Coral Ridge Ministries, is a strong supporter of this legislation.

Another man that I have great respect for, along with all the others that I have named, is Ray Flynn. Ray Flynn is the former ambassador to the Vatican and former Mayor of Boston, Massachusetts. Mr. Flynn supports this legislation; also, a man that I have really gotten to know by telephone who I have a tremendous respect for, Rabbi Daniel Lapin. He is a wonderful man of God, and he supports this legislation; and James Bopp, the constitutional lawyer for the James Madison Center for Free Speech. He is a strong supporter of this legislation.

Mr. Speaker, the reason I have this enlargement of a letter that I received, it is from a fine man who was a Member of Congress my first year, 1995. Floyd Flake was a Member of the Congress. He is an ordained minister, as well. I talked to him about 4 or 5 months ago. I told Dr. Flake what I was trying to do: I was just trying to get the support to return the freedom of speech to our churches and synagogues. We chatted for a while, and he said, Congressman, I would be glad to write a letter of support.

I just want to read two paragraphs from this letter:

''I praise God for the stand that you have taken to defend the first amendment right of houses of worship. It is unjust that churches and clergymen and women are unfairly targeted when they exercise their right as an American citizen. I am pleased to offer my wholehearted support with sincere prayer for passage of this important and liberating legislation.''

I am very honored and pleased to have Dr. Flake support this and certainly to have his letter of support for what we are trying to do.

Mr. Speaker, it so happened that on May 15, the oversight committee, chaired by the gentleman from New York (Chairman HOUGHTON), held a hearing on this issue, freedom of speech in our churches and synagogues. That day, D. James Kennedy came up from Florida, flew up from Florida to testify on behalf of this legislation.

In addition to Dr. Kennedy, also Pastor Walter Fauntroy came, who is a pastor here in Washington, D.C. at the New Bethel Baptist Church. I am pleased to tell the Members that actually he was a Member of Congress and also the vice mayor of Washington, D.C., at one time.

Let me share a couple of comments that they made when they testified before the oversight committee on May 14. I want to read these two paragraphs, Mr. Speaker. This is from Pastor Walter Fauntroy. I am just going to read his 5-minute presentation that he made before the oversight committee, just two paragraphs for the RECORD:

''What I have learned as a pastor, civil rights activist, and Member of Congress over these years has led me to appear before you today in support of H.R. 2357, the Houses of Worship Political Speech Protection Act. In the 5 minutes allowed me, I want to share with you two definitions of 'politics' upon which I have acted over these years as a pastor, as a civil rights activist and a politician that inform my decision to support this legislation,'' H.R. 2357.

In addition, he closed this way, Mr. Speaker. I cannot read the entire testimony. I will at a later time, not today, ask that I might be able to submit this for the RECORD.

He closed his testimony, and again, this is Pastor Walter Fauntroy, pastor of the New Bethel Baptist Church here in Washington, D.C. Many of my colleagues on both sides of the political aisle know him well, as they do Reverend Floyd Flake from New York. This is how Pastor Fauntroy closed:

''So, Mr. Chairman, I know that it is not in my interest or that of the people whom I serve that certain people who are self-centered hypocrites when it comes to the basic tenets of their religions exercise their right to be wrong. But like Voltaire, I may disagree with them vehemently, but I will defend to the death their right to be wrong and their right to participate in an orderly effort to 'translate what they believe into public policy and practice.' I must not be selfish and therefore sinful; I must not demand for myself what I would deny others.''

Mr. Speaker, he also closed with a Bible verse. Again, this is Pastor Walter Fauntroy, who is testifying on behalf of H.R. 2357 to return freedom of speech to our churches and synagogues, should those pastors decide that they want to talk about the issues of the day. Many times there are political issues of the day.

He closed this way by saying: ''. . . save his life, shall lose it, and he that loses his life for my sake shall find it.'' That is Matthew 10:39. I wish I could read the entire testimony of Pastor Fauntroy. Obviously, Members would better understand the last paragraph if I had had the time to do that.

In addition, I want to read just a couple of statements from the testimony of Dr. D. James Kennedy. He and Pastor Fauntroy, along with Kobe May, and Kobe May is an attorney for the American Center for Law and Justice, they testified that day on behalf of freedom of speech in our churches and synagogues.

This is one of the paragraphs that Dr. Kennedy said during his testimony that I want to read:

''This legislation is a vitally important step in reversing a long-standing injustice whereby free speech seems to be protected everywhere except in the pulpit of our churches and other houses of worship. It will restore to churches a freedom and role that dates to the American infancy.

Nineteenth century historian John Wingate Thornton said, ''In a very great degree, to the pulpit, the Puritan pulpit, we owe the moral forces which won our independence.''

Mr. Speaker, that is so true. If we think about the history of this Nation, there was never any restriction of speech in our churches and synagogues, none whatsoever. Only Lyndon Baines Johnson in 1954, with an amendment that was never debated, put the IRS in the churches and the synagogues and the mosques of America.

Mr. Speaker, let me continue for just a few more minutes. I would like to say that also at that hearing was the Internal Revenue Service, and I want to read just a couple of comments made by the agents that testified. This is what one agent said when he was asked the question by the gentleman from Georgia (Mr. LEWIS), and this was the question from the Congressman: ''As a rule, do you monitor the activities of churches during the political season?'' Mr. Miller, who represented the Internal Revenue Services, his answer to the gentleman from Georgia (Mr. LEWIS) was this: ''We do monitor churches. We are limited in how we do that by reason of section 7611 and because of the lack of information in the area because there is no annual filing.''

Mr. Speaker, this is the point I really want to make because this is Mr. Miller's answer: ''So our monitoring is mostly reciprocal of information from third parties who are looking in.'' Mr. Speaker, that kind of reminds me of what I think Nazi Germany might have

been in the late '30's where there are snitches that are willing to turn in somebody for what they said in a free nation. Mr. Speaker, America is better than that. America is greater than that. Our church leaders do not need to be muzzled by the Federal Government, and in this case the Federal Government is the Internal Revenue Service.

Let me give you another practical example that the gentleman from Illinois (Mr. WELLER) asked of Mr. Miller. The question is: ''Can the minister say the following from the pulpit and not be in violation of the tax status,'' and this is what the preacher would be saying, ''that candidate X is pro-life or candidate Y is pro-choice?''

The answer from the IRS is: ''That becomes more problematic, Congressman. The pastor, the minister, the rabbi can speak to the issues of the day, but to the extent that they start tying it into a particular candidate and to a particular election, it begins to look more and more like either opposition to a particular candidate or favoring a particular candidate.'' So because I have a bill in, H.R. 2357, and the gentleman from Illinois (Mr. CRANE) has a bill in that speaks to the same issue, the gentleman from Illinois (Mr. WELLER) then asks Mr. Miller: ''And would the Crane and the Jones legislation clarify the law to allow for that type of statement?'' The answer from Mr. Miller is ''I believe so.''

Then let me go further. Really this in itself is another point I want to make. The gentleman from Illinois (Mr. WELLER) further asks: ''Just to follow up on that, say you have a candidate who was a guest speaker, was in a church speaking from the pulpit, concluding his or her remarks, and the minister walks up, puts his or her arm around that particular candidate and says, 'This is the right candidate, I urge you to support this candidate.' Is that allowable under law?''

Mr. Hawkins, another IRS person that attended and spoke at the hearing on May 14, responds, ''No, that would not be allowed under the law. That would clearly be political campaign activity. It would be protected, however, under the two bills that have been introduced by Mr. Crane and Mr. Jones.''

Mr. Speaker, that is the reason that I have for the last year and a half taken this on, because I sincerely believe that for America to remain morally strong, our preachers and our priests and our rabbis must not be politically handicapped by the speech patrol, in this case, the IRS, because, again, Mr. Speaker, this country is too great and too many people have given of their lives to protect the freedoms that we should be able to enjoy.

Mr. Speaker, let me also say that something that came to my attention as I started researching this issue is that the IRS has what they call code words, code words that they think could be used to endorse a candidate, and let me tell you what these code words are. Liberal, prolife, prochoice, antichoice, Republican, or Democrat.

Let me give you a practical example, and this is the information that they give to the people of America about what they can and cannot do and what candidates can and cannot do, and this issue that I am talking about is on Page 315 of the information that is provided by the Internal Revenue Service. It is called the ''Election Year Issues.'' Let me read and give you the example of what they give in this documentation. This is not even a church, by the way. ''If a nonprofit in Vermont runs an ad regarding a local 'liberal' candidate, the Vermont voters would know which specific candidate the nonprofit was discussing,'' in this case, a liberal candidate. This is a code ''and in violation of Internal Revenue Service Code 501(c)(3) because oftentimes candidates are unofficially given labels that become commonly known.''

Mr. Speaker, the more I got into this issue, I can honestly say that it is absolutely ridiculous, and in my opinion it is unconstitutional that Mr. JOHNSON was able to get his amendment passed without any debate, and if there had been debate, quite frankly, I still think it is unconstitutional that this Federal Government through the Internal Revenue Service would try to stifle free speech in our churches and synagogues. So that is the reason I wanted to be on the floor today. I will make a few more comments and then I will close.

We have numerous letters from religious leaders throughout this country that believe that this legislation is right, that this legislation is needed. I will give the example again, Dr. Flake had Al Gore in his church in the year 2000, and Mr. Flake is a Democrat, he is a good man, and he blessed his party and I respect that and appreciate that. So when Mr. Gore finished speaking in his church, Dr. Flake walked up in front of approximately 10,000 people, a big church in New York and he is a great minister and draws big crowds, and he said, ''I believe that Al Gore is the right man for this Nation.'' That is all he said. He got a letter of reprimand from the Internal Revenue Service. If our preachers and ministers and priests and rabbis feel that they have a spiritual calling to help educate people in that congregation then please, please, let us not have the Federal Government determine what they can and cannot say because their role for this Nation's future is too important.

So again I have got the letter from Dr. Flake here that I read earlier, the two paragraphs, in support of this legislation. Mr. Speaker, we have 130 cosponsors on this legislation, and I am a Republican and I am reaching out across the aisle, and I am pleased to say that we have about six or seven Democrats that have joined us. I have got three appointments next week with three members of the Democratic Party to go to their offices and sit down and talk to them about joining us in this effort to return to freedom of speech.

□ 1700

What I have found, I do not know how many radio shows across this Nation that I have had the opportunity to be on. I was on a show today in Iowa, and I was on a show two days ago in Kentucky and I am finding people of faith that really just did not know what the law was. And when they hear the history of it, again, that Lyndon Johnson, just a man of arrogance, in my opinion, that just wanted to show an opponent that he could stifle his speech, and when I tell them the history of this thing and they know the history of America and the fact that we have such freedom that our ministers and priests have never been bridled in speech until this became the law in 1954.

They are joining me in this effort. I believe the leadership will give us a chance to debate this issue on the floor of the House sometime before we leave for the elections.

Mr. Speaker, I will always remember that this country has been blessed by God; and the freedoms that we enjoy, in my opinion, Mr. Speaker, are blessed by God also; and I want to return that freedom. I want to make it clear that should they have this freedom in the churches, not every minister is going to make a decision that he wants to talk about this issue or that issue that might be of a political nature. But should he not have the freedom to do so, should he or she choose to do so? I think so. And I am pleased that 130 of my colleagues think so.

We receive faxes and e-mails just about every day from a minister from across this Nation. We got one yesterday from a minister in Missouri who said in the e-mail, ''Thank you for what you are trying to do. I am going to encourage the members from our State to join you in this effort.''

I was on the Jerry Falwell Show last Friday in Lynchburg, Virginia, and he is in 50 States, and we talked about this issue. Mr. Speaker, part of the problem is that the IRS says they cannot enforce this law, anyway. They acknowledged in the testimony on May 14 that they know there are some churches that do not abide by the law. And yet Barry Lynn, who is a man that is on the extreme left, and the reason I will say that is because he applauded the Ninth Circuit Court's decision when they said to remove ''under God'' from the Pledge of Allegiance, so to me he is an extreme liberal; and he is opposed to this legislation. In fact, in the year 2000 he sent to 285,000 churches a letter that coerced and intimidated the preachers to have any discussion of the politics of September and October of the year 2000.

So I am very hopeful that we can continue to garner support for this legislation so that the men and women who serve our Lord as preachers and priests and rabbis and clerics can have the freedom, should they choose to talk about these issues.

Mr. Speaker, I want to close if I can with a letter, and this will be towards

the end, from Richard Lynn. Richard Lynn again is the Southern Baptist Convention Ethics and Religion Commission. He is head of that commission for the Southern Baptists. And he says in his letter, ''Dear Congressman Jones: H.R. 2357 is consistent with the constitutional principle that the church should be separated from the State. The government should not have the power to define what the church believes or practices in principle or in effect. With the unbridled discretion given to the Internal Revenue Service to selectively target those it wishes to silence or threaten, this principle is not currently being protected.''

So, again, what Dr. Lynn is asking is that there not be any restriction of speech in the churches and synagogues throughout this great Nation that we all love and respect.

So, Mr. Speaker, I am now going to close the way I close every time I speak publicly. I was on the floor this week and will be a couple of times next week. This country appreciates the men and women in uniform. And as some of my colleagues from the other side were talking about the possibility of war in Iraq, which none of us know for sure what will happen, but I have three military bases in my district. I have Camp Lejeune Marine Base. I have Cherry Point Marine Air Station. I have Seymour Johnson Air Force Base. And I have gotten to know a lot of those men and women in uniform, from the privates up to the base commanders. And I tell you the truth, I love and respect all of them.

So I close my comments today, Mr. Speaker, by saying, most sincerely, God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. I have asked God to please bless the President of the United States, that the President might make the best decisions and the right decisions for the future of America. I ask God to bless my colleagues here in the House and the Senators across the aisle so that they might do what is right in the eyes of our Lord and Savior.

Mr. Speaker, I close this way because I say it three times because I mean it from the bottom of my heart. Please, God, please, God, please, God, continue to bless America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

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

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1308. An act to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772–71, 773–71, 774–71, and 775–71, and for other purposes; to the Committee on Resources.

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. 4687. An act to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

H.R. 5157. An act to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

SENATE ENROLLED BILL SIGNED

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

S. 1834. An act for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Monday, September 23, 2002, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

9240. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Disability and Rehabilitation Research Projects (DRRP) Program — received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9241. A letter from the Acting Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Rehabilitation Research and Training Center (RRTC) Program — received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9242. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Sources and Modifications [TX-104-1-7401a; FRL-7378-7] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9243. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Carbon Monoxide Implementation Plan; State of Alaska; Anchorage [AK-02-001; FRL-7253-4] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9244. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Utah; New Source Performance Standards [SIP NO. UT-001-0043a, UT-001-44a; FRL-7376-7] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9245. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver PM 10 Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes [CO-001-0067; FRL-7261-3] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9246. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Vehicle Inspection and Maintenance Program; Utah County [UT-001-0021a, UT-001-0041a; FRL-7264-7] received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9247. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 27-02 which informs you of our intent to sign Amendment One to the Future Air Capabilities Memorandum of Understanding (FAC-MOU) between the United States, France, Germany, the United Kingdom and Italy, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9248. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 26-02 which informs you of our intent to sign a Project Agreement concerning Aegis Combat System Test and Evaluation on U.S. and Spanish Aegis Ships between the United States and Spain, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9249. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 25-02 which informs you of our intent to sign the Second Amendment to the Arrow System Improvement Program (ASIP) between the United States and Israel, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9250. A letter from the Deputy Assistant Secretary, Export Administration, Department of Commerce, transmitting the Department's final rule — Licensing Jurisdiction for ''Space Qualified'' Items and Telecommunications Items for Use on Board Satellites [Docket No. 020726182-2182-01] (RIN: 0694-AC49) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9251. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on International Relations.

9252. A letter from the Acting White House Liaison, Department of Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9253. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-09; Introduction — received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9254. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Emergency Rule to Establish Seven Additional Manatee Protection Areas in Florida (RIN: 1018-AH80) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9255. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2002-2003 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AI34) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9256. A letter from the Army Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Environmental Analysis of Army Actions [Army Regulation 200-2] received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9257. A letter from the Program Manager, ATF, Department of the Treasury, transmitting the Department's final rule — Transfer and Possession of Machineguns (ATF Rul. 2002-5) received September 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9258. A letter from the Program Manager, ATF, Department of the Treasury, transmitting the Department's final rule — Indoor Storage of Explosives in a Residence or Dwelling (ATF Rul. 2002-3) received September 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9259. A letter from the Program Manager, ATF, Department of the Treasury, transmitting the Department's final rule — Indoor Storage of Explosives in Business Premises Directly Adjacent to a Residence or Dwelling (ATF Rul. 2002-4) received September 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9260. A letter from the General Counsel, United States Access Board, transmitting the Board's final rule — Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Recreation Facilities [Docket No. 98-5] (RIN: 3014-AA16) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9261. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans' Affairs, transmitting the Department's final rule — Priorities for Outpatient Medical Services and Inpatient Hospital Care (RIN: 2900-AL39) received September 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KOLBE: Committee on Appropriations. H.R. 5410. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–663). Referred to the Committee on the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 691. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California (Rept. 107–664). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ISSA (for himself, Mr. CALVERT, Mrs. BONO, Mr. RADANOVICH, Mr. CUNNINGHAM, Mr. HUNTER, Mr. DOOLITTLE, and Mr. OSE):

H.R. 5409. A bill to provide an environmentally sound process for the expeditious consideration and approval of a high-voltage electricity transmission line right-of-way through the Trabuco Ranger District of the Cleveland National Forest in the State of California and adjacent lands under the jurisdiction of the Bureau of Land Management and the Forest Service; to the Committee on Resources.

By Mr. KOLBE:

H.R. 5410. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes; to the Committee on Appropriations.

By Mr. ALLEN (for himself, Mrs. CAPITO, Mr. BALDACCI, Mr. LANGEVIN, Mr. PICKERING, Mr. SIMMONS, Mr. HOLDEN, Mrs. EMERSON, Mr. GEKAS, Mr. LYNCH, Mr. MCNULTY, Mr. CRAMER, Mrs. CAPPS, Ms. BROWN of Florida, Ms. DELAURO, Mr. HILLIARD, Mr. INSLEE, Mr. SANDERS, Mr. SHOWS, Mr. SMITH of New Jersey, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. KILDEE, Mr. SNYDER, Mr. LUCAS of Kentucky, and Mr. BERRY):

H.R. 5411. A bill to extend for 3 additional years a temporary increase in payment for skilled nursing facility services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO (for herself, Ms. GRANGER, Mr. MARKEY, Mr. SANDERS, Mr. MEEKS of New York, Mr. LAHOOD, Mr. JOHNSON of Illinois, Mrs. LOWEY, Mr. CASTLE, Mr. BLUMENAUER, and Mr. KENNEDY of Rhode Island):

H.R. 5412. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURR of North Carolina (for himself, Mr. PAUL, Mr. CANNON, Mr. ROYCE, Mr. ENGLISH, Mr. AKIN, and Mr. PETRI):

H.R. 5413. A bill to amend the Internal Revenue Code of 1986 to give a deduction to corporations for dividends paid and to exclude dividends from gross income; to the Committee on Ways and Means.

By Mr. FERGUSON (for himself and Mr. FORD):

H.R. 5414. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Financial Services.

By Mr. GUTKNECHT (for himself, Mr. KENNEDY of Minnesota, Mr. LUTHER, Ms. MCCOLLUM, Mr. PETERSON of Minnesota, Mr. RAMSTAD, and Mr. SABO):

H.R. 5415. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by certain current and retired public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. WELDON of Pennsylvania, Mr. MALONEY of Connecticut, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. SIMMONS, Mr. SHAYS, and Mr. FROST):

H.R. 5416. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Ways and Means.

By Ms. MCCOLLUM (for herself, Mr. BERRY, Mr. SABO, Mr. GUTKNECHT, Mr. LUTHER, Mr. KIND, Mr. BOSWELL, Mr. FORD, Mr. SHOWS, and Mr. THOMPSON of Mississippi):

H.R. 5417. A bill to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes; to the Committee on Resources.

By Mr. MCCRERY:

H.R. 5418. A bill to reform the administrative funding of the unemployment compensation and employment service programs; to improve State administration and flexibility with respect to such programs, and for other purposes; to the Committee on Ways and

Means, and in addition to the Committees on Education and the Workforce, and 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. MCNULTY (for himself and Mr. GILMAN):

H.R. 5419. A bill to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the ''United States Postal Service Henry Johnson Annex''; to the Committee on Government Reform.

By Mr. NADLER:

H.R. 5420. A bill to amend title 46, United States Code, to require inspection of cargo destined for the United States; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS (for himself, Mr. BERRY, Mrs. CLAYTON, Mr. WILSON of South Carolina, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. OBERSTAR, Mr. BOUCHER, Mr. SHOWS, Mr. JEFFERSON, Mr. MCHUGH, Mr. TURNER, Mr. SKELTON, Mr. GOODE, Mr. ETHERIDGE, Mr. CARSON of Oklahoma, Mr. MATHESON, Mr. ISRAEL, Mr. SCHIFF, Mr. SCOTT, Mr. JOHN, Mr. STENHOLM, Mr. EDWARDS, Mr. PHELPS, Mr. SANDLIN, Mr. LARSON of Connecticut, Mr. BOSWELL, Mr. CRAMER, Mr. LUCAS of Kentucky, and Mr. SNYDER):

H.R. 5421. A bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department that is suitable to be loaned under the program to rural fire departments; to the Committee on Armed Services, and in addition to the Committee on Agriculture, 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. SENSENBRENNER (for himself, Mr. SMITH of Texas, and Mr. GEKAS):

H.R. 5422. A bill to prevent child abduction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, Armed Services, and 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. SHIMKUS (for himself, Mr. JOHNSON of Illinois, and Mr. HOSTETTLER):

H.R. 5423. A bill to provide for the annual audit of the White County Bridge Commission, for the New Harmony Bridge over the Wabash River, Indiana and Illinois, for the filling of vacancies in the membership thereof, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Washington (for himself, Mr. GEKAS, Mr. CONYERS, and Ms. HARMAN):

H.R. 5424. A bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 5425. A bill to authorize the Secretary of the Interior to participate in the construction and maintenance of facilities in Wichita, Kansas, to recharge the Equus Beds Aquifer, and for other purposes; to the Committee on Resources.

By Mr. WHITFIELD (for himself and Mr. TANNER):

H.R. 5426. A bill to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. SKELTON, Mr. BALLENGER, Mr. KOLBE, Mr. ROGERS of Michigan, Mr. LEWIS of California, Mr. WAMP, Mr. SERRANO, Mr. MORAN of Virginia, Mr. SWEENEY, Mr. MCHUGH, Mr. HUNTER, Mrs. MEEK of Florida, Mr. BEREUTER, Mr. VISCLOSKY, Mr. PENCE, Mr. TAYLOR of North Carolina, Mr. GALLEGLY, Mr. HORN, Mrs. MALONEY of New York, Mr. WATKINS, Mr. SABO, Mr. BUYER, Ms. KAPTUR, Mr. MCGOVERN, Mr. GIBBONS, Mr. COMBEST, Mr. CHAMBLISS, Mr. UDALL of New Mexico, Mr. REGULA, Mr. GRUCCI, Mr. PUTNAM, Mr. SHIMKUS, Mr. ARMEY, Mrs. MYRICK, Mrs. CUBIN, Mr. CRANE, Mr. BAKER, Mr. HAYWORTH, Ms. DUNN, Mr. GILMAN, Mr. SHADEGG, Mr. DOOLITTLE, Mr. REYNOLDS, Mr. MANZULLO, Mr. SAXTON, Mr. OSE, Mr. SULLIVAN, Mr. TOM DAVIS of Virginia, Mr. POMBO, Mr. WOLF, Mr. STENHOLM, Mr. SMITH of Texas, Mrs. JOHNSON of Connecticut, Mr. BURR of North Carolina, Mr. SAM JOHNSON of Texas, Mr. CALVERT, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. OTTER, Mr. WILSON of South Carolina, Mr. OXLEY, Mr. GREENWOOD, Mr. ENGLISH, Ms. JACKSON-LEE of Texas, Mr. BILIRAKIS, Mr. GILLMOR, Mr. WALDEN of Oregon, Mr. SHAYS, Mr. SHERWOOD, Mr. OSBORNE, Mr. MORAN of Kansas, Mr. HEFLEY, Mr. FRELINGHUYSEN, Mr. RYUN of Kansas, Mr. BOEHNER, Mr. FERGUSON, Mr. BRADY of Texas, Mr. COX, Mr. DEMINT, Mr. CANNON, Mr. GREEN of Texas, Mr. BASS, Mr. PETERSON of Pennsylvania, Mr. THUNE, Mr. HOEKSTRA, Mr. LUCAS of Oklahoma, Mr. LOBIONDO, Mr. HANSEN, Mr. SHUSTER, Mr. THOMAS, Mr. HOUGHTON, Mr. JONES of North Carolina, Mr. SIMMONS, Mr. BONIOR, Mr. OBEY, Mr. HASTERT, Mr. WELDON of Pennsylvania, Mr. GOSS, Mr. PAUL, Mr. HULSHOF, Mr. HONDA, Mr. ISRAEL, Mr. CARSON of Oklahoma, Mr. DAVIS of Illinois, Mr. UDALL of Colorado, Mr. MICA, Mr. BLUNT, Mr. TAYLOR of Mississippi, Mr. ALLEN, Mr. TIBERI, Mr. KIRK, Mr. EHLERS, Mr. FLAKE, Ms. GRANGER, Mr. PITTS, Mr. MOORE, Mr. STRICKLAND, Mr. EVANS, Mr. HALL of Texas, Mr. BENTSEN, Mr. ORTIZ, Mr. MALONEY of Connecticut, Mr. SHERMAN, Ms. LOFGREN, Mr. SCOTT, Ms. HARMAN, Mr. BOEHLERT, Ms. PELOSI, Mrs. CAPITO, Mrs. BIGGERT, Mr. DELAY, Mr. DINGELL, Mr. SAWYER, Mr. KILDEE, Mr. LAMPSON, Mr. GONZALEZ, Mr. LUTHER, Ms. ESHOO, Ms. SANCHEZ, Mr. HOLT, Mr. WAXMAN, Mr. MARKEY, Mr. ABERCROMBIE, Mr. GANSKE, Mr. KINGSTON, Mr. HYDE, Mrs. CAPPS, Mr. YOUNG of Alaska, Mrs. DAVIS of California, Mr. MCDERMOTT, Mr. INSLEE, Ms. KILPATRICK, Mr. GRAHAM, Ms. DELAURO, Mr. LANTOS, Ms. MCKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Ms. MILLENDER-MCDONALD, Ms. HOOLEY of Oregon, Mr. CANTOR, Mr. CRENSHAW, Mr. JENKINS, Mr. FORBES, Mr. KIND, Mrs. BONO, Ms. DEGETTE, Mr. HOEFFEL, Mr. HILLIARD, Mr. CUNNINGHAM, Mr. EDWARDS, Mr. QUINN, Mrs. NAPOLITANO, Mr. WATTS of Oklahoma, Mr. RANGEL, Mr. LEWIS of Kentucky, Mr. CLYBURN, and Ms. PRYCE of Ohio):

H.R. 5427. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building''; to the Committee on Transportation and Infrastructure.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. SCOTT):

H. Con. Res. 472. Concurrent resolution recognizing the 100th anniversary of the 4-H Youth Development Program; to the Committee on Education and the Workforce.

By Ms. LEE (for herself, Mrs. CLAYTON, Ms. RIVERS, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. MCDERMOTT, Mr. KUCINICH, Ms. MCKINNEY, Mr. OWENS, Ms. KILPATRICK, Ms. WATSON, Mr. RUSH, Mrs. CHRISTENSEN, Mr. HILLIARD, Mr. CLAY, Mr. STARK, Mr. FARR of California, Ms. KAPTUR, Ms. BALDWIN, Mr. FILNER, Ms. WOOLSEY, Mr. CLYBURN, Mr. DAVIS of Illinois, Ms. BROWN of Florida, Mr. SERRANO, Ms. SOLIS, and Mr. CONYERS):

H. Con. Res. 473. Concurrent resolution expressing the sense of Congress with respect to the importance of the United States working through the United Nations to assure Iraq's compliance with United Nations Security Council resolutions and advance peace and security in the Persian Gulf region; to the Committee on International Relations.

By Ms. MCCARTHY of Missouri (for herself and Mr. RYUN of Kansas):

H. Con. Res. 474. Concurrent resolution expressing the sense of the Congress that private health insurance companies should take a proactive role in promoting healthy lifestyles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself and Mr. CHABOT):

H. Con. Res. 475. Concurrent resolution recognizing and celebrating the origin and purposes of Constitution Week; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania (for himself, Mr. HOYER, Mr. SMITH of Michigan, Mr. ANDREWS, Mr. EDWARDS, Mr. BOEHLERT, and Mr. HALL of Texas):

H. Con. Res. 476. Concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes; to the Committee on Science.

By Mr. EHRLICH (for himself, Mr. CARDIN, Mrs. MORELLA, Mr. CUMMINGS, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. OSBORNE, Mr. WATTS of Oklahoma, Mrs. NORTHUP, and Mr. COYNE):

H. Res. 538. A resolution Honoring Johnny Unitas and extending condolences to his family on his passing; to the Committee on Government Reform.

By Mr. HAYES (for himself, Mr. FORBES, Mr. HASTERT, Mr. SHAW, Mr. PITTS, Mr. GIBBONS, Mr. AKIN, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Mr.

CAMP, Mr. CANTOR, Mr. CHAMBLISS, Mr. CRENSHAW, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. TOM DAVIS of Virginia, Mr. DELAY, Mr. DIAZ-BALART, Mr. DUNCAN, Ms. DUNN, Mr. ENGLISH, Mr. EVERETT, Mr. FLETCHER, Mr. FOLEY, Mr. FRELINGHUYSEN, Mr. GEKAS, Mr. GRAVES, Mr. GRUCCI, Ms. HART, Mr. HAYWORTH, Mr. HOBSON, Mr. ISSA, Mr. JENKINS, Mr. KENNEDY of Minnesota, Mr. KINGSTON, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. DAN MILLER of Florida, Mr. JEFF MILLER of Florida, Mrs. NORTHUP, Mr. NORWOOD, Mr. PENCE, Mr. PHELPS, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. REYNOLDS, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SCHAFFER, Mr. SCHROCK, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mr. SHIMKUS, Mr. SHOWS, Mr. SIMMONS, Mr. TANCREDO, Mr. TAUZIN, Mr. TERRY, Mr. THUNE, Mr. UPTON, Mr. VITTER, Mr. WATKINS, Mr. WATTS of Oklahoma, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, and Mr. WOLF):

H. Res. 539. A resolution expressing the sense of the House of Representatives that Congress should complete action on H.R. 7, the Community Solutions Act of 2001; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. SULLIVAN, Mr. HASTERT, Mr. SHAW, Mr. PITTS, Mr. GIBBONS, Mr. FORBES, Mr. BOEHNER, Mr. BAKER, Mr. PUTNAM, Mr. KINGSTON, Ms. PRYCE of Ohio, Mr. BEREUTER, Mr. FLETCHER, Mr. HAYWORTH, Mr. TAUZIN, Mr. MCINNIS, Mr. CAMP, Mrs. BIGGERT, Mr. SIMMONS, Ms. DUNN, Mr. PENCE, Mr. ROGERS of Michigan, Mr. OTTER, Mr. DUNCAN, Mr. CUNNINGHAM, Mrs. ROUKEMA, Mr. CANTOR, Mr. SESSIONS, Mrs. CUBIN, Mrs. WILSON of New Mexico, Mr. NORWOOD, Mr. GRUCCI, Mr. WOLF, Mr. MCKEON, Mr. BROWN of South Carolina, Mrs. NORTHUP, Mr. WATKINS, Mr. GREENWOOD, Mr. VITTER, Mr. FOLEY, Mr. SUNUNU, Mr. SCHAFFER, Mr. BALLENGER, Mr. WATTS of Oklahoma, Mrs. BONO, Mr. TOM DAVIS of Virginia, Mr. BARR of Georgia, Mr. BONILLA, Mr. LATOURETTE, Mr. JENKINS, Mr. DAN MILLER of Florida, Mr. AKIN, Mr. HOBSON, Mr. BOOZMAN, Mr. SHADEGG, Mr. GEKAS, Mr. ISSA, Mr. EVERETT, Mr. FOSSELLA, Mr. SCHROCK, Mr. PETRI, Mr. ROYCE, Mr. FRELINGHUYSEN, Mr. SHIMKUS, Mr. ENGLISH, Mr. CHAMBLISS, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. BOEHLERT, Mr. UPTON, Ms. HART, Mr. THUNE, Mr. HASTINGS of Washington, Mr. BRADY of Texas, Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. SHAYS, Mr. HAYES, Mr. GRAVES, Mr. LEWIS of Kentucky, Mr. WILSON of South Carolina, Mr. REYNOLDS, Mr. JEFF MILLER of Florida, Mr. DELAY, and Mr. GOODE):

H. Res. 540. A resolution expressing the sense of the House of Representatives that Congress should complete action on H.R. 3762, the Pension Security Act of 2002; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, 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 Mr. REYES:

H. Res. 541. A resolution recognizing the Reserve Forces Policy Board on its 50th anniversary; to the Committee on Armed Services.

By Mr. WICKER (for himself, Mr. THOMPSON of Mississippi, Mr. SHOWS, Mr. PICKERING, and Mr. TAYLOR of Mississippi):

H. Res. 542. A resolution congratulating the Bryan Packers American Legion baseball team from West Point, Mississippi, for their outstanding performance in winning the 2002 American Legion World Series; to the Committee on Government Reform.

ADDITIONAL SPONSORS

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

H.R. 17: Ms. VELAZQUEZ.
H.R. 325: Mr. RAMSTAD.
H.R. 348: Mr. LIPINSKI.
H.R. 709: Mr. FROST and Mr. MCNULTY.
H.R. 832: Mr. GOODE.
H.R. 840: Mr. BOYD, MR. FORD, Ms. SLAUGHTER, Mr. FATTAH, Ms. LOFGREN, and Mr. GRUCCI.
H.R. 848: Mr. GREEN of Texas.
H.R. 853: Mr. FRANK.
H.R. 854: Mr. OWENS, Mr. NADLER, Ms. GRANGER, Mr. HILLIARD, and Mr. TOWNS.
H.R. 898: Mr. INSLEE and Ms. BERKLEY.
H.R. 951: Mrs. EMERSON, Mr. DOOLITTLE, and Mr. DUNCAN.
H.R. 1080: Mr. GREEN of Wisconsin.
H.R. 1090: Mr. HOSTETTLER.
H.R. 1162: Mr. HOLT.
H.R. 1322: Mr. BOUCHER.
H.R. 1421: Mr. GRUCCI.
H.R. 1520: Ms. DUNN, Mr. JONES of North Carolina, Mr. SWEENEY, Mr. SERRANO, Mr. FLETCHER, Mr. RAMSTAD, Mr. BOSWELL, Mr. POMBO, Ms. BERKLEY, Mr. DICKS, and Mrs. CAPITO.
H.R. 1642: Mr. MARKEY.
H.R. 1774: Mr. SCHROCK.
H.R. 1786: Mr. WALSH and Mr. BARTLETT of Maryland.
H.R. 1918: Mr. TOM DAVIS of Virginia, Ms. KILPATRICK, Mr. OLVER, and Mr. MCGOVERN.
H.R. 1987: Mr. JOHN.
H.R. 2125: Mr. MORAN of Kansas and Mr. BERMAN.
H.R. 2163: Mr. FRANK, Ms. SANCHEZ, Mr. HOLDEN, and Ms. PELOSI.
H.R. 2220: Mr. ETHERIDGE.
H.R. 2265: Mr. TANCREDO.
H.R. 2349: Mr. HALL of Texas.
H.R. 2442: Mr. LAHOOD.
H.R. 2570: Ms. DEGETTE.
H.R. 2573: Mr. SMITH of Michigan.
H.R. 2578: Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. DREIR, Mr. THOMPSON of California, Ms. ESHOO, Mr. ROYCE, Mr. GARY G. MILLER of California, Mr. COX, Mr. ISSA, Mr. HUNTER, and Mr. THOMAS.
H.R. 2691: Mr. LIPINSKI.
H.R. 2735: Mr. GREENWOOD, Mr. WELDON of Florida, and Mrs. JO ANN DAVIS of Virginia.
H.R. 2763: Mr. TIAHRT.
H.R. 2820: Ms. BERKLEY.
H.R. 2829: Mr. WICKER.
H.R. 2874: Mr. OLVER, Mrs. JOHNSON of Connecticut, and Mr. SOUDER.
H.R. 3107: Mr. SHOWS, Mr. SMITH of New Jersey, Mr. WAMP, Mr. LYNCH, Mr. LIPINSKI, and Mr. ENGLISH.
H.R. 3193: Ms. DEGETTE.
H.R. 3414: Mr. INSLEE and Ms. WATSON.
H.R. 3491: Mr. CANTOR.
H.R. 3567: Mr. DIAZ-BALART and Mr. EHLERS.
H.R. 3585: Ms. BERKLEY.
H.R. 3710: Mr. GANSKE.
H.R. 3713: Mr. WICKER.
H.R. 3741: Mr. WAMP and Ms. LOFGREN.
H.R. 3794: Mr. ROGERS of Michigan.
H.R. 3831: Mr. HALL of Texas.
H.R. 3974: Ms. CARSON of Indiana, Mr. FORD, Mr. PAYNE, and Mr. CARDIN.
H.R. 4170: Mr. DEMINT.
H.R. 4216: Mr. DEMINT.
H.R. 4219: Mr. DEMINT.
H.R. 4220: Mr. DEMINT.
H.R. 4221: Mr. DEMINT.
H.R. 4235: Mr. PHELPS.
H.R. 4600: Mr. FRELINGHUYSEN and Mr. BRADY OF TEXAS.
H.R. 4650: Mr. UDALL of Colorado.
H.R. 4653: Mr. LATOURETTE, Mr. REGULA, Ms. PRYCE of Ohio, Mr. WILSON of South Carolina, and Ms. ESHOO.
H.R. 4683: Mr. HOEFFEL.
H.R. 4691: Mr. DELAY, Mr. BACHUS, Mr. KELLER, Mr. SHADEGG, Mr. BLUNT, Mr. SHUSTER, and Mr. ADERHOLT.
H.R. 4693: Mr. GRUCCI.
H.R. 4715: Mr. KUCINICH.
H.R. 4720: Mr. BERRY and Ms. BALDWIN.
H.R. 4738: Mr. SCOTT, Mr. JOHN, and Mr. CANTOR.
H.R. 4777: Mr. FOSSELLA.
H.R. 4780: Mr. TOWNS, Mr. MCNULTY, Mr. BORSKI, Mr. OLVER, and Ms. ROYBAL-ALLARD.
H.R. 4799: Mr. ACKERMAN and Ms. MCCOLLUM.
H.R. 4803: Ms. MCCOLLUM, and Ms. BERKLEY.
H.R. 4834: Mr. CROWLEY, and Mr. DOYLE.
H.R. 4843: Mr. HYDE, Mr. TIAHRT, Mr. LINDER, Mr. HILLIARD, and Mrs. CLAYTON.
H.R. 4904: Mr. BERMAN.
H.R. 4937: Mr. CLYBURN and Mr. BENTSEN.
H.R. 4979: Ms. ESHOO, Ms. NORTON, Mr. RANGEL, Mr. FROST, and Mr. ROHRABACHER.
H.R. 5035: Mr. TANNER.
H.R. 5079: Ms. SLAUGHTER, Ms. DELAURO, Mr. ANDREWS, Mr. RANGEL, and Ms. MCCOLLUM.
H.R. 5085: Mr. LEACH, Ms. MCCOLLUM, Mr. BACHUS, and Ms. BERKLEY.
H.R. 5089: Mr. BONIOR.
H.R. 5119: Mr. WALDEN of Oregon and Mr. GOODE.
H.R. 5153: Mr. LOBIONDO, Mr. HOLT, and Mr. PAYNE.
H.R. 5159: Mr. MORAN of Virginia.
H.R. 5163: Mr. KOLBE.
H.R. 5174: Mr. FRANK and Mr. FROST.
H.R. 5187: Mr. ANDREWS.
H.R. 5196: Mr. GOODE.
H.R. 5213: Mr. RANGEL, Ms. BROWN of Florida, and Mr. MCGOVERN.
H.R. 5234: Mr. STRICKLAND, Mr. BERRY, Mr. PALLONE, Mr. FRANK, Mr. GREEN of Texas, Mr. GOODE, Mr. MCHUGH, and Ms. SCHAKOWSKY.
H.R. 5250: Mr. KANJORSKI, Mr. PICKERING, Mr. EDWARDS, Mr. SIMMONS, and Mr. LAHOOD.
H.R. 5257: Mr. SOUDER.
H.R. 5268: Ms. BERKLEY and Mr. FILNER.
H.R. 5280: Mr. PETERSON of Pennsylvania, and Mr. KANJORSKI.
H.R. 5293: Ms. ESHOO, Mr. PRICE of North Carolina, Mr. STARK, Mr. SIMMONS, and Mr. WAXMAN.
H.R. 5299: Mr. PRICE of North Carolina
H.R. 5310: Mr. EDWARDS and Mr. MCINTYRE.
H.R. 5311: Mr. BARCIA and Mr. STENHOLM.
H.R. 5316: Mr. PETERSON of Pennsylvania and Mr. SOUDER.
H.R. 5317: Mr. SULLIVAN.
H.R. 5319: Mr. SESSIONS.
H.R. 5326: Mr. PASCRELL, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BONIOR, Mr. WAXMAN, Mr. LEWIS of California, and Ms. ESHOO.
H.R. 5339: Ms. MYRICK and Mr. ROYCE.
H.R. 5340: Ms. BERKLEY, Mr. DREIER, Mr. COX, Mr. HERGER, and Mr. RADANOVICH.
H.R. 5358: Mr. MEEKS of New York, Ms. MCCOLLUM, Ms. DEGETTE, and Mr. HILLIARD.

H.R. 5359: Mr. MCGOVERN, Ms. KAPTUR, Mr. FRANK, and Mr. BERRY.

H.R. 5376: Mr. SIMPSON, Mr. OTTER, Mr. COOKSEY, Mr. PICKERING, Mr. BOEHNER, Mrs. CUBIN, Mr. GIBBONS, Mr. HERGER, Mr. DOOLITTLE, Mr. POMBO, Mr. TURNER, Mr. NORWOOD, Mr. HAYWORTH, Mr. LAHOOD, Mr. REHBERG, Mr. TOM DAVIS of Virginia, Mr. GALLEGLY, Mr. CANNON, Mr. TANCREDO, and Mr. DUNCAN.

H.R. 5378: Mr. FARR of California.

H.R. 5383: Mr. REHBERG, Mr. BOSWELL, Mr. HINCHEY, Mr. LATOURETTE, Mr. SKELTON, and Mr. HALL of Texas.

H.R. 5387: Mr. WAXMAN.

H.R. 5397: Mrs. MCCARTHY of New York, Mrs. CLAYTON, Mrs. MORELLA, Mr. SIMMONS, and Ms. PRYCE of Ohio.

H.J. Res. 108: Mr. SHADEGG and Mr. ARMEY.

H. Con. Res. 20: Ms. MCCOLLUM.

H. Con. Res. 221: Mr. FRANK, Mr. COSTELLO, Mr. DOYLE, Mr. FALEOMAVAEGA, Mr. MOORE, and Mr. ENGLISH.

H. Con. Res. 297: Mr. BECERRA, Mr. PASTOR, Mr. EHRLICH, Mr. HONDA, Mr. SHERMAN, Mr. ENGLISH, Mr. TOWNS, Ms. LOFGREN, Mr. ACKERMAN, and Ms. SCHAKOWSKY.

H. Con. Res. 351: Mr. KING, Mr. HOLT, and Ms. LOFGREN.

H. Con. Res. 359: Mr. PAUL.

H. Con. Res. 406: Mr. GUTKNECHT.

H. Con. Res. 458: Mr. MARKEY, Mr. MCNULTY, Mr. OLVER, and Mr. FROST.

H. Con. Res. 462: Mr. BROWN of Ohio, Mr. FILNER, Mr. SANDLIN, Mr. FROST, Mr. MATHESON, and Ms. MCCOLLUM.

H. Con. Res. 468: Mr. BISHOP, Mrs. MALONEY of New York, Mr. COYNE, and Mr. BONIOR.

H. Res. 429: Mr. HASTINGS of Florida, Mr. TOOMEY, Mr. LEACH, Mr. HORN, Mr. SCHROCK, Mr. FILNER, Mr. KILDEE, Mr. POMBO, Ms. HARMAN, Mr. ETHERIDGE, Mrs. MCCARTHY of New York, Mr. VISCLOSKY, Mr. MCNULTY, Mrs. JONES of Ohio, Mr. HAYWORTH, Mr. BROWN of South Carolina, Mr. HALL of Texas, Mr. COYNE, Ms. ROS-LEHTINEN, Mr. WALSH, Mr. GARY G. MILLER of California, Mr. PASTOR, Mr. PLATTS, and Ms. CARSON of Indiana.

H. Res. 485: Ms. BERKLEY.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 11. September 19, 2002, by Mrs. THURMAN of House Resolution 517, was signed by the following Members: Karen L. Thurman, Frank Pallone, Jr., Nita M. Lowey, Janice D. Schakowsky, Jim Turner, Nick Lampson, John Elias Baldacci, Jim McDermott, Carolyn McCarthy, Albert Russell Wynn, Diane E. Watson, Maurice D. Hinchey, Shelley Berkley, Joseph Crowley, Tom Udall, Paul E. Kanjorski, Jerrold Nadler, Danny K. Davis, Gene Green, Lois Capps, David E. Bonior, Major R. Owens, Karen McCarthy, John W. Olver, Louise McIntosh Slaughter, David D. Phelps, Sherrod Brown, Ciro D. Rodriguez, Hilda L. Solis, Lucille Roybal-Allard, Ruben Hinojosa, Jose E. Serrano, Martin T. Meehan, Eva M. Clayton, Juanita Millender-McDonald, Barney Frank, Mike Thompson, Barbara Lee, Thomas M. Barrett, Vic Snyder, Adam B. Schiff, William D. Delahunt, Lane Evans, Bennie G. Thompson, Patrick J. Kennedy, Steny H. Hoyer, Steve Israel, Peter A. DeFazio, James P. McGovern, Thomas H. Allen, John Lewis, James R. Langevin, Jane Harman, Robert T. Matsui, Edolphus Towns, Robert E. Andrews, Fortney Pete Stark, Lynn C. Woolsey, Robert Wexler, Lloyd Doggett, Sam Farr, John F. Tierney, Grace F. Napolitano, Bobby L. Rush, Charles B. Rangel, Donald M. Payne, Sanford D. Bishop, Jr., Sander M. Levin, Carrie P. Meek, Alcee L. Hastings, Alan B. Mollohan, Max Sandlin, Gregory W. Meeks, Carolyn C. Kilpatrick, James P. Moran, Tim Holden, Tom Lantos, Brad Sherman, Dale E. Kildee, Stephanie Tubbs Jones, Nancy Pelosi, Rosa L. DeLauro, Ronnie Shows, Robert E. (Bud) Cramer, Jr., Earl F. Hilliard, Elijah E. Cummings, Tom Sawyer, Edward J. Markey, Ted Strickland, Carolyn B. Maloney, Michael R. McNulty, James L. Oberstar, Betty McCollum, Jesse L. Jackson, Jr., Gerald D. Kleczka, Bart Gordon, Leonard L. Boswell, Jerry F. Costello, Charles A. Gonzalez, Ike Skelton, Bob Filner, Chet Edwards, Peter Deutsch, Diana DeGette, Gary L. Ackerman, Earl Blumenauer, Robert C. Scott, Marcy Kaptur, Tammy Baldwin, Brad Carson, Nick J. Rahall II, Mike Ross, Martin Olav Sabo, John M. Spratt, Jr., Martin Frost, Brian Baird, James E. Clyburn, Loretta Sanchez, Sheila Jackson-Lee, Luis V. Gutierrez, Marion Berry, John Conyers, Jr., Gene Taylor, Bernard Sanders, Ed Pastor, Maxine Waters, and Neil Abercrombie.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. The Senate is very pleased today to have as our guest Chaplain Mrs. Anne Graham Lotz, AnGeL Ministries, Raleigh, NC, who will lead the Senate in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Would you pray with me, please.

Our father, we bow before You and we acknowledge You as the one true living God. In the darkness, You are our light. In a time of despair, You are our hope. And in time of grief, You are our comfort. At this time of war, You are our peace.

In the words of the prophet Daniel: We come to You as the great and awesome God, one who keeps His covenant of love with generations, with those who love Him and obey Him. And we come to You, O God, and we acknowledge that You are righteous, but we are wrong. We have done so many wrong things because we are sinners. And yet You are merciful and forgiving. We have been wicked. We have turned away from Your laws and decrees. We have not listened to Your prophets who spoke in Your name.

Yet, Lord, we come to You now pleading for Your mercy. We ask that You hear the prayers and petitions of Your servants, not because we are righteous but because You are merciful and forgiving. We plead for Your mercy.

Dear God, please hear our prayer. As we pray, forgive us our sin. We pray, God, bless America. And we ask this claiming the promise in II Chronicles, chapter 7, when You have said that a Nation who is identified with You, whether they are shaken economically or financially or personally or nationally or militarily, that if that Nation that is identified with You would humble themselves and pray and seek Your face and turn from their wicked ways, You would hear our prayer; that You would forgive our sin; that You would heal our land.

So, sovereign Lord, we ask, please, God of the universe, God of Abraham, Isaac, and Jacob, Father of Jesus Christ, we humbly ask that as we repent of our sin, You would hear our prayer; that You would forgive; that You would heal our land. We pray this for the glory of Your name. And we ask these things in the name of Your son and our saviour, Jesus Christ, who, through his own shed blood on the cross, offers us forgiveness of our sin and reconciliation with You.

It is in the name of Jesus Christ that we pray. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER 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, September 19, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, I know Senator HELMS wishes to address the Senate, and we will make arrangements for that in just a minute.

The first hour and a half is equally divided between the two parties, with the first 15 minutes under my control. So I ask unanimous consent that Senator HELMS be recognized for up to 4 minutes, and that following that, when the bill is called forward, I would yield my time, my 15 minutes, to Senator BOXER. I ask unanimous consent that the 4 minutes Senator HELMS uses be taken off the time of the minority.

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

Mr. REID. At 11:30, we are going to resume consideration of the Homeland Security Act, and there will be an hour of debate on that matter before the cloture vote. We will vote at approximately 12:30. Members have until 12 noon today to file second-degree amendments to the Lieberman substitute amendment.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Madam President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk.

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

THE GUEST CHAPLAIN

Mr. HELMS. Madam President, during my almost 30 years in the Senate, I have been honored to welcome dozens of remarkably gifted guest Chaplains. Today's guest Chaplain, Anne Graham Lotz, of Raleigh, NC, my hometown, is

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

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one of North Carolina's most distinguished citizens and one of America's most beloved evangelists who, for more than 25 years, has been taking the good news of Jesus Christ across the United States and to many foreign countries.

Of course, she is the daughter of the remarkable two people, Billy and Ruth Graham. And this remarkable lady has preached the gospel to hundreds of thousands of Americans, filling up large civic arenas in countless major U.S. cities as well.

Anne Graham Lotz has addressed the United Nations General Assembly in New York. She represented her distinguished father at Amsterdam 2000, the largest gathering of evangelists in history.

Anne Graham Lotz is a leader of Just Give Me Jesus, which is making a nationwide tour to spark a spiritual revival. This past April, Anne's tour came to Raleigh where more than 26,000 people packed our city's largest arena for 2 days of singing and praying and teaching, led by—who else?—Anne Graham Lotz.

Anne is the final guest Chaplain whom Dot Helms and I will have the privilege of hosting. That is appropriate because Dot's and my family have known and loved her and her great family for a long time.

The first time I heard Anne's blessed father, Billy Graham, was in 1951. At that time, I was administrative assistant to a distinguished Senator from North Carolina, the late Willis Smith. Billy preached just steps from this Chamber on the East Front of the Capitol, and I had read in the Washington Sunday morning paper that he was to be here. And I said: Mercy, I don't believe he will have anybody here. I am going over there and make sure that one North Carolinian joins him. Well, Madam President, there was standing room only from the doors of the Capitol all the way to the Supreme Court.

Anne is joined today by her husband, Dr. Danny Lotz, who was a star basketball player during his years at the University of North Carolina at Chapel Hill.

Their two daughters, Rachel-Ruth and Morrow, are with us this morning along with their husbands, Steven Wright and Traynor Reitmeier, and Anne's granddaughter, Bell.

So, Madam President, Anne Graham Lotz is herself an integral part of Billy Graham's remarkable legacy, and it is my honor to have presented her to the United States Senate this morning.

I yield the floor.

Mr. NICKLES. Madam President, I wish to welcome our guest Chaplain today, along with Senator HELMS. I am very proud that she would be our guest Chaplain. Her father is a friend of all of ours and received the well deserved congressional gold medal. It is obvious by listening to Anne Graham Lotz that she possesses that same great character, inspiration, and leadership as a preacher as well. I welcome her to the Senate and compliment and congratulate Senator HELMS for inviting her to be our guest Chaplain.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd Amendment No. 4472, in the nature of a substitute.

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations.

The ACTING PRESIDENT pro tempore. Under the previous order, the first 15 minutes shall be under the control of the Senator from Nevada or his designee.

The Senator from California is recognized.

Mrs. BOXER. Madam President, I rise today to speak to the issue of fire suppression in our beautiful national forests, an issue that concerns every American because those are our forests, and the policy that we follow must be a balanced and good policy to make sure we preserve that incredible God-given resource. Many people heard the prayer today, and we think about the spiritual needs and we think about our obligations. I believe one spiritual obligation we have is to preserve in this country the wonder and beauty that God gave us.

Madam President, like many of my colleagues, I have watched with frustration and anger and sorrow as millions of acres of forests have been destroyed each year by catastrophic wildfires. This year the fire season has been particularly severe in my State of California, as well as in a number of Western States, such as Arizona and New Mexico.

After an extremely destructive fire season in 2000, the Departments of Agriculture and Interior took the promising step of developing what is now referred to as a National Forest Plan. Among other things, the fire plan clearly indicates that priorities should be given to the clearance of brush, undergrowth, near communities and homes. The fire plan clearly says the most important way to stop the damage to the people and to their property is to clear the undergrowth near communities and homes.

Consensus emerged around the idea that, yes, there would have to be some thinning of trees and clearing of brush but not clearing of the old-growth trees, which actually take a very long time to burn and are important to keep in our forests.

We thought we had an agreement with this administration. Yet recent GAO reports indicate the USDA and the Department of the Interior have been ineffective and inefficient in implementing that fire plan.

So what has happened? We have an ineffective and inefficient situation happening in the Department of the Interior and the USDA, and we have out-of-control fires. Well, Senators CRAIG and DOMENICI have come forward with what they say is a solution. What is it? Let's be clear.

Their amendment proposes to waive the National Environmental Planning Act, known as NEPA, which is a critical law in the Nation, and they would limit the public's ability to challenge agency decisions and restrict what we call judicial review. In other words, a judge would no longer be able to take a look at what is happening and intervene, which is a very important part of our balance of powers. If Senator BYRD were here, he would no doubt hold up the Constitution. The judicial branch is very important and the Craig-Domenici amendment would essentially weaken that leg of our Government in order to allow for the cutting of precious old-growth trees.

So the approach of the Craig-Domenici amendment, and the reason I am here—and I see my colleague from Washington and I assume she is here to speak on the same issue, so I will be brief. The approach gives the agencies complete discretion to engage in thinning and salvage logging at will. To me, this is a recipe for disaster. The waiver of environmental safeguards and elimination of judicial review are not steps to be taken lightly, and I believe there is no justification for it because they are not the source of the problem.

There is actually evidence to the contrary. In a recent letter to Senator CRAIG, the GAO determined that only 1 percent of hazardous fuel reduction projects were appealed in 2001 and none had been litigated. GAO found that the list of appellants not only included conservation groups, which have been attacked here as being radical in some way for exercising the rights that citizens have, but GAO found that the other appellants were recreation groups, industry interests, and individuals.

If you see a project is destroying our forests, that road should not be closed

off to our citizens. The GAO finding confirmed for me that our environmental laws, the appeals process, public participation, and judicial review are not the source of the problem, nor can we blame our forest woes on environmentalists. That isn't the point. The environmentalists are trying to do the right thing.

I want to show you two charts of the burned forest area in Oregon that President Bush recently visited. The President tried to simplify the issue and suggest that areas that are thinned will not burn, and areas that are left alone will be subject to catastrophic fire. But that is simply not the case.

Here is a chart showing a thinned area. Notice, there are no large trees left. This forest was burned to cinders. There were no large trees there when the fire erupted. See how it looks.

Here is a second chart showing an adjacent area that wasn't thinned, left in its natural state, and it did not burn at all. It did not burn at all because these large trees are very slow to burn.

Madam President, I don't suggest there is a simple answer to this complex problem, but we need to do a lot more than just trash our environmental laws and say people can no longer go to the courts to protect this God-given resource.

In California, the Forest Service took the time to do the necessary environmental reviews. They produced a plan referred to as the Sierra Nevada Framework. We just received a letter from someone I believe you know, Madam President. Our secretary for Natural Resources in California, Mary Nichols, recently wrote in a letter to Secretary Veneman, the Secretary of Agriculture:

> The framework—

Meaning our framework in California—

> is the first landscape scale national forest management plan that balances the need for fire risk reduction through fuel treatment with environmental protection.

The fuel reduction plan in that framework has been agreed to by most of the mainstream environmental groups. Why? Because it was done thoughtfully and with full consideration of the environmental implication.

Secretary Nichols of California goes on to explain that the President's proposal and efforts to undermine existing environmental laws, which is exactly what I believe the Craig amendment does, will only serve to polarize the debate, she says, and it will unravel the good work that has happened in places such as California.

There are many people on the other side of the aisle who talk a lot about States rights. Here is a State, my home State, that reveres its national forests and wants to protect them. The State of California will be undercut by this amendment because the amendment would say to our people in California: If you do not like what is happening, if you believe the forests are being destroyed, you are limited in your judicial access.

There is a great deal of scientific evidence that thinning and clearing activities should be concentrated in the areas immediately adjacent to communities to protect those communities.

A recent study completed by the U.S. Forest Service's Fire Sciences Laboratory in Montana found that the only thinning that is needed to protect homes was within the ''red zone'' of 150 to 200 feet around a building.

I wish to quote from the person who is an expert in fire suppression, Jack Cohen. He said:

> Regardless of how intense the fire is, the principal determinant is based on the home and the exterior characteristics.

In terms of protecting houses and other community structures, the immediate vicinity is what is relevant.

We need to have buffer zones around communities so those communities are safe, and we need to protect the old-growth forests. Yes, we can thin the underbrush. We must. We should. But we should not cut down the old-growth trees.

Yet the Forest Service continues to direct thinning activities to remote areas of our forests where the risk to people and property is minimal. Less than 40 percent of the forest areas that have been thinned are in the so-called wildland-urban interface, which is the buffer zone between communities and forests.

There is also abundant scientific evidence that thinning should target small diameter trees and underbrush to most effectively reduce fire risk.

Aggressive logging of big fire-resistant trees, while appealing to the timber industry, actually increases the risk of fire. The L.A. Times published a story yesterday, which I will submit for the RECORD, that explains this well. In general, logging leaves behind highly flammable brush materials; it leads to dense new growth that poses a fire hazard; and the removal of large trees cause soils to dry out, leading to increased fire severity.

A scientific assessment completed in the Sierra Nevada in 1996, for instance, found that, ''Timber harvest, through its effects on forest structure, local microclimate and fuel accumulation, has increased fire severity more than any other human activity.''

Yet the Forest Service continues to give high priority to thinning projects that involve large valuable trees. These large trees are fire resistant—and therefore should be the last ones to be removed. But repeatedly they are removed because they are economically valuable in commercial timber sales.

In November 2001, the Inspector General at USDA completed an audit of the Forest Service's implementation of the National Fire Plan. The USDA audit ''questioned the propriety of using approximately $2.5 million of National Fire Plan Rehabilitation and Restoration Program funds to prepare and administer projects involving commercial timber sales.''

I want to show a picture of a Forest Service ''thinning.'' What's left is a few trees and absolutely nothing on the ground. The area looks like a tree orchard. While this may be good for the promotion of new timber stands, it hardly preserves any of the ecological values normally associated with a natural forest.

The reality is that we have Federal agencies implementing fire projects that make sense if the primary goal is increasing timber volume, but make no sense if the primary goal is reducing the risk of fire while preserving the ecological integrity of our forests.

Given the agencies' apparent inability to overcome their timber bias, we would be guaranteeing a future filled with fires if we gave them the broad discretion the Republican amendment would allow.

What is needed is language that provides the agencies with specific guidelines and priorities about where thinning and salvage activities should take place.

While we have been unable to reach agreement with our Republican colleagues on this matter, I am pleased that I have been able to work constructively with my colleagues Senators DASCHLE, BINGAMAN, REID, and CANTWELL to craft an alternative proposal.

This alternative will encourage aggressive and focused forest management in the buffer zone areas between communities and forests. This buffer zone, which is defined in the amendment to be within one half mile of community structures, is the area where the Forest Service has said the most aggressive thinning should be done.

Such specificity will insure that the Forest Service and BLM make the protection of Californians and others the highest priority.

Because of the agencies' propensity to turn thinning and salvage projects into timber sales, this amendment also directs the agencies to protect large trees and prohibit the development of new roads, which are generally associated with the removal of commercial timber.

It is unfortunate that we need to be this prescriptive. However, as I have noted, there is good reason to be skeptical that the Forest Service and BLM can be left to their own devices.

Without the public watching over them, and without any mechanism for challenging agency actions, the Republican amendment will exacerbate the problem. The agencies will continue to engage in senseless thinning and salvage logging in the middle of remote roadless areas—driven more by a thirst for commercial timber than by the need to protect homes and communities.

To me, that is an intolerable outcome and it is the reason I oppose this proposal and have worked with others to craft an alternative.

I conclude by saying we have seen some disastrous fires. We have to take

action, but we know what we have to do. The studies have been done by the Forest Service, by many of our States, and by the GAO. The Los Angeles Times sums it up very well. They did an exhaustive study and came up with some conclusions. I will share those with my colleagues, and then I will yield to my friend for the rest of our time.

I will quote from this article. There was an investigative reporter who went out to study the fires. It ran on September 17:

> The Bush administration's timber-cutting prescription for the West's wildfire epidemic runs counter to the record of the last half century, when large forest fires erupted on the heels of the heaviest logging ever conducted by the U.S. Fire Service.

They had a chart in that newspaper. They showed that where you save the old-growth trees, you save the forests, you save the communities. The facts are in. Let's not use this tragic, horrible spate of wildfires as an excuse to let the loggers cut down the old-growth trees and pocket the money while our forests are left completely devoid of anything that makes them the gift that God gave us.

There is an editorial in today's L.A. Times. I will quote from it, and then I will cease:

> We have to cut the nation's forests to save them.

That is how they open.

> That seems to be the Bush administration's rationale for its misnamed Healthy Forest Initiative, now before the Senate.

It goes on to say that the Senate should defeat the Craig amendment and that there are other more reasonable and effective approaches.

> Existing laws let the Forest Service do its job, provided it files environmental impact reports and stays clear of protected areas. In fact, President Bush can thin as many trees as he wants to right now. He just can't take a saw to the nation's environmental protections in the process.

I hope we will not adopt the Craig amendment. We are working on other ways to compromise this matter. I hope we can get together.

I yield to my friend from Washington, Senator CANTWELL, who has been a leader on the environment since she came to the Senate. I yield my remaining time to her.

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

The Senator from Washington.

Ms. CANTWELL. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. In total, there are 27 minutes remaining to the Democrats.

Ms. CANTWELL. I thank the Chair.

Madam President, I rise today to speak about the need for a national debate on how best to manage wildfires and improve forest health. I thank my colleague from California for being here this morning to articulate a vision about how we can move forward to protect old growth while being mindful about how much work really needs to be done before we can come up with a solid proposal.

That is why I am here to speak this morning. I believe the amendment we will offer today does not further the debate in the direction we need to go but instead focuses on the controversial issues of weakening our environmental protection laws and limiting meaningful public participation.

While I appreciate the sense of urgency that this year's fire season has brought us—and I believe the fire seasons in last several years have made all of us anxious—I believe the reasonable way of dealing with this situation is through the legislative committee process.

I applaud my colleagues who are on the Energy and Natural Resources Committee who have had much discussion about this problem and are very anxious to take the Governors' report that was done on the national fire plan and efforts to better implement it. We need to do that through the legislative committee process where we can hold hearings and talk to the experts and concerned members of our communities.

Trying to solve this important issue with a rider to an appropriations bill is unwise. It would be wrong to think that we could reverse hundreds of years of misguided forest fire management suppression policy with a rider on an appropriations bill.

One of the most significant concerns I have about the amendment, as my colleague from California mentioned, is that it does waive important environmental laws. Under this amendment, the agencies will no longer be required to comply with the National Environmental Policy Act. Furthermore, the amendment eliminates the administrative appeals process and limits judicial review.

We do need to move forward, and I applaud my colleague from Idaho for wanting to take this issue to the next level and for the focus that he has given to the issue. But I believe critical to this debate is the central issue of trust because after decades of documented problems with forest management by the Forest Service, it is no wonder that citizens are now skeptical about the plan before us today, which would allow timber companies to thin on ten million acres might really be motivated more by economics than improving healthy forests.

If we go so far as to restrict a citizen's legal right, that is the wrong approach, but I believe working within the existing framework of environmental laws and allowing for the appropriate process for projects in areas near communities is the right approach.

This basic step needs to be taken—to prevent the catastrophic wildfires that we have all experienced. This step has already been laid out in the laws of this country. In the 10-year comprehensive strategy on collaborative approach for reducing wild land fire risk to communities and the environment which was issued in May, this strategy was the highest priority.

We need to make sure we are treating fires in communities that could be most effective in protecting lives and in protecting homes.

The work done in a community in Roslyn, which is in my home State, demonstrates that protecting our forests has little to do with cutting big trees far away from homes but, rather, treating areas adjacent to communities.

Now that is not to say we do not have to look at fuel reduction and that fuel reduction is not critically important in other parts of our national forests, but the key thing we have seen in this fire season is the loss of homes and loss of areas that I think are the interfaces on which we need to focus.

The joint efforts of local citizens, the local fire department, the Washington Department of Natural Resources, and the U.S. Forest Service produced a plan in our State to clear brush and other fuel materials from a buffer zone around this town of Roslyn. I support more funding to do thinning, prescribed burns, and hazardous fuel reduction in our efforts to manage our forests.

I think all of those need more discussion and more time and energy put into them and, as we will see with the Byrd amendment, more resources financially to obtain that goal since those funds have been subverted in the past.

I also support providing the Forest Service and BLM with adequate funding to do the hazardous fuel reduction projects so each year we do not find ourselves in the same situation where the Forest Service diverts the funds from fire accounts in order to pay for fire suppression.

So let us make that clear. Let us divide the accounts. Let us make sure we are doing work both for suppression and for the prevention efforts we need.

The point is clear, we can protect our communities from fire, and we do not need to waive environmental protection laws or limit public participation to do so. In closing, I would like to urge my colleagues to support Senator BYRD's amendment to provide more funding for fire suppression efforts. However, I add a note of caution, that if we take this approach with the rider my colleague from Idaho is offering, I do not think it is in the best interest of the forests or the American public. This rider is too overreaching to be put on this legislation. Let us go back to the committee process, let us have the hearings, and let us push forward together.

I ask unanimous consent to print in the RECORD an editorial from the Seattle Times that talks about the need to move ahead but that we cannot have, as this article says:

> This administration's attempt to confuse and cloud the issue of fire suppression by laughably proposing timber thinning can

only mean a return to unregulated clear-cutting on our Nation's forestlands.

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

[From the Seattle Times, Sept. 7, 2002]

DON'T HOLD YOUR FIRE

(By Tommy Hough)

The recent Bush administration proposal to suspend environmental laws and eliminate the public's right to appeal Forest Service decisions should be viewed as nothing less than a transparent attempt to increase commercial logging in our national forestlands, which has been this administration's stated intention since Day One.

How shameful too, that President Bush would so callously use a disaster such as the recent wildfires in southwest Oregon to launch the media spin for a plan designed to roll back 20 years of good sense and good environmental legislation, and in part enable the president to fulfill some inappropriate, slimy promises made to timber baron contributors and related special-interest groups during the 2000 campaign.

This administration's attempt to confuse and cloud the issue of ''fire suppression,'' by laughably proposing ''timber thinning,'' can only mean a return to unregulated clear-cutting on our nation's forestlands. Has any administration ever been so brazenly vacant and cynical?

Since this scheme was no doubt in part cobbled together by forestry professionals, I'm guessing it may have occurred to them that old-growth forests actually act as a natural suppressant of fire, even in the driest years. Granted, that would be bad for business, but the awful secret the Bush administration and the timber industry doesn't want you to know is this: Fire is not bad. Fire is simply one part of nature's long-term, delicate balancing act.

Drought and flames aren't a problem any more than rain and flooding are a problem. The problem is man and his meddling ways and 120 years of forest management (i.e., unrestricted, subsidized logging), screwing up and knocking out of whack a natural process which had been working fine in North American ecosystems for thousands, even millions of years.

We've knocked forest rhythms so far off by removing fire as an element that nature isn't even allowed to compensate with small-scale burns to clear away underbrush and tinder (unless it's a manmade ''prescribed burn''), gently changing the way the elements effect the forest floor, and paving the way for pioneering species and new trees. We may as well have removed rain from the equation.

The mature Ponderosa and lodgepole pines in the American West as well as the big, old-growth Douglas firs, hemlocks and spruces here in the Pacific Northwest are designed by nature to survive burns with their thick bark and rich moisture content, while the fires create temperatures for the big trees to be able to rapidly seed. In fact, the longer a tree lives, the more it is able to withstand fire (whew, that's bad for business too!).

The juvenile trees growing in the wake of the ceaseless clear-cuts that have left literal quilt marks on the tapestry of the region's forests are the ones most susceptible to catastrophic fire and drought, and while fire ideally should clean the forest floor an acre here and an acre there, manhandled nature is forced to wait for a drought to reclaim the other half of the natural equation, when everything is bone dry and hasn't been allowed to burn for 100 years. Instead of cleansing the forest, fire now destroys the forest, in a catastrophic fasion nature never intended.

That thinning excess timber, a natural reaction to logging and clear-cutting as the forest slowly tries to weed itself out, is somehow the Holy Grail solution to forest fires is to buy into cheap, message-of-the-day stupidity. Does the president really think Americans are just going to stand idly by and let their treasured national forestlands be threatened and destroyed? Has it not occurred to the greedy minds and special interests that floated this scheme that we all share and live in the same environment, of which forests are an integral, absolute part, no matter which side of the political or ecological fence you may be on?

Ms. CANTWELL. I suggest the absence of a quorum, with the time charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Madam President, I ask unanimous consent to proceed as in morning business for 5 minutes to introduce legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2967 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BOND. Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. ENSIGN. Madam President, I rise today to express my strong support for the Craig-Domenici hazardous fuels reduction amendment which is currently before the Senate. It is my hope that we can come to a consensus on this issue for the benefit of the forests, the animals that inhabit them and, more importantly, the people whose homes are near them.

In my home State of Nevada, our all-time worst fire was in 1999. That season set an all-time record for the severity and breadth of fire damage. Nevada experienced over 1,100 fires which burned almost 2 million acres. To put that in perspective, in 1999 the total number of fires was 135 percent of the 5-year average and the total acres burned were almost eight times what we normally burn during 5-year periods. More acres were burned during a single 10-day period in August than had burned in any entire previous season on record.

I am afraid 2002 could be another year like 1999. This year, Nevada is experiencing its fourth year of drought that has been classified from ''moderate'' to ''exceptional.'' Large fire activity began in mid- to late-May—about 3 to 4 weeks earlier than normal. And, quite honestly, we have been very lucky compared to other States such as Arizona, Colorado, Oregon, or California. We are grateful for that. But we know all too well that Nevada's fire season lasts longer than other States'. We still have the potential of a devastating fire season yet to come this year. With the current extreme drought condition combined with the buildup of dead and dying fuels, Nevada is placed in the ''extreme'' and ''advanced'' categories for potential fire behavior.

I am particularly concerned about the Lake Tahoe Basin. When my family visited that area in August, I noticed the dry conditions of the area. There is no question that Lake Tahoe is a blazing inferno waiting to happen. The Lake Tahoe Basin is under the highest risk of wildfire potential. The entire region is classified as a class 3 risk for catastrophic fire.

What is so distressing is that the land of this area is so environmentally sensitive. A catastrophic fire in the basin would result in an incredible amount of damage to communities. Homes and structures worth billions of dollars would be lost. Lake Tahoe, one of the Nation's crown jewels, could lose its defining quality of lake clarity. Millions of tourists come every year to recreate in the basin. Key recreation areas would be destroyed. A fire could cause tremendous damage to the sensitive watershed which feeds not only Lake Tahoe but supplies water to communities in Reno, Carson City, and the rest of northwest Nevada, eventually emptying into Pyramid Lake.

The ecological consequences are distressing as well. Lake Tahoe is home to one of our Nation's proudest symbols—the bald eagle. Other endangered and threatened species are native to the basin. Their safety is threatened by fire.

It is clear to me and anyone who actually goes out into the forests that something must be done to reduce the fuels buildup to prevent the outbreak of catastrophic fire. That is why I am an original cosponsor of the Craig-Domenici amendment.

Currently, 74 million acres nationwide are classified as class 3 forests, which is the highest risk for catastrophic fires. The Craig-Domenici amendment will limit action to only 10 million of the 74 million class 3 acres. It is an emergency amendment. It only addresses 7 percent of the problem. I wish it would address more of the problem. Highest priority will be given to wildland-urban interface areas, which are areas near homes and communities, municipal watersheds, and forested areas affected by disease, insect infestation, and windthrow.

The amendment seeks to cut through the bureaucratic mess that is currently

in place that often needlessly delays implementation of these projects.

It also seeks to expedite the judicial process. Too often, these essential fuels reduction projects are halted by frivolous lawsuits. Ultimately it is the forest and wildlife habitat that suffer.

That is the case in my State where two projects in the wildland-urban interface were challenged by an outside party. The challenger was not even from Nevada. All the people in Nevada had agreed—environmentalists in Nevada, the Forest Service in Nevada, the BLM in Nevada, and all the local people in Nevada—that this project was meritorious and was good for the environment. Yet somebody from the outside challenged in court and was able to block this important environmental project.

Public land managers must be allowed to manage the land. Unfortunately, only one dissenter can stymie a completely collaborative effort to clean the forests. Without proper forest management, an accidental blaze can turn into a flaming inferno which can sterilize the land and destroy the habitat for many endangered species of plants and animals.

The groups that are against our efforts claim they are environmentally friendly. What is environmentally friendly about obstructing sound management projects from going forward? Wildfires contribute heavily to air pollution, destroy wildlife habitat, and kill endangered species.

While we were in Lake Tahoe this summer, the entire basin—which is truly one of the most beautiful areas in the world—was filled with smoke from the fires from far off in California and from Oregon. Anybody who is against air pollution ought to be for stopping and preventing these forest fires.

Extremists in the environmental community claim they are concerned about the welfare of wildlife habitat and forest health. Yet they oppose commonsense projects that seek to lessen the devastating effects of catastrophic wildfires. This amendment seeks to ensure that fuel reduction projects continue in spite of these extremists.

This legislation is absolutely necessary. It is necessary this year. It was actually necessary last year and many years before. Every year we talk about how we need to save the forests, but we do nothing to clean the forest to reduce the intensity of fires. We must be able to conduct these fuel reduction projects. Advocates on both sides of the aisle and both sides of the political spectrum agree on this. They are essential to continue the health of our forests. We have waited long enough. Our forests have waited long enough.

I say to my colleagues, let us get this done. The fires we have seen this year are unprecedented. I, for one, am committed to do all I can to ensure that forests are protected, watersheds are protected, homes protected, and, most importantly, people are protected.

I yield the floor.

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. CRAIG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CRAIG. Madam President, I rise today to speak about a matter that I find deeply troubling. An ''Inside the Beltway'' column in the September 19, 2002, Washington Times reveals that a correspondent working for National Public Radio, in what appears to be a flagrant violation of all standards of professional journalism and ethical conduct, has set about to enlist the help of environmental radicals in order to concoct a story concerning thinning projects on our national forests. I find this abhorrent for two reasons.

First, it reveals the desperate lengths to which the environmental community is willing to go to their quest to lock up our public forests and prevent efforts aimed at protecting and restoring health to our public forests from going forward.

Second, and perhaps more troubling to me, it suggests the complete lack of intellectual honesty and the apparent complicity of a nonprofit organization, established by Congress for the purpose of educating our public, in fabricating stories and spinning the news in a manner that is devoid of objectivity and at odds with the fundamental tenets of sound journalistic practices.

Let me read from a message that was sent out by a news correspondent working for National Public Radio seeking assistance from members of the environmental community. The message reads as follows:

> Hey there. Put on your thinking cap and give me your best example of a 'thinning project' where they went in and did the opposite. I'm working on a story about trust, which is at the heart of all this . . . and I want to use just one example of where the FS [Forest Service] and the industry flagrantly abused the public's trust on a thinning project . . . in short, concrete evidence as to why the environmental community is distrustful of the FS and industry's so called thinning projects.

In 1967, Congress passed the Public Broadcasting Act. This act authorized the creation of the Corporation for Public Broadcasting, CPB. The Act called on CPB to encourage ''the growth and development of noncommercial radio'' and to develop ''programming that will be responsive to the interests of the people.'' National Public Radio, NPR, was established in 1970 as a private, nonprofit organization to provide leadership in national news gathering and production and broadcast of radio programming responsive to the interests of American citizens.

I would ask my colleagues how is this biased effort at attempting to sway public opinion in the public interest? NPR appears to have allowed its news people to sink to new lows to scrape together a story to incite and inflame public opinion. Is this the kind of reporting we should expect from a national news organization established by Congress to promote news gathering in the interest of American citizens? I think not.

It is a sad day when our national news organizations must engage in fabricating stories by listening solely to one side and a sadder day still when these stories are presented by these organizations to an unsuspecting public as a balanced reporting of the facts.

This message authored by the NPR correspondent was distributed by way of an environmental group mailing list. The forwarding message from an organization called ''Wild Rockies'' is also revealing.

The sender reveals that environmental groups have ''successfully appealed/litigated'' many thinning projects and also ''tied up'' many more thinning projects. In short, the author of this message is making plain the fact that these groups have been successful in causing the very sort of unnecessary delays that we are attempting to prevent with the amendment introduced by Senators CRAIG and DOMENICI.

These environmentalists have demonstrated that they will stop at nothing—even shamefully dishonest practices—to impede, delay, and quash efforts by the Forest Service and Department of Interior land management agencies to restore health to our forests. We cannot let our precious American forests be held hostage by these extremists, nor should we stand idly by and allow these zealots to continue to hold our forests hostage by employing these sort of unethical and distasteful tactics.

Shame on NPR for what appears to be an utter and complete lack of balance in news gathering practices. Shame on Wild Rockies and the other environmental groups that would conspire to mislead the public in this way. And shame on us, if we fail to enact legislation that will enable us to protect our precious public forests from these irresponsible sham artists and unethical charlatans who seek to deceive rather than truthfully inform our citizens on the conditions that exist on our forests and what needs to be done to move them toward a healthier state.

Madam President, we have just heard from another one of our colleagues, in this case Senator ENSIGN from the State of Nevada, talk about the conditions and situations that exist in that State and in the northern end of the High Sierras of California and Nevada. The conditions he talks about are real and very severe.

I used to chair the Forestry Subcommittee in the Senate. During that period of time, we examined the condition of the Sierras and especially what is known as the Greater Tahoe Basin

area. In fact, our colleague from Nevada, Senator REID, grew very concerned as to the state of health of those forests.

It was, at that time—a couple of years ago—very obvious those forests were in rapid declining health conditions, bug kill was rampant, and at some time in the very near future that forest could be consumed in wildfire that would wipe out the whole of the Tahoe Basin.

Of course, as the Senator just spoke, it is a beautiful area. Lake Tahoe is renowned for its beauty. That is why folks from all over the country have gone there to build phenomenal homes, to enjoy that beauty. And, of course, at risk at that time in the investigation was the reality that wildfire would wipe out many of those multimillion-dollar homes that were sprinkled around the lake, both on the Nevada side and on the California side of that lake, and the whole tourism and resort industry that exists there—another example of a forest crying out for a thinning and cleaning and management program that could reverse the state of the health of that forest.

We struggle mightily to solve a problem that has come upon the Interior appropriations bill, of which my colleague from Montana, who has now joined us, is the ranking member of that subcommittee which funds Interior issues.

I submitted some days ago a second-degree amendment to Senator BYRD's amendment to increase fire funding, to try to find a compromise, to develop some degree of active management in these very critical areas of concern that are, in part, driving the wildfires of at least the western forests at this moment and are realities of growing conditions in all of the public land forests around our country. And that is a state of health, a state of fuel loading, and dead and dying trees, and therefore optimum fuels that, under the right conditions, ignite into the catastrophic fires that we have experienced this year.

But yesterday I became aware of an interesting episode going on aside but a part of this debate out on the public side of things—I should say the private side of things—that I find very interesting. This morning that was highlighted in the ''Inside the Beltway'' column of the Washington Times, an article by John McCaslin. It is worth your time and interest to read it because I do believe it demonstrates something that is in an apparent complicity of efforts between national radical environmental groups and an organization funded by this Congress, National Public Radio.

It is obvious to me that there was an effort underway to try to show to the public that what I was debating, and others were debating, simply was not the case. And the e-mail transaction that was going on out there demonstrated quite the opposite because fundamental to what Senator DASCHLE did for his home State of South Dakota, and what we are trying to do here, is to design a way to create a more active process that disallows the obvious and constant use of the appeals process and temporary court injunctions to deny any activity on our public lands, and especially in these critical areas that are so fire prone.

And, of course, the article is fascinating in what it says because what it basically says is: Can you show me a thinning process?—calling the environmental groups that would give us the worst case scenario, in other words, a contradiction to what I and others have been saying is being done, and can be done effectively, in the thinning and the cleaning of these fuel-loaded areas.

And the answer is, I think, quite fascinating. The answer is: No, we can't show you any because we have them all under appeal, and we have them all blocked.

The very thing we have been arguing is the very thing that is reality, by the admission of the environmental groups themselves.

Mr. BYRD. Madam President, will the Senator yield without losing his right to the floor?

Mr. CRAIG. I am happy to yield.

Mr. BYRD. When you said, ''We have them all blocked,'' that kind of caught my ear. And I am wondering about these appropriations bills. Somebody has them all blocked. Here is my friend from Montana who is the ranking member. We have been here at our posts on duty. When are we going to unblock the barriers to getting our appropriations bills passed?

I have a question of the distinguished Senator.

Mr. CRAIG. Sure.

Mr. BYRD. And before I pose the question, I preface it by saying this: I can appreciate what the distinguished Senator is trying to do. The other day I said to him, on the floor: If you will remove your amendment here, if we can vote for cloture, on the one hand, and get on with this bill, if you offer your amendment on another bill, I will support it.

Mr. CRAIG. Yes.

Mr. BYRD. But my friends on that side did not vote for cloture. Whatever the vote was at that time, they did not vote for cloture. So they have not helped me to get on with the appropriations bills. Consequently, I made a generous offer at that point, but I am concerned about that offer.

The Senator did not take me up on it. Senators on that side did not take me up on that. They did not help remove that block. I want to look at the Senator's amendment again when it comes time to vote on it. I am concerned about judicial review, about that aspect of it and some other things.

Mr. CRAIG. Sure.

Mr. BYRD. But the Senators had me on board at that time if that would have helped to take the plug out of the dike and let these bills pass. I am concerned, may I say to the distinguished Senator——

Mr. CRAIG. Sure.

Mr. BYRD. He is a member of the committee. I am concerned about the way these appropriations bills are piling up around here, and when we are headed for a continuing resolution.

Now, would the Senator have a suggestion as to when we might have another cloture vote on that very question of the other day? A motion to reconsider was entered on that vote, I believe. Am I correct, may I ask——

Mr. CRAIG. That is correct, as I recall.

I do not, in any way, question the Senator's sincerity. You offered to solve it in one way, and I reciprocated by offering to solve it in another.

I would go immediately to a unanimous consent for an up-or-down vote on the Craig second degree. That is an immediate solution that could occur in the next 35 or 40 minutes. That is a clear and clean and within-the-rules solution to a problem. I believe my side feels that I deserve a vote. And I know that the Senator is a stickler for the rules of the Senate and an advocate of them and strongly supportive of them.

I want to facilitate this process. The money you have so generously helped us get——

The PRESIDING OFFICER. The time controlled by the minority has expired.

Mr. CRAIG. I ask unanimous consent for 1 more minute.

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

Mr. CRAIG. To fit into this Interior appropriations bill is critical, to pay back the funds within the Department of Agriculture and in the U.S. Forest Service that have been expended for the very fires about which we are concerned. This has to happen. Clearly, it is critical for the operation of the Forest Service. What is also critical, in my opinion, is that the Congress respond in a responsible way to the crisis.

You, as chairman, and if you are chairman again in the new Congress or someone else is, should not have to be asking the taxpayers to pay out an additional $1 billion to $1.5 billion to $2 billion more a year because clearly a public policy is failing out there at this moment to address a crisis and, therefore, we are asking the taxpayer to pay for it. That is really what hangs in the balance here. They are intricately locked, I do believe. That is why I think it is so fundamentally important we vote on it at this moment.

Mr. BYRD. Madam President, will the Senator yield?

Mr. CRAIG. I am happy to yield.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I took at least 3 minutes of the Senator's time. I ask unanimous consent that the distinguished Senator from Idaho may have 3 additional minutes.

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

Mr. BYRD. I thank the Senator for yielding.

Mr. CRAIG. Madam President, I repeat what is a phenomenally frustrating concern of ours, that the Public

Broadcasting Act that created NPR authorized the use of public money and what appears now at this moment to be an effort to go out and find a worst case scenario to refute arguments being placed on the floor. That is not the role of the public broadcasting program in this country.

I am extremely pleased that this article appeared. We became aware of that e-mail traffic yesterday. I am glad some journalists have the right and the willingness to step forward and say: Wait a minute. This appears to be a complicit act of a nonprofit organization established by Congress for the purpose of educating our public but not misinforming our public. That appears by every evidence to be exactly what was underway.

What fell out of it was the very basis of the argument I and others have been placing for some time and why my amendment or a version of my amendment in dealing with these critical areas and in dealing with allowing a process to move forward that cannot be just summarily blocked by an appeal but does not yet close the courthouse door is very critical to all of us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, how much time remains on the pending bill?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. BYRD. Madam President, I ask unanimous consent that there be 15 minutes, a total of 15 minutes.

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

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will today offer an amendment to expedite forest thinning on our national forests and public lands. I am pleased that Senator DASCHLE is a cosponsor of this amendment. I would like to thank all of my colleagues who have worked with me to craft this amendment and who offered invaluable input and expertise.

Everyone in the Senate wants to do what we can to reduce the threat of catastrophic wildfire. We all agree that we need to accelerate fuels reduction activities because the risk of severe fire is so high. Ongoing, drought, past fire suppression policies, and excessive harvesting of timber have all contributed to the problem. All of us also agree that it is much better to devote limited resources to proactive efforts to reduce fire risk rather than paying to fight the fires once they occur.

I have tried for years to improve the Federal agencies' forest thinning program in a variety of ways. I am also a vocal proponent for spending Federal dollars conducting proactive forest restoration to reduce fire risk rather than continuing to spend billions of dollars each year fighting fires. Although some may contend that restoration costs too much money, over the long-term, it is much less expensive than fighting fires. Restoring our lands is the preferred alternative for the environment as well because, unfortunately, important species habitat burns right along with the forests during a fire.

The main obstacle constraining us from substantially increasing our proactive efforts to reduce fire risk is a lack of adequate funding. As Oregon Governor and cochair for the Western Governor Association's 10-Year Fire Plan John Kitzhaber states, ''it will take a significant investment of resources—far greater than what is envisioned to be saved through process efficiencies.'' Ever since Congress first funded the National Fire Plan 2 years ago, I have continually emphasized the need to sustain a commitment to the fiscal year 2001 funding levels over a long enough period of time to make a difference—at least 15 years.

Most fuel reduction projects will take several years to implement. It is critical that the agencies have reliable funding to complete the projects they start. If funding is obtained to thin trees the first year, but not to complete the slash disposal and reintroduce fire through prescribed burning the following years, short-term fire risk will be increased. Around the villages north of Truchas, some villages face a tremendous danger of fire due to slash left from thinning. According to the agencies themselves, mechanical thinning comprises only 19 percent annually of all hazardous fuels reduction activities.

Adequate funding means, at a minimum, sustaining fiscal year 2001 funding levels for all components of the National Fire Plan. The Western Governors Association recently sent a letter to Congress urging full funding of the National Fire Plan at the fiscal year 2001 funding levels. Similarly, recently the National Association of State Foresters compiled projected funding needs for the National Fire Plan over the next 10 years based on collaborative efforts with State governments, the Forest Service, and the Department of the Interior. The Western Governors' Association endorsed the State Foresters' projections. The General Accounting Office estimates that the cost to reduce fuels is about $725 million per year for the next 15 years, GAO/RCED–99–65.

The funding levels in the bill we are currently considering are far below the State Foresters' and GAO's projected funding needs. For example, while hazardous fuels reduction was increased in fiscal year 2001 and has remained relatively constant since that time, the State Foresters' analysis includes $100 million more for hazardous fuels reduction than the Interior appropriation bill provides. The State Foresters project that hazardous fuels reduction also will need to steadily increase over the next 10 years.

Other important programs that are part of the National Fire Plan, including economic action programs, community and private land fire assistance, and burned area restoration and rehabilitation have been drastically cut—and some have been zeroed out—by the administration over the last two budget cycles. For some accounts included under the National Fire Plan, but not all, Congress has made up the difference. However, it would certainly be much easier to fully fund the National Fire Plan with the administration's support.

Funding constraints clearly affect the ground restoration work. In New Mexico, there are several restoration projects that could make a meaningful difference in reducing the risk of catastrophic wildfire if funds were available. Here are some examples:

One, Dry Lakes Project, El Rito Ranger District, Carson National Forest.—This mechanical thinning and prescribed burning fuel reduction project is located on the Tusas Ridge to the southwest of the community of Tres Piedras. The ridge has an unusually high incidence of lightening strikes which put the community at high risk. Tres Piedras is on the State list of highest priority areas. The district used fiscal year 2001 funding from the National Fire Plan to thin a large area but could not find sufficient funds in fiscal year 2002 to complete the prescribed burning. This is particularly troubling because several forestry experts agree that thinning trees without follow up work to reintroduce fire with prescribed burns, the fire risk will increase.

Two, in southern New Mexico, Otero County Commissioner Michael Nivison has worked tirelessly to encourage broad community involvement within the context of existing laws and procedures. Unfortunately, the group found that lack of funding was an obstacle to moving forward with sensible forest thinning plans. In April 2002, I requested the necessary additional funds from the Washington office of the Forest Service because no additional funding was available from the Lincoln National Forest's budget or the Southwest Region office budget. The minimum funding needed was $1 million to complete thinning projects within the wildland/urban interface in the Rio Penasco watershed and for watershed analyses to prepare future restoration projects. Fortunately, after waiting 3 months, the Forest Service complied with the request. However, Commissioner Nivison estimates an additional $4 million per year for the next 10 years above existing funding levels will be needed to successfully complete the forest thinning program on the Lincoln National Forest.

Three, on the Gila National forest, the Catron County Citizens Group based in Glenwood is working to establish a sawmill to process small diameter wood removed from the forest as part of forest restoration projects and has secured non-Federal matching funds for their operation. In December 2001, I was notified that Forest Service employees had identified several restoration projects that were NEPA-

ready, however, no funding was available. Once again, after specific and repeated requests, the Chief complied with the request to allocate an additional $1 million to the Gila. However, a 1-year special allocation clearly will not provide the long-term restoration investment needed.

Four, earlier this year, the Chief told me that the Santa Fe Municipal Watershed Project is one of the highest priorities for the Forest Service's Southwest Region. Nonetheless, at the current rate of funding by the agency, the project will be completed in 18 years. If it were fully funded at $1 million per year, however, the project would be completed in 7 years. This is a critical project for the residents of Santa Fe to protect two city-owned reservoirs that hold 40 percent of the city's water supply.

Five, Deer Lakes Fuel Break, Cuba Ranger District, Santa Fe National Forest.—This fuel break project was put on the list of suggested projects for fiscal year 2001 since NEPA review was complete, but it was not funded in fiscal year 2001 or fiscal year 2002. The fuel break will protect private homes in a forested subdivision. The Forest Service considers this area to be a priority.

Six, Mt. Taylor Ranger District, Cibola National Forest.—A number of fuel reduction projects planned on this district have been held up by insufficient funding. All of these projects were small, less than 500 acres.

Seven, the Collaborative Forest Restoration Program, created through legislation I sponsored two years ago, provides $5 million annually to fund a variety of forest restoration projects in many different locations in New Mexico. Unfortunately, due to the Forest Service's practice of borrowing from other accounts to pay for firefighting, action on this year's projects has been suspended since July 8. Because the administration was unwilling, until very recently, to support repaying these accounts, it is unlikely that work will resume this year on these projects.

Beyond funding constraints, some allege that administrative appeals and lawsuits limit our ability to reduce fire risk across the country. I am willing to provide new legal authorities and exemptions from administrative appeals to address this concern. However, we should proceed carefully at this juncture and withhold from enacting sweeping changes to Federal law without due consideration. If we need to make permanent changes to existing laws, we should do so next year after this issue has been debated thoroughly in the Senate including hearings and committee business meetings.

Let me briefly describe our amendment. We propose to exempt from National Environmental Policy Act analysis all forest thinning projects located in areas that are at the highest risk of fire and remove up to 250,000 broad feet of timber or 1 million board feet of salvage. We prohibit administrative appeals on these projects, thereby saving 135 days in the process. In addition, we eliminate judicial review granted under NEPA for thinning projects within 1/2 mile of any community structure or within certain key municipal watersheds. The combination of these provisions would save between one and one-half to three and one-half years of process.

Moreover, in order to focus the agencies' work on the highest priority ares where human safety and property loss are the most serious, we require that 100 percent of hazardous fuels reduction funds be spent in the highest fire risk areas, known as condition class 3, and 70 percent of those funds be spent within one-half mile of any community structure or within key municipal watersheds identified in forest plans.

In order to recognize the role that forest dependent communities play in restoring our lands, we require that at least 10 percent of hazardous fuels reduction funds be spent on projects that benefit small businesses that use hazardous fuels and are located in small, economically disadvantaged communities. Finally, in order to provide robust monitoring of these experimental new authorities, we require multiparty monitoring of a representative sampling of the projects.

We agree with, and included, many provisions of Senator CRAIG'S amendment in our amendment. For example, Senator CRAIG requires the secretaries to give highest priority to protecting communities, municipal watersheds, and areas affected by disease, insect activity, or wind throw. He requires that projects be consistent with applicable forest plans and that the Secretaries jointly develop a collaborative process to select projects. We agree with all of these provisions.

However, our amendment differs from Senator CRAIG'S amendment because we felt it was appropriate to enact parameters and limitations along with the new authorities for several reasons. First, we are legislating without the benefit of the normal authorizing Committee process. If, after consideration through the authorizing Committee process, we decide to make some or all of these changes permanent, we can do so next year.

Second, the Forest Service has a poor track record with respect to supporting projects that do not harvest large trees. One example that I am aware of occurred in New Mexico. On the Gila National Forest Sheep Basin project, there was broad agreement within the local community that a project harvesting small trees would be a win-win. The community agreed this project would both benefit the environment and generate local jobs while also reducing fire risk. The Forest Service, however, rejected the community's proposal and insisted on following a plan to harvest large trees.

Third, many independent analyses have discovered numerous flaws with the agencies' existing implementation of the National Fire Plan. For example, a recent General Accounting Office report severely chastised the agencies for their inability to account for where hazardous fuels reduction funds have been spent. Specifically, the GAO states:

> It is not possible to determine if the $796 million appropriate for hazardous fuels reduction in fiscal year 2001 and 2002 is targeted to the communities and other areas at highest risk of severe wildland fires.—GAO/RCED–02–259, January 2002.

In addition, in November 2001, the Inspector General for the Department of Agriculture found that the Forest Service was inappropriately spending its burned area restoration funds to prepare commercial timber sales. Similarly, it was recently discovered that the Forest Service ''misplaced'' $215 million intended for wildland fire management due to an accounting error.

Finally, another GAO report concluded that, because the Forest Service relies on the timber program for funding many of its other activities, including reducing fuels, it has often used the timber program to address the wildfire problem. GAO states:

> The difficulty with such an approach, however, is that the lands with commercially valuable timber are often not those with the greatest wildfire hazards. Additionally, there are problems with the incentives in the fuel reduction program. Currently, managers are rewarded for the number of acres on which they reduce fuels, not for reducing fuels on the lands with the highest fire hazards. Becuase reducing fuels in ares with greater hazards is often more expensive—meaning that fewer acres can be completed with the same funding level—managers have an incentive not to undertake efforts on such lands.—GAO/RCED–99–65.

The parameters set forth in our amendment will ensure that the agencies conduct forest thinning in a way that truly reduces the threat of fire. For example, we require the agencies to focus on thinning projects that truly reduce the threat of fire, namely removing small diameter trees and brush. This limitation is based on numerous scientific research studies conducted by the Forest Service. Too often, the Forest Service has cut large trees because of their commercial value instead of removing small-diameter trees that tend to spread fire.

Our amendment prohibits new road construction in inventoried roadless areas because the National Forests already contain 380,000 miles of road, as a comparison, the National Highway System contains 160,000 miles of roads, and the deferred maintenance needs on these existing roads totals more then $1 billion. Forest Service analysis reveals that roads increase the probability of accidental and intentional human-caused ignitions.

A group of respected forest fire scientist recently wrote President Bush a letter stating that, ''thinning of overstory trees, likely building new roads, can often exacerbate the situation and damage forest health.'' Moreover, the vast majority of all trees in

the west are small, more than 90 percent are 12 inches in diameter or smaller.

Returning receipts to the Treasury is consistent with a provision in the Wyden/Craig County payments legislation enacted 2 years ago and avoids existing perverse incentives. Numerous GAO reports reveal that existing agency trust funds provide incentives for the agency to cut large trees because it gets to keep the revenue. Cutting large trees will not reduce fire risk, therefore, we should direct receipts back to the Treasury. Jeremy Fried, a Forest Service research specialist at the Pacific Northwest Research Station, states, ''If you take just big trees, you do not reduce fire danger.''

The provision in our amendment stating that 70 percent of Hazardous Fuels Reduction Funds be spent within one-half mile of any community structure or within key municipal watersheds is more flexible than the President's fiscal year 2003 budget request which provides that the same percentage only be spent near communities. We in Congress must ensure that the agencies adhere to our direction that the number one priority is to protect communities at risk for catastrophic fire. To date, this has not occurred. In fiscal year 2002, only 39 percent of the areas where hazardous fuels will be treated are in the wildland/urban interface. In fiscal year 2003, only 55 percent of the acres scheduled to be treated are near communities. Finally, we need hard and fast assurance that the agencies will make its investments near communities because the National Fire Plan and the Western Governors' Association identify protecting people as the number one priority.

We are willing to provide the agencies with additional authority as set forth in our amendment but only to achieve the number of acres treated that can be accomplished without a substantial increase in funds. My amendment doubles the amount of acreage treated to reduce fire risk in the upcoming year form 2.5 million to 5 million acres whereas Senator CRAIG's amendment covers 10 million acres of Federal land.

It is impossible for the agencies, even with the expedited procedures included in Senator CRAIG's amendment, to quadruple the amount of acres treated annually. Since fiscal year 2001, Congress has provided about $400 million annually for hazardous fuels reduction. With this level of funding, the agencies have treated approximately 2.5 million acres each year. For fiscal year 2003, the Senate Interior appropriations bill provides $414 million for hazardous fuels reduction, fully funding the Administration's request. Again, the agencies estimate they will complete treatment on about 2.5 million acres. Senator CRAIG's amendment does not provide any additional funds, therefore, it is incorrect to purport that now, suddenly, the agencies will quadruple the amounts of acres treated.

Moreover, we do not need to treat every acre of land to reduce fire risk. New Mexicans and others living in the west want their government to quickly and intelligently address the excessive build-up of hazardous fuels. If we're going to leverage limited Government funds to solve this problem, we need to figure out in advance which forested lands need to be treated and how.

To act quickly and strategically to prevent catastrophic fires, we do not need to treat every single acre of national forest and public lands. Instead, we should create firebreaks and other strategically thinned areas to stop fires from spreading out of control over large areas. A respected Forest Service researcher named Mark Finney has estimated that treatments need only address 20 percent of the landscape, if thinned areas are strategically placed to make fires move perpendicular to the prevailing winds. The Forest Service should experiment with Finney's ideas and those of others about how to most strategically place thinning projects. The less acres the Government needs to treat, the further our existing funds will stretch.

The board feet levels in this amendment are identical to the levels previously set forth for categorical exclusions by the Forest Service. Almost 3 years ago, a Federal district court invalidated these categorical exclusions primarily because the agency literally lost its administrative record. Notably, the court left room for the agency to reinstate these categorical exclusions but for some reason the agency still has not done so. This approach also will benefit local businesses by requiring the agency to implement relatively smaller projects. Residents of Truchas, NM, tell me that the using categorical exclusions improves the ability of local Federal land managers to make site specific decisions that address community needs.

At this point in time, I do not believe we need to expedite judicial review beyond what we offer in our amendment. Prohibiting any temporary restraining orders or preliminary injunctions, which is what the Republican and administration proposals would do, makes any judicial review effectively irrelevant. In addition, on August 31, 2001, the General Accounting Office reported that, of the hazardous fuels reduction projects identified for implementation in fiscal year 2001, none had been litigated.

In conclusion, our amendment represents a thoughtful, balanced approach to expedite forest thinning in a way that truly reduces fire risk for communities and the environment.

I yield the floor.

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

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

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Byrd amendment No. 4644 (to amendment No. 4471), to provide for the establishment of the Department of Homeland Security, and an orderly transfer of functions to the directorates of the Department.

Reid (for BYRD) amendment No. 4673 (to amendment No. 4644), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I ask unanimous consent that there be 1 hour for debate, equally divided, on the cloture motion.

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

Mr. THOMPSON. And the vote to occur at the end of that hour.

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

Mr. THOMPSON. I thank the Chair.

Madam President, about a year ago, we began hearings on the homeland security issue in the Governmental Affairs Committee. Other committees had hearings, but we had a series of hearings that lasted until recently.

During that time, we reached bipartisan agreement on many important factors. We reached bipartisan agreement on the notion that we need to reorganize our Government to meet the new challenges our country faces. We live in a different world, a new world, a dangerous world, and we need to reorganize our governmental agencies to deal with that world. We have very broad bipartisan agreement on that.

We also discovered in that time that we have some very important points of disagreement.

I think it was the understanding of everyone concerned that after we addressed this in the committee, after we had a full discussion, a series of hearings, after we had an extensive markup and aired all of these similarities, these points of agreement, and points of disagreement, that we would be able to take that committee product, bring it to the floor, as Senator LIEBERMAN has done, and that we would be discussing the merits of the points of agreement and the points of disagreement because we were about very important business of our country and the future safety of our country, with the full realization that we were doing something that had not been done for over half a century in this Government, in terms of the scope of the reorganization.

I believe that was the understanding, that this would be the process, and that it was one of those rare times—all too rare around here—that we would come together on both sides of the aisle and address it in that way.

It was not to be. We have spent the last 3 weeks in the afternoons supposedly on this bill and have accomplished very little.

Of course, we had the September 11 anniversary in the middle of that time period, and we had a holiday in the midst of that time period. We also had a commemoration in New York, which many of us attended, in connection with the anniversary of September 11. But we still have had 3 weeks of afternoons for consideration of this bill, and we only really considered one of the substantive areas of disagreement.

We have had a considerable period of time in the way legislative calendars go, but we have had very little time to consider these very important issues that we have been discussing in the press, in the media, on the floor, and in committee for now going on a year at least.

Instead of coming to the floor and proceeding with those issues, we have had time taken up under the rules of the Senate, as Senators have a right to do, on matters that are peripheral to the important amendments and the issues with which we know we have to deal.

Our side of the aisle has all this time been trying to get consideration of the issues that we know we have to consider. We are going to have to consider, one way or another, whether we want to diminish the President's national security authority. Could there be anything more important than that?

We are going to have to decide whether or not we are going to give this new Secretary management flexibility to deal with the new problems in any Governmental Department nowadays, especially in this one.

We are going to have to decide what kind of intelligence apparatus we are going to have within this new Department eventually.

We are going to have to decide whether we are going to give the President reorganization authority.

We are going to have to decide all these issues. All these issues have been begging for consideration all this time. This Senator has been trying to get them up for consideration. This Senator took 6 days trying to get a vote on the question of the nature of the White House person and whether or not he would be Senate confirmed. We finally, after 6 days, got a vote on that. It was a voice vote, and it was adopted. That is the only substantive amendment we have even had an opportunity to consider.

With that background, and before considering any of these other issues at all, or having any discussion, any debate, the other side has filed cloture. After taking up all this time on all these other issues—days and hours of discussions on one thing or another—they have filed cloture. They have essentially filed cloture against themselves.

I may not have been here long enough to fully understand all of the history and the way things work around here, but I hope that it is a rare occurrence for the majority party, or anyone else, to bring up their own bill, filibuster, and then file cloture against themselves in order to cut off the other side from offering amendments, which we know have to be considered. That is the situation we have. That is the bizarre circumstance in which we are today.

That is not the proper purpose of a cloture motion. I ask my colleagues: Do they really believe there is any chance of getting a bill under these circumstances? This cloture motion is not about substance. It is not about moving the bill. Everybody knows if this cloture motion succeeds, there will be no bill this year. The President will veto this bill as sure as I am standing here. Without even having the opportunity to consider these issues concerning his own authority or the management flexibility or the reorganization or the intelligence component, or any of these other issues, they file cloture and deprive us of considering these issues?

I am not sure anybody is going to argue the amendments would be germane after cloture. The effect is to cut us off. It is not about substance. It is not about moving the bill along. It is about appearances and it is about assessing blame. I guess there is quite a bit of embarrassment around here that we have spent 3 weeks and have essentially done nothing. Now apparently we want to give the appearance we are trying to move this along so we file cloture, plus putting us in the position on this side of the aisle of opposing cloture and make it look as if we are holding up the bill, when we are the ones who have been trying to get our amendments up and considered. I do not think the American people are going to buy that.

When it comes to matters of this importance, where we could come together on a bipartisan basis and address these issues, I say to those Americans, better luck next time, because the matter has not gotten serious enough yet. We are only dealing with the security of this country, but we are going to engage in our same old games.

I have a suggestion that instead of worrying about the appearances of moving this bill, let us actually move it. We should defeat this cloture motion and get on with those issues we are going to have to address sooner or later and give us a chance of having a bill.

Therefore, I respectfully urge my colleagues to oppose cloture in this instance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I want to try to summarize my thoughts so the distinguished Senator from Tennessee can preserve some of his time.

When 9/11 happened, and after that terrible day when we all stood together in front of the Capitol and sang ''God Bless America,'' I thought that coming together on a proposal to defend our country and its people was going to be about as easy as it had been after December 7, 1941. I was absolutely and totally wrong.

As strange as it sounds, as unbelievable as it is, the Lieberman bill takes power away from President Bush to declare a national emergency and, in the process, override business as usual in the Federal bureaucracy, a power that Jimmy Carter had, a power that Ronald Reagan had, a power that the first President Bush had, a power that Bill Clinton had and used.

Incredibly, after thousands of our people have died, after all of the suffering and all the trauma, we now have in a bill—a bill that is shameless enough to call itself related to homeland security—an effort to take power away from the President that he had on 9/11.

I am not sure the American people truly understand that President Bush has asked for no additional emergency powers to set aside work rules within the Federal bureaucracy. In fact, he has already agreed to reduce those powers very slightly as compared to what his four predecessors possessed. But that is not enough for the supporters of the Lieberman bill. They want to deny the President the power to declare, on a national security basis, that we change the way the bureaucracy works to allow him to put the right person in the right place at the right time.

Let me give a concrete example of it. At Logan Airport in 1987, Customs agents decided they needed to change the way a room was structured in order to do inspections and in order to improve the quality of the inspections. The Treasury employees labor union objected and filed a complaint with the Federal Labor Relations Authority that said, under their union work rules, they had to sign off on a change in the work space, and the FLRA ruled that the Customs Service could not change their inspections facility because it overrode a provision of that union contract.

Let me remind my colleagues that two of those planes that were involved in terrorist attacks flew out of Logan Airport. Are we today to allow a work agreement and the Federal Labor Relations Authority to override the President if he wants to improve security at Logan Airport? I do not think so. I do not think the American people believe that we should, but that is exactly what is being proposed.

So I urge my colleagues to reject this idea that in the name of national security we should take national security power away from the President. If this

cloture motion prevails, we will have only been allowed to offer one amendment, the Thompson amendment. A vote to kill it failed, but then for 3½ days it was held in limbo. If this cloture motion is agreed to, a substitute amendment, which perhaps is supported by between 40 and 50 Senators, would not be able to be offered.

The majority had a right to file a cloture motion—that is the way the Senate works—but with all due respect I think it was wrong to file it. I do not think it can be justified given we have had an opportunity to offer one amendment, and I do not believe the American people would be in favor of ending debate on this bill while its major feature takes power away from the President to use national security waivers instead of preserving that power. So I urge my colleagues to vote no on this cloture motion.

I conclude by reading a quote from Dwight David Eisenhower. I think it is very appropriate as we debate the Homeland Security Department and its structure. Ike said:

> The right organization will not guarantee success, but the wrong organization will guarantee failure.

I believe the bill, as it is now structured, is an unworkable organization. The President has said he will veto it, that he would rather have no bill than this. When are we going to awaken and give the President the tools he needs to finish the job? I hope it is soon, and I hope we begin today by voting down this motion to deny us the ability to give the Senate an opportunity to work its will on the President's proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from California has a half hour.

Mrs. BOXER. What are the rules? Do I have to ask for a specific number of minutes or may I speak until I finish my remarks?

The PRESIDING OFFICER. The Senator from Connecticut controls 30 minutes.

Mrs. BOXER. I ask Senator LIEBERMAN if he will yield 5 minutes to me to speak in favor of cloture on his amendment, and then address the Byrd amendment.

Mr. LIEBERMAN. Madam President, I yield 5 minutes to the Senator from California for that purpose.

Mrs. BOXER. I thank the Senator very much for yielding me the time.

As I begin my remarks, I offer my thanks to both Senator LIEBERMAN and Senator BYRD for the work they have done on behalf of the American people and for the principled and deliberative approach they have brought to this very complex issue.

I have tremendous misgivings about the size and shape of this Department, which I will address. I do want to seek cloture. I do want to see some finality. I do think this is very important.

I was distressed yesterday to hear comments from the Senator from Texas, Mr. GRAMM, in which he said the American Government was the laughingstock of the world because of our work rules. That is the first time I have ever heard that the American Government is the laughingstock of the world for any reason.

This is the greatest country in the world, and I believe one of the key reason, is our people and their dedication. I know one of the big issues between both sides and some on our side of the aisle, as expressed by Senator MILLER yesterday, is we should, in fact, change some of the worker rules and strip some of those rules from this new Department. I want to say respectfully I will fight that with every bone in my body, as will the Senator from Georgia and the Senator from Texas, who will oppose what my view is.

I want to say this and not linger on it too long because we will have more time. Every single one of the heroes of 9/11—every fireman, every policeman, every emergency worker—happened to be covered by work rules. They never looked at their watch and said, oh, my God, I am working overtime, I had better get out of here, or I am in danger and I should be getting hazardous duty pay. We never saw that. We saw an incredible dedication by workers who cared about what they were doing. I found it tremendously insulting to hear those words in the Senate. I will fight for those workers.

We are creating a homeland security office that is supposed to be second to the Pentagon in defending the American people. What do we do to the people who work in that Department? Make them second class. In my opinion, that is disastrous. I have met some of the workers. They are the heroes of tomorrow. They deserve to be treated with respect, not stripped of the worker rules that protect them. We will talk more about that.

Briefly, I support the Byrd amendment, and I look forward to having a chance to speak at greater length. This is a huge change in our Government. Under the current plan, much improved from the House—the Lieberman plan is much improved from the House version—we will be taking 170,000 employees and shifting them over to a new Department. Many of these agencies have multiple responsibilities—not just to protect the homeland but, for example, in the Coast Guard search and rescue missions, so important to my home State.

In the case of FEMA, when we have an earthquake, if we have a flood, or if there is a hurricane anywhere in the country, FEMA must come and deal with it, deal with the people who suffer losses, deal with the businesses that suffer losses. I don't understand why we have taken those agencies in whole cloth and placed them in the new Department.

Senator BYRD says, yes, we need this Department of Homeland Security. He moves forward with the top level people who will be bright and smart, who will be able to look at their challenge and let the Congress know in the ensuing days, weeks, and months what they need to do their job. Senator BYRD is courageous to get out here and slow this train down.

I have been in government a long time. I started at local government many years ago. I was on a county board of supervisors. We ran the whole county—the court system, the emergency workforce, transit district, and the rest. One of the lessons I learned: Do not do something that just looks good; do not do something that just sounds good; do not do something just because it protects you politically; do something right. Mostly I learned, don't do something so big, so huge, that there is less accountability rather than more accountability.

I thank Senator BYRD. I support the cloture motion. I want to see a streamlined Homeland Security Department. That is what I will work for.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I yield myself such time as I may consume.

I rise to speak in favor of the cloture motion Senator DASCHLE has filed. It does seem to me that it is time to begin heading toward a conclusion of our deliberations on homeland security and to have a final vote as soon as we can. This cloture petition is a way to begin to do that. I have said before, and I will say it again, briefly, some of members on the Governmental Affairs Committee have been at this for almost a year now. In fact, a certain amount of activity began in Congress before that. Congressman THORNBERRY of Texas, a distinguished Member of the other body, introduced legislation early in 2001, months before September 11, to create a Department of Homeland Security. That was based on the work of the so-called Hart-Rudman Commission.

Our committee was carrying out hearings on this matter, held one prescheduled on September 12 on the question of how to protect the American people from terrorist assaults on our cyber-systems, a point of vulnerability that we have to organize ourselves to protect against. We held 18 hearings in our committee related to homeland security and the creation of the Department. Our committee reported out a bill in May by a 9-to-7 vote, unfortunately, a partisan split on the committee at that point.

President Bush endorsed the idea of a Homeland Security Department, and his proposed Department, most of the recommendations were quite similar—some exactly the same—as those contained in the bill that had come out of our committee in May on a partisan vote. We worked together with the White House and members of the committee.

On July 24 and 25 of this year, we had two long, thoughtful, productive days of markup in our committee and reported out the amendment before the

Senate as the underlying amendment creating a Department of Homeland Security.

We came to this bill immediately after we returned after Labor Day. This is the third week. A lot of the days have not been full days. We have had the two-tiered system with appropriations matters in the morning and homeland security in the afternoon. There has been a lot of debate and I hope a lot of consideration of the merits and demerits of the various ideas.

Some of our colleagues on the other side of the aisle have begun to complain about the pace of action; that the longer we wait to adopt a homeland security measure, the longer it will take to set it up, the more the American people will be exposed to danger from the terrorists who are clearly out there. We see it every day in the paper. We know it ourselves from briefings we have had, both open and classified. The enemy is there and not just at our door, but as we see from the arrests that occurred in Lackawanna, NY, within the last week, they are inside the house.

It is time to move forward on the 90 percent of ideas that are pretty much the same. We have some parts on which we are in disagreement. Senator GRAMM and the occupant of the chair, I gather, have a substitute amendment. We have various amendments to try to alter the underlying amendment. Let's get on with it.

I must say, I am puzzled, having heard the Senator from Texas speak a few moments ago, how those who have claimed we are not moving fast enough toward adopting a Department of Homeland Security bill because of the dangers involved are now going to vote against this cloture petition, which, of course, as all the Members know, would essentially narrow the debate, begin to move us toward germane amendments, and hopefully say to our colleagues and to our country that we are getting close to that time when we have to act.

I am puzzled why people who have complained about the pace of action on the Department of Homeland Security bill would vote against this cloture motion, against a vote on cloture. I hope they give it a second thought. Not only is there a critical urgency that we move forward to adopt this bill, get it to a conference committee with the House, get it to the President's desk, have it adopted, begin the work of creating the Department, but, Lord knows, we have a lot of other important work to do in this Senate and in the Congress generally, with appropriations bills, with matters related to potential military action against Iraq, matters related to the economy—particularly the retirement security of the American people, reactions to the corporate scandals that have occurred about which there is broad bipartisan interest in having us do something.

I think the time is now. I think each of us ought to vote for cloture and then let's have a system for having a finite number of amendments come before the Chamber. Let's give people the opportunity to make this bill as it came out of the committee better than it is. I think we have done a pretty good job. I described it yesterday, I believe, here on the floor as obviously not perfect but the first best effort toward taking the disorganization that exists now, that is dangerous, and organizing not just our Federal Government but our national strength to meet the terrorist threat.

I just came from a meeting with some families of victims of September 11. I have met with them several times before. There were about 120 who we lost, who were residents of Connecticut—a grievous loss. From the first time I met with them, they asked the question that echoes in my mind and my heart, which is, How could this have happened? And the subquestion is, Could this have been prevented so I would not have lost a spouse, a child, a parent, a friend?

This Department proposal is an answer to that question—not fully the answer to the question of how it could have happened, but surely an answer to the plea that we take action to make sure nothing such as September 11 ever happens again. It is for that reason I support the cloture motion and hope my colleagues, on a bipartisan basis, will vote for it so we may then go forward on a bipartisan basis to adopt a bill that will, as soon as possible, create a Department of Homeland Security.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Mr. President, will the Senator yield briefly?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. LIEBERMAN. Yes. Does the Senator wish to speak on the cloture motion?

Mr. BYRD. Not at length. Just a moment.

Mr. LIEBERMAN. I am happy to yield time to the Senator as he needs.

Mr. BYRD. Yes. Mr. President, John Stuart Mill said:

> On all great issues, much remains to be said.

This is a great issue. Much remains to be said. I understand that some said that I have been filibustering and holding the floor. I would like to hear that again. I am not holding the floor.

> On all great issues, much remains to be said.

I hope other Senators will say much on the pending amendment, the Reid-Byrd amendment. The floor is open.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally to each side.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum, and I ask the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, neither side seems to be interested in saying anything at the moment. I have a statement I would like to make if both sides would allow me to have the time, 10 minutes—I might be able to make it in 10 minutes.

Mr. LIEBERMAN. I have no objection.

Mr. NICKLES. What was the request?

Mr. LIEBERMAN. The suggestion Senator BYRD raises is since neither side is using the time allocated, he has a statement he would like to make in the remaining time.

Mr. NICKLES. I have a statement to make on the vote we will have in 10 minutes, and then I will be happy to yield.

Mr. BYRD. Mr. President, the Senator may have the floor if he wishes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I am happy to have the Senator from West Virginia speak. I do wish to speak on the issue we have before us.

Parliamentary inquiry: The unanimous consent calls for a vote at 12:30; is that correct?

The PRESIDING OFFICER. Twenty-two minutes remain, according to a subsequent unanimous consent agreement.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. May I ask how much time our side has remaining?

The PRESIDING OFFICER. There remain 10½ minutes.

Mr. NICKLES. The vote is anticipated to be at 12:30?

The PRESIDING OFFICER. It is 12:40.

Mr. NICKLES. Will the Senator yield me a few minutes?

Mr. THOMPSON. I yield such time as the Senator may consume.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I think we have had some good debate. I am not here to debate the substance of the two proposals, but I am here to debate strongly against voting for cloture. It seems like I was here yesterday doing the same thing on the Interior bill. I am going to do it again. My friend and colleague for whom I have the greatest respect, the Senator from West Virginia, knows the Senate rules better than any—I mentioned yesterday that we are getting way too frivolous about dropping cloture votes every time somebody wants to have a vote. It achieves no purpose whatsoever.

That is exactly what is going to happen here. Cloture is a very serious procedure. That limits a Senator's ability

to offer amendments. The Senate of the United States is one of the greatest institutions in the history of democracy, and we are going to have cloture. I have heard some colleagues say they hope it is invoked. If it is, that means the amendment the Senator from Tennessee, Mr. THOMPSON, is offering, along with Senator GRAMM and Senator MILLER, cannot be offered because it would be nongermane. Are we going to deny them the opportunity to offer an amendment they have worked hard on and which every colleague in this body knows they are entitled to offer? Are we going to file cloture so you can't offer amendments to it?

I am amazed at how quickly people draw their gun of cloture to deny Senators on both sides the opportunity to offer amendments. I know there are a lot of amendments that are floating around. I have heard people say, for example, I think I might do an amendment dealing with the intelligence operation. Those amendments, in almost all likelihood, would be nongermane.

I just urge my colleagues to let us respect the rights of individual Senators to offer amendments.

Mr. LIEBERMAN. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I would be happy to yield.

Mr. LIEBERMAN. I ask my friend from Oklahoma—I have not had an opportunity given to me to look at the substitute that may be offered by the Senator from Texas—why would it be germane if parts of it don't relate to homeland security?

Mr. NICKLES. I appreciate the question of my good friend. I am sure he is aware of the Senate rules postcloture. Germaneness requirements are so strict that they prohibit a lot of amendments; amendments that are, frankly, quite germane wouldn't be germane by the ruling of the Parliamentarian and by the history and precedents of the Senate.

We have all been around here for a while—some of us longer than others. Postcloture germaneness is very strict and would prohibit probably 90-some percent of the amendments to be offered. Any Senator could offer amendments to strike a section of the Senator's bill. I guess we have been doing that a long time, but that is not the way to do it. The Senator from Texas should be entitled to offer his amendment. Senator MILLER cosponsored the amendment. A lot of us have cosponsored the amendment. We want to have the right to offer that amendment.

I haven't asked the Parliamentarian. But I would guess, if the Parliamentarians have reviewed the language, they would find that amendment would be nongermane postcloture. It is germane to the subject. It would be germane by almost anybody's definition of germaneness because we are talking about homeland security. It would be germane because it is the President's proposal. The White House worked on it, but according to strict Parliamentarian procedures, it may well be ruled nongermane.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. NICKLES. I would be happy to yield.

Mr. BYRD. Mr. President, I know what the Senator is saying. We all know the Parliamentarian gives guidance, but I hope when the Senator talks about the Parliamentarian and the aid which the Parliamentarian gives, we are talking about the ruling of the Chair. It is not the ruling by the Parliamentarian, with all due respect to the Parliamentarian. The Chair gets the guidance of the Parliamentarian. But it is still the ruling by the Chair.

Mr. NICKLES. I appreciate my colleague saying it is the ruling of the Chair. And the ruling would be following the advice most likely of the Parliamentarian who would be following the precedents of the Senate. And the precedents of the Senate would be postcloture germaneness, which is very strict, indeed. And most germane amendments would fall. We have just begun this debate.

I will tell my friend and colleague, who is also the chairman of the Appropriations Committee, that we agreed to allow two bills to go simultaneously—Interior and the Department of Homeland Security. Neither bill is moving, much to my chagrin as a person who realizes we only have 10 days left in this fiscal year, and we haven't been passing appropriations bills. We dual-tracked some bills when the Senator from West Virginia was majority leader. We dual-tracked bills under Bob Dole as well. Sometimes it works. For the last 3 weeks it has not worked.

We haven't made adequate progress on Homeland Security, and we haven't made adequate progress on Interior. Maybe it is because all of us have to fight or to wrestle with too many issues simultaneously. I am not sure. But the progress on both bills has been rather poor.

If we want to—and I want to—pass every appropriations bill by the end of the fiscal year and have them on the President's desk for his signature, or for his veto. I think that is our constitutional responsibility. We are not getting it done. That is disappointing me.

I happen to think there probably is no greater issue confronting this Congress than the Department of Homeland Security. And I think we should have the opportunity to be able to offer alternatives. If cloture is invoked, I am afraid the primary alternative authored by Senators GRAMM, MILLER, THOMPSON, and myself wouldn't be allowed postcloture.

That is why I would say in fairness that we can count votes. I know you are not going to get cloture. I do not know why we are doing it. If we gave you cloture, we could tie this place up. Nobody is filibustering this bill.

No one—at least on this side. Maybe others are. Maybe others have different agendas, but no one on this side of the aisle wants to filibuster this bill in any way, shape, or form.

I will say the same thing for the Interior bill. We had a vote on cloture on the Interior bill. I heard the Senator from West Virginia say he wouldn't filibuster. We are not filibustering. Cloture is supposed to shut off debate. Why? We are not having extended debate. We are not stretching out debate, not on Interior—and not on Homeland Security. We are willing to vote on the amendments on the Department of the Interior, and vote. We may win; we may lose. I have won some; I have lost some. That is part of being a legislator.

The same thing for Homeland Security; let us vote on the alternative.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. NICKLES. I would be happy to yield.

Mr. BYRD. Mr. President, I wish we would get on with Interior and the other appropriations bills. The Senate Appropriations Committee, as I have said many times, has reported all 13 appropriations bills. We did that long ago. Senator STEVENS and I, and every Republican and every Democrat on that committee voted. We have 13 appropriations bills on the calendar.

If we cannot finish the Interior appropriations bill, will the Senator help us to get unanimous consent to proceed to other appropriations bills? We could take up Senate appropriations bills. We don't have all of the House appropriations bills. The House Appropriations Committee has not reported all 13 appropriations bills. But we have reported all of the 13 Senate appropriations.

Will the Senator and his side of the aisle help us to get unanimous consent to go to the other appropriations bills?

Mr. NICKLES. I would be happy to respond to my good friend and colleague. I will help you try to get the appropriations bills done. I will also tell you what I told my very good friend, Senator REID. I will object to dual-tracking on homeland security and appropriations bills simultaneously because it doesn't work. I think maybe we should have a little greater focus and stay on homeland security.

I don't care if we stay all night and all weekend, this is an important issue. We ought to finish it.

I will tell my friend and colleague from West Virginia that I will stay all night, and we will help finish these appropriations bills. I don't care if we have to work every weekend between now and the end of the year, let us do it. But I don't like this idea of dual-tracking unless we have a greater understanding on the Interior bill. Let us finish it.

I used to manage the Interior bill. I worked with my colleague. I was chairman of the committee. I was chairman, and I was ranking. We did the Interior bill year after year, I might mention, with my colleague, Senator REID, also

assisting on the floor. We did that bill generally in 3 days. We got it done. It is usually a bipartisan bill, and it would usually pass with 90 votes.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. NICKLES. I would be happy to yield.

Mr. BYRD. Mr. President, Shakespeare said the Senator ''is a man of my own kidney.'' Some would say ''a man after my own heart.'' The Senator said he is willing to stay here all night and get these appropriations bill done. Let us do that.

I believe the objections from the other side of the aisle on moving those bills is the word out of the White House. I am just thinking—I am presuming, some things which I have seen and heard are to that effect—that the word has come out of the White House. Has it come out of the White House to the Speaker of the other body?

That is where appropriations bills generally originate. Appropriations bills generally and customarily originate in the House.

Can the Senator inform me as to whether the word has come down from on high to the House to hold up those appropriations bills? The House has not moved those appropriations bills, and it is not because of the House chairman, Mr. YOUNG. He would eagerly move those bills.

Can the Senator elucidate on this question?

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

Mr. BYRD. I hope the Senator will have a minute at least to respond. Will the Senator from Connecticut yield?

The PRESIDING OFFICER. The Senator from Connecticut controls 11 minutes.

Mr. LIEBERMAN. Does the Senator wish unanimous consent for an additional moment?

Mr. REID. Mr. President, we are not going to extend the time for the vote. I don't mind Senator LIEBERMAN yielding him some of his time.

Mr. LIEBERMAN. Mr. President, I yield the Senator a minute of my time.

Mr. NICKLES. Mr. President, I appreciate my good friend from Connecticut doing that.

I just say, since I have taken all of Senator THOMPSON's time, I hope Senator THOMPSON, if he wishes, will be able to speak on the issue. We have had an interesting colloquy. And I am happy to extend that time.

I am happy to work with my friend and colleague. I happen to be one who thinks the Senate does not have to wait on the House. It is tradition. It is not constitutional. But the Senate has not been setting records. Well, maybe we are setting records on Interior. We have been on it for 3 weeks and have not finished it. So we are not doing our job. Maybe the House isn't getting its job done, either. Hopefully, both will get it done.

I would hope my colleague from Connecticut would yield some time to the Senator from Tennessee on the issue at hand. I appreciate the consideration of the Chair and my friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I wish to speak very briefly, and then I will yield. The Senator from Nevada has withdrawn his request to speak. Let me say a few words.

My friend from Oklahoma has talked about his concern that the substitute that the Senator from Texas, Mr. GRAMM, has fashioned would not be ruled germane. I don't know because I have not seen it. But, of course, there is another alternative here, which is the normal course.

I refer back to our Governmental Affairs Committee's deliberations on the bill in which, after we put our mark down, Senator THOMPSON, as ranking member, offered several amendments going to powers of the President to reorganize, the latitude over appropriations, obviously much interest in civil service, collective bargaining questions, some dispute over the exact powers of division of intelligence in the new Department that all of us agree ought to be created, but we disagree on what powers it should have.

Again, I am not the Parliamentarian, but picking up on what the Senator from West Virginia has said, it certainly would seem to me there would be ample basis for whomever the Presiding Officer is at the time to rule that the kinds of amendments that the Senator from Tennessee offered in committee—which put it in issue and give the Senate a choice of what I think are the remaining relatively small number of issues in controversy—would, in fact, be ruled germane. So that is the way to get this moving.

Mr. NICKLES. Will the Senator yield?

Mr. LIEBERMAN. For a question.

Mr. NICKLES. Just knowing postcloture, if the Senator from Tennessee offered the substitute section dealing with collective bargaining, dealing with Presidential flexibility, I can assure you—or my guess is—that 90 percent of those would be ruled nongermane. And that is just the facts of the postcloture rules in the Senate.

I understand what you are saying. One way we can nibble, we can strike. We can always strike, but if we wanted to have strike-and-insert language, most of those amendments would be ruled nongermane. That is the reason why I am urging my colleagues to vote no.

Mr. LIEBERMAN. I thank my friend.

My answer would be, again, I have not seen the exact components of the substitute from the Senator from Texas, but as my staff has heard it described, it follows pretty closely after the House bill, which, again, if I were in the chair I would think are germane.

I want to yield a few moments—as much time as he would like—to the distinguished Senator from Nevada.

Mr. REID. I thank the Senator.

Mr. President, I simply want to say this. It is obvious there are efforts made for us to do nothing in the Senate. And that is being accomplished almost 100 percent because we basically are accomplishing nothing.

The majority leader has attempted to invoke cloture on the Interior bill so we could move on. We are hung up with an amendment dealing with firefighting, which is too bad; Neither side has 60 votes. The rules have been in effect for 215 years, basically, with some minor changes. Those are the rules of the Senate. You need 60 votes on controversial issues. So we cannot move on Interior. That is too bad.

And on homeland security, the President has talked to every Senator in this room about the importance of that piece of legislation. Why can't we move on? If cloture were invoked on this, it would narrow the time with which we have to work on this bill. It would go to conference, of which the President has tremendous clout in the conference, and get this bill down to him.

I am seriously thinking that there are efforts being made here that we don't finish this bill, and then that we, the majority, can be blamed for not completing the homeland security bill. We want to complete this bill. Even Senator BYRD, who, as everyone knows—because he stated it on the floor—has problems with this piece of legislation, signed a cloture motion.

We all know we have to move on with this piece of legislation.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I am happy to yield for a question.

Mr. NICKLES. Does the Senator think it would expedite completion of homeland security if we allow Senator GRAMM's and Senator MILLER's amendment to be adopted, or at least be voted on? Let's have an up-or-down vote on the Gramm-Miller substitute, let's have an up-or-down vote on Lieberman, and maybe a couple other amendments, and we can complete this bill.

Mr. REID. Well, Mr. President, we have spent days here. People are blaming Senator BYRD for slowing things down. All anyone has to do, when Senator BYRD sits down, is move to table his amendment, or what is going on at the time. There has been unending stalling on this piece of legislation.

I repeat, the President has talked to me. He has talked to the Presiding Officer. He has talked to the managers of the bill. He has talked to Senator NICKLES—everybody—about this bill. He believes this is important. Let's move on with it. If this bill comes out of the Senate, and it is not perfect, what he wants, he controls the House of Representatives. He has tremendous, I repeat, clout with the Senate.

We want to get this bill done. Let's move on.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I am happy to yield for another question.

Mr. NICKLES. I don't think I heard an answer to the question. Shouldn't Senators GRAMM and MILLER be entitled to offer their amendment? And you also said there are some people stalling. There is nobody on this side of the aisle who is stalling this piece of legislation. And either side can move to table Senator BYRD's amendment. I am happy to do that. But I am going to always insist that our colleagues have a right to offer their amendment.

Won't you agree with me to give Senator GRAMM and Senator MILLER a vote on their amendment?

Mr. REID. Nobody is stopping them from having a vote on their amendment. Who says their amendment is not germane?

Mr. NICKLES. Cloture would stop them from having a vote.

Mr. REID. I would doubt that it is. But whatever are the rules of the Senate are the rules of the Senate.

Mrs. FEINSTEIN. Mr. President, as this Nation wages our war against terrorism, I rise today in support of the Lieberman substitute amendment to H.R. 5005, the Homeland Security Act. We must take this critical step now, in a way that protects both our liberties and our lives.

I commend my colleague, Senator LIEBERMAN, and the entire Committee on Government Affairs for drafting such meaningful and comprehensive legislation.

The Government Affairs Committee reported the bill on a strong bipartisan vote of 12 to 5—a clear sign of substantial support. It is unfortunate that the President has threatened to veto this legislation.

It fills me with a deep sense of sadness that it took the tragedy of 1 year ago to bring us this far. The deaths of nearly 3,000 people showed us, beyond a shadow of a doubt, that our Government was ill-prepared to tackle the multifaceted threat of terrorism.

We would be doing a great disservice to the memory of those that perished on September 11—and to the citizens this new department will be sworn to protect—if we fail to adopt a more effective system to combat terror.

As a member of the Senate Select Intelligence Committee and chairman of the Judiciary Subcommittee on Technology, Terrorism, and Government Information, I have been immersed in the debate on homeland security for a long time now.

I believe that we need to reorganize agencies to better fight the war on terror and I think that the creation of a Department of Homeland Security is a good first step.

This belief grew largely out of extensive hearings. In the 107th Congress alone, the Technology and Terrorism Subcommittee has held 16 hearings with 79 witnesses on counterterrorism.

Other subcommittee hearings covered narcoterrorism, seaport security, the National Guard, cyberterrorism, critical infrastructure, weapons of mass destruction, bioterrorism, biometric identifiers, and identity theft.

Above all, what stood out at these hearings was the lack of coordination among specific agencies involved in homeland security, bolstering the need for fundamental reorganization of our counter-terrorism effort.

For example, we dealt with the problems at the National Infrastructure Protection Center, NIPC, the chief body for coordinating the Federal response to cyber-terrorism attacks.

The hearing revealed that NIPC had strong investigative capabilities but was weak in analysis, warning and outreach.

Now, under the homeland security legislation, NIPC's investigative responsibilities will remain at the FBI but the other functions will be transferred to the Homeland Security Department.

These overall shortcomings in counterterrorism led me to introduce appropriate legislation.

Following the terrorist attack on the U.S.S. *Cole*, Senator KYL and I introduced the Counterterrorism Act of 2000. This legislation would have implemented a number of recommendations made by the congressionally-mandated National Commission on Terrorism.

The Senate passed this Counterterrorism Act unanimously, before the end of the 106th Congress. Unfortunately, the House did not act on the bill before it adjourned.

But we are in a dramatically different world now—and we are facing an enemy capable of any striking out anytime, anywhere, and by a wide variety of methods. The need for a Department of Homeland Security could not be greater.

More important than getting it done, however, is getting it done right.

There are four key areas that I would like to address: the overall structure of the new department, the critical role of immigration to homeland security and the future of the INS, my concerns about intelligence sharing, the need for strong oversight over the money we spend fighting terrorism, and the importance of protecting our civil servants.

The task before us is enormous—the largest restructuring of the federal government in half a century.

It come as no surprise that this last reshuffling was in response to a new and unexpected war—the cold war. The Department of Defense, the CIA and the National Security Council were created by the National Security Act of 1947.

Begun in the immediate aftermath of World War II, the restructuring took years of work and compromise between the executive and legislative branches. To think we could undertake a similar operation in a matter of days or weeks is simply not practical.

We are talking about some 200,000 federal jobs, from over 20 agencies, to be shuffled around. Add to this a large chunk of the federal budget—at least $40 billion, not counting transition costs.

As we begin this massive reorganization, it is critical to do everything we can to stay focused and organized in the fight against terrorism.

Nothing could be worse than if this reorganization effort distracted from the real work of the good people in these agencies—people who are continuing the difficult, complex, and ongoing fight to prevent future acts of terrorism.

We must also be sure to strike an appropriate balance regarding which agencies to move and why.

Nowhere is this more critical, in my mind, than with the Immigration and Naturalization Service.

One of the most alarming facts about September 11 is how the terrorists used our visa system to enter the United States with impunity. They lingered here, undetected and under the radar, while some were even reissued visas after the attacks.

Because of this—and because I have long believed our borders to be sieves—last year I introduced the Border Security and Visa Reform Entry Act, with Senators KYL, KENNEDY and BROWNBACK.

Now that this legislation is law, the Congress must work closely with the administration to ensure that its provisions are properly and timely implemented.

The main thrust of this legislation was to prevent terrorists from entering the United States through gaping loopholes in our immigration and visa system.

Yet there is still much more to do, because the future of the Immigration and Naturalization Service is critical to our homeland security efforts.

To do this means ensuring that the immigration agency has the sufficient personnel and resources to get the job done. Without doubt, this is a daunting task.

When the President first released his proposal to create a new Department of Homeland Security, I had major concerns about transferring all immigration functions into a department made up of more than 25 different agencies and burdened with 120-plus different missions. But if such a transfer is to take place, the Lieberman substitute would implement it in the best possible way.

The President's proposal contained a mere two and a half pages of legislative language abolishing the INS and permitting the administration to divide the immigration system.

The White House would divide the INS with little direction as to how the agency would meet its new homeland security mission, and with little input from Congress. It would also establish a weak executive to oversee the immigration functions.

Finally, the administration's proposed new structure fails to adequately respond to intelligence failures at the hands of our front-line agencies.

For example, the General Accounting Office and the Justice Department's Office of the Inspector General has repeatedly criticized the INS for its failure to adequately train its officers to properly analyze intelligence information it collects from the field and from other agencies.

Yet the administration's bill fails to create a mechanism by which Federal authorities can share critical information with INS more quickly, so that the agency's officers and adjudicators can make the right decisions about whom to admit and whom to deny entry into the United States.

The Lieberman substitute, on the other hand, would establish two separate enforcement and service bureaus with clear lines of authority. This would ensure that: the agency's missions are straight-forward, that they are properly managed and staffed, and that policies handed down from the Director or the deputy directors of the two bureaus are implemented and followed in the field offices.

The Lieberman substitute would also elevate the stature of the new immigration agency executive—the Under Secretary for Immigration Affairs—and put into place a strong agency executive.

Right now, the Commissioner's office is too low in the Justice Department hierarchy to hold much weight with other federal agencies.

It has little meaningful authority over the District Directors, who wield enormous power, but are difficult to hold accountable. This would not necessarily change under the administration's proposal.

The Lieberman substitute would also separate the enforcement and service functions of the INS, but place them within the same Directorate.

This would allow both bureaus to coordinate such functions as investigating visa fraud, and conducting background checks of applicants for visas, naturalization, other immigration benefits, and entry.

I am particularly pleased that the Lieberman substitute contains the Unaccompanied Alien Child Protection Act, bipartisan legislation I introduced in January 2001.

I also believe that this illustrates how important it is, given this enormous restructuring, that we be very careful not to lump every role of every agency under the umbrella of homeland security.

Unaccompanied children represent the most vulnerable segment of the immigrant population.

Clearly, most unaccompanied alien children do not pose a threat to our national security, and must be treated with all the care and decency they deserve, outside the reach of this new department.

More specifically, this measure, comprising Title XII of the Lieberman substitute, would make critical reforms to the manner in which unaccompanied alien children are treated under our immigration system.

It would also preserve the functions of apprehending and adjudicating immigration claims of such children and repatriating a child to his home country when the situation warrants within the Immigration Affairs Agency, under the larger umbrella of homeland security.

The unaccompanied alien child protection provisions would transfer the care and custody of these children to the Department of Health and Human Services. Its Office of Refugee Resettlement office has real expertise in dealing with both child welfare and immigration issues.

These provisions would also establish minimum standards for the care of unaccompanied alien children; provide mechanisms to ensure that unaccompanied alien children have access to counsel, and have a guardian ad litem appointed to look after their interests; and provide safeguards to ensure that children engaged in criminal behavior remain under the control of immigration enforcement authorities at all times.

Roughly 5,000 foreign-born children under the age of 18 enter the United States each year unaccompanied by parents or other legal guardians. Some have fled political persecution, war, famine, abusive families, or other life-threatening conditions in their home countries.

They often have a harder time than adults in expressing their fears or testifying in court, especially given their lack of English language proficiency. Despite these circumstances, the Federal response has fallen short in providing for their protection.

No immigration laws or policies currently exist to effectively meet the needs of these children. Instead, children are being force to struggle through a complex system that was designed for adults.

The Immigration and Naturalization Service detains some 35 percent of these children in juvenile jails. There they are subject to strip searches, shackles and handcuffs.

Even worse, their experiences of detention and isolation are often as traumatic as the persecution they fled in their home countries.

These problems are emblematic of our immigration system. It is managed by a bureaucracy ill equipped to help the thousands of unaccompanied children in need of special protection.

This is why I urge my colleagues to support these important measures.

These changes would guarantee that the proposed Department of Homeland Security is not burdened with functions that do not relate to its core mission.

Second, it would ensure that the INS dedicate itself to its central functions and not suffer mission overload. And finally, the move would ensure that the interests of unaccompanied alien children are protected.

The future of the INS highlights two distinct questions, which relate to the larger issue of homeland security.

First, how we protect innocent civilians, immigrants and citizens alike, while uprooting terrorists and preventing terrorist attack, and second, how we organize such a large department in a way that avoids duplication and inefficiency.

With respect to this last question, the Lieberman bill is a marked improvement from the present situation, where more than 100 Federal agencies across the government play some role within homeland security, not to mention all 50 states and literally thousands of localities.

On one level, success depends on how the federal merges with State and local government—the so-called ''first responders''—and from the cooperation of citizens.

This is true on a variety of issues, from preventing possible attacks, through shared intelligence, to reacting to when an attack strikes, and also how any emergency or rescue operations are able to respond.

Success also depends on the need to improve the collection, analysis and dissemination of intelligence on homeland security. To do this right, we must not side-step possible failures within the intelligence community that occurred before the attacks of September 11.

Understanding past problems is key to future successes. We cannot afford to make the same mistakes twice, especially mistakes of such consequence.

Earlier this year, FBI Agent Coleen Rowley's startling testimony before the Senate Judiciary Committee was a real wake-up call.

Her accounts of the many layers of bureaucracy at the FBI, and the many frustrations faced in reaching superiors to authorize investigations, point to a critical need to revamp the existing structure of key agencies outside the Homeland Security Department—a task as complicated as it is sensitive.

It has been suggested that this new Department of Homeland Security is destined to failure if it cannot gain access to all relevant raw intelligence and law enforcement data.

I for one agree with such a scenario. We can't be fixing major kinks in the system a few years down the road, in the wake of another intelligence failure and another nightmarish attack. We've got to get it right, as best as possible, the first time around.

This will require answers to some tough questions.

For starters: What kind of intelligence would the new department get? And what recourse will it have if it does not get the information it needs?

Both of these have yet to be adequately answered.

I want to emphasize a point that many commentators have overlooked: billions of taxpayer dollars are at stake in this debate over homeland security.

As a member of the Appropriations Committee, I have studied what we spend on combating terrorism and will spend in the near future—are the numbers are staggering. We must ensure

that this money is spent properly and not wasted.

According to the preliminary results of a General Accounting Office investigation of the terrorism budget requested by me, Senators KYL, GRAHAM, and SHELBY, Congressmen SENSENBRENNER and CONYERS, the combating terrorism budget increased 276 percent in just 1 year—and is going to increase even more. Consider the following figures: a $40 billion supplemental appropriation bill was passed shortly after September 11 last year; the August 2002 emergency supplemental amounts to $29 billion; and the fiscal year 2003 budget request is $45 billion.

The GAO also found that counterterrorism missions are spread over multiple agencies and appropriations, but no real cross-agency terrorism budget exists. Neither the President nor Congress has a clear idea of how much we are spending to fight terrorism.

The GAO recommends that extensive interagency coordination and oversight is needed not just to determine how much we are spending to fight terrorism but to figure out where our priorities are.

In addition, the GAO found a number of areas of potential overlap—areas where money seems to be wasted through duplication of efforts.

These areas cut across every agency and include law enforcement, grant programs for State and local government, weapons of mass destruction training, critical infrastructure protection, research and development to combat terrorism, and terrorist-related medical research.

The creation of a new Homeland Security Department alone will do nothing to solve these problems. Simply moving agencies into a new organization is insufficient to minimize duplication and waste.

We need to be sure that the President, his Homeland Security Adviser, and the Secretary of the new department work with Congress to assist agencies in consolidating terrorism programs, eliminating duplicate efforts, and coordinating complimentary agency functions.

The issue of how best to ensure oversight over funds to combat terrorism does not stand in the way of our getting this legislation passed. The same cannot be said for the labor provisions.

As we know, these provisions remain the major barrier between the White House and Congress.

I do not see any inherent clash between collective bargaining rights for Federal employees and homeland security.

And I support civil service protections at the new Department of Homeland Security.

I support management flexibility, and I think that the Lieberman bill provides it. Under the bill, the new Secretary will have broad powers to hire and fire whom he wants.

The bill also includes a number of new flexibilities in recruitment, hiring, training, and retirement.

The Lieberman bill gives the administration flexibility in these areas. While the collective bargaining rights of federal employees in the new department will be grandfathered in, the President will be free to strip them of their collective bargaining rights if the job of those employees changes.

To me, I could not imagine a more ill-timed attack on the Federal employee unions. After all, Department of Defense civilians with top secret clearances have long been union members and their membership has not compromised national security.

And many of the heroes of September 11 were unionized. The New York City firefighters who ran up the stairs to their deaths did not see any conflict between worker rights and emergency response.

At a time of such massive restructuring of the Federal Government, we must maintain as much continuity as possible. By weakening workers' benefits, the government risks losing many highly qualified individuals to the private sector. There is also a large percentage of workers who, if push comes to shove, can option for early retirement.

This is no time for the Federal Government to suffer a so-called ''brain drain,'' and be forced to train individuals from scratch.

The last thing we want to do in the middle of our war on terrorism is lose experienced employees on the front lines of this war—employees at the Coast Guard, the Department of Defense, the Federal Emergency Management Agency, the Border Patrol, the Federal Aviation Administration, and other agencies that work around the clock to prevent another attack.

In closing, I would like to emphasize my belief that, in this age of uncertainty, in these uneasy times, the United States deserves a unified, streamlined, and accountable Department of Homeland Security.

Equally important, is the need to guarantee that our efforts to combat terrorism, much of which will come under the jurisdiction of this new department, remain consistent to our democratic values and our commitment to an open and free society.

We must protect legal immigrants and innocent children, who have no part in this war. We have always been a nation of immigrants—and to change this fundamental truth would undermine one of the pillars of our society.

If we fail on either of these fronts, the forces of terror would triumph without another attack.

I believe that the Lieberman substitute amendment accomplishes this in a thorough and just way. A Department of Homeland Security under its guidelines will go a long way in making us more secure from terrorist attacks.

I stand in support the Lieberman bill. And I remain confident that the executive and legislative branches will be able to work out any existing differences.

We must be patient and thorough, and we must get this done right. Present and future generations depend on us.

Mr. LIEBERMAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Three minutes.

Mr. LIEBERMAN. Senator THOMPSON asked me to yield him up to a minute, and then I ask that Senator AKAKA, a member of our committee, be allowed to close the debate with the remainder of our time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank my friend from Connecticut.

The Senator from Oklahoma is exactly right. I go back to what I said when I made my opening statement a few minutes ago. The bottom line is, the important issues of national security authority for the President, management authority for the new Secretary, what kind of intelligence component we are going to have in this bill, what kind of reorganization authority we are going to give the President—all that would be wiped out if this passed. None of that is going to be germane.

Take the management part, for example. To be germane, it would have to be narrowing. If we struck the management structure from the current bill, that perhaps would be germane, but we don't do that. We suggest a different kind of management structure. I don't see how in the world that could be considered germane.

What it would do would be to take that whole debate of management flexibility——

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

Mr. THOMPSON. And do away with it. I respectfully suggest that is not a good idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, today I rise to discuss the current flexibilities available to agencies in the Federal Government and urge my colleagues to vote for cloture on this bill. The President has called for flexibility to manage the workforce. I agree and have said repeatedly that we must have the right people with the right skills in the right places. I have long been a proponent of providing agencies with tools they need to better manage their workforce. I agree with the President that agencies need flexibilities to carry out agency missions. However, according to David Walker, Comptroller General of the United States, agencies currently have many of the flexibilities they need. Current law allows managers to remove a Federal employee from his post and suspend him immediately without pay if the head of the agency finds that action necessary in the interests of national security, 5 USC 7532;

Swiftly reassign Federal employees to fight terrorism and reassign Federal

employees to similarly graded positions or detail them from other agencies or within the Department and the employees who refuse reassignments or details may be terminated, 5 CFR part 335;

Retrain, reassign and reshape their workforce;

Choose whether to fill a vacant position from the outside or the inside, eliminate positions due to changes in programs, lack of funding, reduction in workload, reorganizations, privatization, ''divestiture,,'' or contracting out; establish personnel ceilings, or decide to re-employ a returning worker; determine the job or jobs to be eliminated in the context of a reduction in force, and unilaterally reassign employees to vacant positions in the agency;

Have additional management rights including: promotions; adverse actions, suspensions for 14 days or less; suspension for more than 14 days; removals; demotions, reductions in grade or pay; permit the return of a career appointee from the Senior Executive Service, SES to the GS or another pay system; the power to reassign, transfer, and detail or fire of a career SES employee; determine the substance of a position description, its performance standards of an employee's position, and award, or not award, performance payments;

Decide whether employees have earned pay increases known as ''step'' increases, based upon performance, and are able to grant employees additional financial ''incentive awards'' such as performance-based cash awards, special act or service awards, and quality step increases; and

Decide whether to award recruitment, retention, and relocation bonuses worth up to 25% of base salary.

In addition, the Lieberman substitute provides additional flexibilities Governmentwide. The Voinovich-Akaka amendment, which was included in the Lieberman substitute unanimously by the Governmental Affairs Committee, allows agencies to hire candidates directly and bypass the current requirements under Title 5 once OPM has determined that there is a severe shortage of candidates for the position.

This provision allows agencies to streamline its staffing procedures by authorizing use of an alternative method for selecting new employees instead of the traditional rule of three. This will make the Government more competitive with the private sector by improving the Federal hiring process. Under the new system, the agency may divide applicants into two or more quality categories based on merit and select any candidate from the highest category while maintaining veterans hiring preference.

The amendment provides Governmentwide authority for Voluntary Separation Incentive Payments and Voluntary Early Retirement Authority, two provisions currently in place in limited situations. The expansion of this authority would give agencies the flexibility required to reorganize the workforce should an agency need to undergo substantial delayering, transfer of functions, or other substantial workforce reshaping. The provision would allow agencies to reduce high-grade, managerial, or supervisory positions, correct skill imbalances, and reduce operating costs without the loss of full time positions.

To address the impending human capital crisis, the government will need to retain Federal employees with institutional knowledge. To assist in this effort, the amendment increases the cap on the total annual compensation of senior executive, administrative law judges, officers of the court, and other senior level positions to allow career executives to receive performance awards and other authorized payments.

The Akaka-Voinovich amendments also helps ensure that we have a world-class Federal workforce and can retain talented Federal employees who wish to continue their education. This provision reduces restrictions on providing academic degree training to Federal employees and requires agencies to facilitate online academic degree training.

As a result of the current flexibilities and those provided in the Lieberman substitute, it is curious why the President continues to demand additional flexibilities. As I have previously stated, studies indicate that the flexibilities at the Federal Aviation Administration and the Internal Revenue Service have not provided the intended results and employee morale is very low. With such uncertainty in additional flexibilities and the great importance of this new agency, I question the need for such a broad grant of power. I believe the existing flexibilities and the Voinovich-Akaka provisions provide agencies the tools that they need to manage effectively their workforce. I urge my colleagues to support the Lieberman substitute and vote for cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Lieberman substitute amendment No. 4471 for H.R. 5005, Homeland Security legislation.

Jean Carnahan, Herb Kohl, Jack Reed (RI), Richard J. Durbin, Kent Conrad, Paul Wellstone, Jim Jeffords, Max Baucus, Tom Harkin, Harry Reid (NV), Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Robert Torricelli, Mary Landrieu, Joseph Lieberman, Robert C. Byrd.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the Lieberman amendment No. 4471 to H.R. 5005, an act to establish the Department of Homeland Security, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

The PRESIDING OFFICER (Mr. EDWARDS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—50

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kerry	Torricelli
Corzine	Kohl	Wellstone
Daschle	Landrieu	Wyden
Dayton	Leahy	

NAYS—49

Allard	Frist	Nickles
Allen	Gramm	Roberts
Bennett	Grassley	Santorum
Bond	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Hatch	Smith (NH)
Burns	Helms	Smith (OR)
Campbell	Hutchinson	Snowe
Chafee	Hutchison	Specter
Cochran	Inhofe	Stevens
Collins	Kyl	Thomas
Craig	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McCain	Voinovich
Ensign	McConnell	Warner
Enzi	Miller	
Fitzgerald	Murkowski	

NOT VOTING—1

Crapo

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Senator REED of Rhode Island be recognized for up to 10 minutes to speak as in morning business; that when he has completed his remarks, a quorum call be entered, and that when the quorum call is ended, the Senator from Connecticut, as manager of the pending legislation, be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE ECONOMY

Mr. REED. Mr. President, I thank the Senator from Connecticut for his gracious intervention on my behalf. We

are debating today homeland security. We are also engaged in another significant debate about international security in the context of Iraq and the war on terror. But as Senator DASCHLE reminded us, we also have to be concerned about economic security in the United States.

Frankly, the economic numbers we have been seeing lately do not give much confidence to the American people that their economic security is being protected. As the vice chairman of the Joint Economic Committee, I have the opportunity to review, along with the staff, the reports that are coming in about our economy. It is clear that GDP is growing, but too slowly to make much of a dent in the unemployment rate. People who have lost their jobs face a much more difficult job market, and many are beginning to exhaust their unemployment benefits.

Everyone is facing increased premiums for health care. Employers are cutting back their contributions to health programs. They are being stressed in terms of adequately funding pension programs. These are the real concerns of Americans today all across this country.

When we look at the numbers, when we look at the reports, the conclusion is, obviously, we are still in an economic slump. Indicative of this are the figures I have on this chart. This is the record of job growth, but it is not growth at all, it is job loss during the Bush administration. In January 2001, there were 112 million jobs, today, August 2002, 110 million jobs—a loss of over 2 million jobs that have not yet been replaced in this economy.

The unemployment rate in August was 5.7 percent. That is one and a half percentage points higher than it was when President Bush took office. The number of unemployed Americans was more than 2 million higher in August than it was when President Bush took office, as indicated by this chart.

There is also another telling statistic that is within these unemployment numbers. The number of long-term unemployed Americans—those who have been unemployed more than 26 weeks—has increased significantly. This chart reflects that increase. In January of 2001, 648,000 Americans had been unemployed more than 26 weeks; in August 2002, 1,474,000 Americans were unemployed more than 26 weeks—a significant jump. It is significant not just in terms of numbers but in terms of something else: Americans exhaust their basic unemployment benefits after 26 weeks. Unless we have an extended benefit program in place, after 26 weeks American workers have no support as they look for jobs, as they try to support their families, as they try to make ends meet. This problem is not going away.

Although as part of the stimulus package we have passed extended benefits, they are scheduled to expire at the end of this year, so we have a real obligation in these remaining days to protect a basic tenet of economic security in this country, and that is to provide extended unemployment benefits.

The 1,474,000 will increase, and these individuals will not have the support they need to provide for their families. The little bit of growth we have seen so far is not going to head off a jobless recovery.

It should be noted that when President George Herbert Walker Bush was President and we were in a recessionary period in 1991, the unemployment rate rose another full percentage point in the 15 months after the GDP started to grow again. So we can likely see increased unemployment.

There are forecasters who have suggested our economic growth will be about 2.8 percent for the rest of the year—that is the Blue Chip consensus forecast—but the economy has to grow at more than 3 percent to generate the kind of new jobs that will reverse this unemployment situation. No consensus forecaster fully expects that type of growth going forth. As a result, most economists suggest and predict that unemployment rates will rise to 6 percent. Again, this is a real challenge to the safety and security of the American family, just as real as the threats we are debating in terms of homeland security and international security.

The conclusion, as one looks at these numbers and the economic performance from the time the President took over, is that President Bush's economy looks a lot like his father's economy. It is in recession, unemployment is growing, it will continue to grow, and yet there has not been an adequate response to this problem by the White House. He seems to have one proposal with respect to every economic question, and that is cutting the taxes of the wealthiest Americans.

As this chart indicates, this is the effect of the proposed tax cuts of President Bush, tax cuts that were enacted last year. At year 10, when they are fully realized, the average benefits, based on income level, will be as portrayed in this chart. The lowest 20th percentile of Americans will receive about $66 a year in benefits. It goes up to about $375 for individuals making around $20,000, $600 for those making about $39,000 a year. The real gain, the real benefit, goes to the very wealthiest Americans—$55,000 roughly, on average, for the top 1 percent. That is their annual savings for the tax benefits generated by the Bush tax proposal. This is not fair, and it is not smart. Unless we get all Americans participating fully in our economy, having the disposable income to go to the store to keep consumption up, to keep demand up, we are not going to have an economy that works for any American. Indeed, this is a glaring example of what some criticized Democrats for—class warfare. What is more unfair, inequitable, and slanted toward a class than this tax cut which favors the wealthiest Americans?

In addition to these tax numbers, we have to understand that these tax cuts have put enormous pressure on other programs that are decisive for every American, but particularly important for low-income Americans: Medicaid Programs, Medicare Programs, a host of other programs that need Federal support. That support has been strained dramatically because of the pressure of the tax cut.

We are at a point now where we have to act. We have to act in the very short run to restore extended unemployment benefits for the growing number of long-term unemployed Americans. We have to act, also, to resist the temptation to make all of these tax benefits permanent. However unfair this situation is, it will be compounded, and it will be compounded dramatically, if we make the tax cuts of the last year permanent.

We have to go ahead and focus on those issues that are critical to the welfare of the American family today, for their economic security today. We have to be concerned about pensions, their strength. We have to protect, I believe, Social Security, which is the bedrock of America.

I wonder how many employees of Enron and WorldCom and other companies 2 years ago would have considered their Social Security as just a trivial benefit compared to their expanded and ever-growing 401(k) plans. Today, I suspect, they see their Social Security benefit, their defined benefit, as a lifeline, allowing them to make ends meet, or at least giving them a little extra to get through.

We have to be strong in terms of protecting the bedrock program, Social Security. We have to be concerned about rising health care premiums and prescriptions drug costs. None of these problems can be addressed unless we provide the leadership, the resources, and the attention the American people demand.

Let me conclude by saying, again, there is at least one thing we must do in the next several weeks: Extend long-term unemployment benefits. Unemployment, long term, is growing. It will continue to grow for many months. American workers deserve the opportunity for some support as they look for new jobs. They deserve the opportunity to help their families as they get through a very difficult period of time.

I yield the floor.

MORNING BUSINESS

Mr. REID. Mr. President, under the previous order, we go into a quorum call and, following that, Senator LIEBERMAN will be recognized. I ask unanimous consent that the Senate now proceed to a period of morning business until 3 p.m. today, and, following the morning business being terminated, the Senator from Connecticut, Mr. LIEBERMAN, the manager of the bill, be recognized.

There is a lot of work going on regarding homeland security and different ways of moving forward. Senator LIEBERMAN and his staff and Senator THOMPSON and his staff and the two leaders have been working.

I also note that at 2 p.m. there is a gold medal ceremony in the Capitol Rotunda for General Shelton. I think the time would be well spent if we were not working directly on the bill so people would not have to worry about procedure.

I ask unanimous consent we go into morning business until 3 p.m., and at 3 p.m. Senator LIEBERMAN be recognized, and during that period of morning business the majority and minority have equal time of 10-minute limitations.

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

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

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

VIOLENCE IN THE MIDEAST

Mr. WARNER. Mr. President, in the past 24 hours the world awakened again to another tragic incident causing great damage, death, harm, and destruction to the people of Israel. There are now news reports that, understandably, the Israelis are positioning their forces such that they, first and foremost, have to defend their sovereignty and the people of their nation, but that could again result in injury and death to others.

Regrettably, this has gone on for a very long time. Speaking for this one Senator, I feel it as an obligation on me, and I share that obligation with my colleagues, to address this subject and to put forth our own ideas as best we can fashion them. I am about to do that again. For the fourth time I have taken this floor and spoken about a concept I have had. I once again share it with my colleagues in hopes, if they have a better idea, if this administration has a better idea, then put it forward.

My thoughts were expressed on the floor on May 2 of this year in the CONGRESSIONAL RECORD, page 3812; June 21, CONGRESSIONAL RECORD, page 5891; July 24, CONGRESSIONAL RECORD, page 7299.

On August 2, roughly 6 weeks ago, I wrote the President of the United States. Copies were sent to his principal Cabinet officials having responsibilities in these areas. I am going to read that letter because it embraces my thoughts. Even though it was 6 weeks ago, I still steadfastly believe this is one approach to this tragic situation that deserves consideration.

I fully understand our President and his Cabinet are heavily engaged with regard to critical considerations on Iraq and the United Nations. But I believe there is a connection between the ongoing crisis and the unsettled situation and the death and destruction in this tragic conflict between Israel and the Palestinian people.

Six weeks ago I wrote to the President. This is the first time, of course, I have made public this letter. I respect the President of the United States of whichever party. In these 24 years I have been privileged to be in the U.S. Senate, I have written on occasion, as each of us do, to our Presidents. But I try not to write the letter and within the same day or days release it. So this is the first time I have released this letter. It was 6 weeks ago, August 2 of this year:

DEAR MR. PRESIDENT, the Nation recently celebrated our traditional 4th of July holiday—normally a time of joyful reflection about our history and patriotism. Thankfully, it was a peaceful day for America, but we entered that holiday period confronted with yet more warnings off possible terrorist attack. It is, indeed, prudent that our citizens be warned of such threats, even when specifics are lacking. However, if these warnings continue indefinitely, our people will begin to wonder what is the root cause of this hatred toward America and what is our government doing about it.

For the first time in the over 200 year history of our Republic we, under your leadership, are establishing a Department of Homeland Security and designating a new military command, U.S. Northern Command, to protect the fifty states. We've taken bold steps at home; others must join us in taking bold steps abroad.

As we all know, the scourge of terrorism in our 21st Century world is a complex, multifaceted problem. There is not a single cause, but many, including: disparate economic development around the world; lack of political and economic opportunity in many regions; the alarming spread of radical, fundamentalist religious dogma's—especially Islam—amongst those feeling disenfranchised from the mainstream; and, the parallel rise in ethnic conflict after decades of oppression by Communist and other tyrannical regimes.

In this environment of perceived hopelessness and despair for many of the world's youth, certain seemingly unsolvable events continue to fan the flames of anger and hatred that lead to irrational acts. This is manifested in the individual acts of terror we witness almost daily on the streets of Israel and in the recruitment of angry young men and women into radical terror organizations that encourage them to vent their anger in the most destructive, often suicidal, of ways.

Finding solutions for the conditions that have bred this hate and total disregard for peaceful solutions will be complex, but it must be systematically addressed. Clearly, you and key members of your Administration have shown, and continue to show leadership in this area.

But, we must ask the question, can more be done by others?

The prolonged Israeli-Palestinian conflict contributes, in part, to the unrest and anger in the Arab world. How much it contributes cannot be quantified, but it is a significant and growing factor. This conflict, often presented in a distorted and biased manner to citizens of Arab nations, must be confronted, if we are ever to meaningfully address the disaffection and dissatisfaction felt by the people of this region.

Each act of violence by either side in this unending conflict further erodes hope for a peaceful future for the people of Israel, the people of Palestine and others throughout the Middle East. In fact, each act of senseless violence in the Middle East further erodes hope that someday we can feel secure from terrorism here at home. All reasonable options to bring about an end to this violence and indiscriminate loss of life must be considered. We can never abandon hope. We must act in a way to renew hope in this land of faith, and we must continue to consider all options.

May I respectfully submit the following concept for your consideration concerning the use of NATO peacekeepers. My recommendation would be for you to request that the North Atlantic Council (NAC) formally consider a proposal to use NATO forces as peacekeepers. If the concept is acceptable to the NAC they could commence to draw up a plan for peacekeeping. Once consensus had been achieved within the NAC, the NAC would so advise the Government of Israel and the Palestinian Authority, making it clear NATO would assist, only if the two sides establish a genuine cease fire, and both sides accept NATO's plan. Further, both sides must commit to cooperate in preventing further hostilities until negotiations have been successful to the point that NATO forces could be withdrawn and a substitute security plan has been put in place. Obviously, these steps are and will be very challenging, but they are achievable, especially in light of the bold, balanced vision you have articulated for a resolution of this conflict.

The basic thoughts in this letter have been stated by me previously in speeches on the floor of the Senate, and in my remarks to a recent gathering of NATO ambassadors on Capitol Hill, and in open hearings of the Senate Armed Services Committee with the Secretary of Defense present. Time is of the essence. I am concerned that recent events in the region, including the unfortunate Israeli attack that killed women and children as Israeli forces pursued Palestinian terrorists and the subsequent terrorist attack on Hebrew University, will further delay meaningful progress toward peace.

I strongly encourage you to explore this option with our NATO allies, and determine if they are willing to consider such a proposal. The time for discussion and consensus building is now. When the conditions for a cease fire and negotiations are right, we must be able to act quickly and decisively with a credible peacekeeping force.

I believe a NATO force would be credible for the reason that Europe is perceived as being more sympathetic to Palestinian views and the U.S. as more sympathetic to Israeli views. NATO can bond these viewpoints to act as one with peace as its unifying goal, and dispel these perceived biases. NATO troops are trained and ''ready to roll'' on short notice. NATO is an established coalition of nations with a proven record of successful peacekeeping in the Balkans. Clearly, there are risks, but NATO peacekeepers can—with the cooperation of Israel and the Palestinian people—bring stability to this troubled region; stability that will allow for meaningful negotiations that have a chance to end the violence.

This is not a conclusion that I have reached lightly. Some of my colleagues in the Senate, as well as noted journalists and others, have discussed with me the broad issues associated with this proposal. Mine has been one of the many voices calling for well-defined principles and restraint in the employment of U.S. forces around the world. I fully recognize the risks to U.S. forces and our alliance partners. I strongly feel this is one of those unique circumstances that demand every resource and idea we can bring

to bear. If the opportunity arises, we must be prepared to give peace and hope a chance.

I respectfully submit these thoughts as you forge ahead and lead the world's efforts to find a path to peace for this important region of our global community, and in so doing, enhance the security of our people here at home. It is my fervent hope that by the time we pause to celebrate our nation's next birthday, the fledgling ideas we are collectively considering today will have blossomed into substantial progress toward freedom from the senseless violence we are witnessing today.

With kind regards, I am respectfully.—John Warner.

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

[From the Washington Post, Sept. 14, 2002]

NEVER MIND, MR. SHARON

Most of three months has passed since President Bush laid out his vision for resolving the Israeli-Palestinian conflict, and still there has been next to no follow-up by his administration. No. Cabinet-level officials have visited the region since the president's speech; despite pleas from the Arab leaders Mr. Bush asked for support, no details have been offered on how to move from the present situation to Mr. Bush's vision of side-by-side Israeli and Palestinian states. On the contrary: Despite Mr. Bush's announcement of an international effort to reconstruct Palestinian security forces, the CIA has taken only token steps to train new officers; despite the president's clarion call for Palestinian democracy, the administration has quietly joined Israeli Prime Minister Ariel Sharon in opposing the holding of Palestinian national elections anytime in the near future. In effect, what the president cast on June 24 as a major initiative for Middle East peace has all but vanished; in its place is a suddenly all-consuming campaign against Iraq that could soon lead to a new Middle East war. Vice President Cheney, among others, is arguing that overturning the regime of Saddam Hussein will make an Israeli-Palestinian settlement easier, but even if that is true, what is not clear is how a conflict that has cost more than 2,000 lives in the past two years, and is a primary source of Muslim grievance against the United States, can be contained between now and then.

In the now familiar absence of Bush administration engagement, halting progress has been made by the parties on the ground. There have been no major Palestinian suicide attacks against Israelis in six weeks, despite several attempts; both the Israeli army and the Palestinian administration claim credit, and both probably had something to do with it. Attempts by Palestinian political and military leaders to change the direction of their self-destructive uprising against Israel, and to force Palestinian leader Yasser Arafat to yield most of his power, continue in spite of Mr. Arafat's strong resistance; this week the legislative body of the Palestinian Authority delivered an unprecedented rebuff, forcing the resignation of Mr. Arafat's cabinet. The more moderate Labor Party ministers in Mr. Sharon's cabinet have been trying to negotiate incremental security agreements with the Palestinians, and there are signs of revival in the long-moribund Israeli peace camp.

But Israeli troops occupy six major West Bank towns and significant parts of the Gaza Strip, imposing curfews and other restrictions on movement that aid agencies say are breeding a mounting humanitarian crisis. Israeli forces killed more than a dozen innocent Palestinian civilians in the past two weeks, including several children; a hasty official investigation cleared the soldiers of any wrongdoing. Israeli settlement-building in the territories continues; Mr. Sharon refuses to rein it in, just as he rejects any discussion of Palestinian statehood or any negotiations—even with a post-Arafat leadership—about a permanent peace. For his part, Mr. Bush clearly remains unwilling to do or say anything that would cross Mr. Sharon. That reluctance largely explains his administration's failure to act on his broad promises of last June; in the coming months, it could also prove a serious impediment to building a coalition against Iraq.

Mr. WARNER. I yield the floor.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

THE BUDGET AND THE ECONOMY

Mr. CONRAD. Madam President, appropriately, there has been a great deal of discussion over the past week about the fiscal status of the country, the condition of our budget, and our national economy. I would like to take a few minutes to respond to some of the false claims that have been made by the Bush administration and by some Members of the Senate over the last 10 days.

First, I would like to respond to some of the remarks made by the President when he was at a fundraiser in Iowa on Monday. The President said the following there. He said:

> [W]e have a budget that focuses on setting priorities and focuses on getting us back to a balanced budget. But there has been no budget out of the United States Senate. They haven't passed a budget. They have no plan to balance the budget. . . . It's of concern, because if you have no budget, it means there's no discipline. And if there's no discipline, it's likely that the Senate will overspend.

If there was ever a case of someone accusing another of their own shortcomings, this is it. My grandmother once told me: Sometimes what people say about others reveals more about themselves than it does of those who they seek to characterize.

This is that circumstance. These comments by the President, I find deeply disturbing. It is unfortunate that the President continues to deny any responsibility for the Nation's dive back into deficits and for increasing debt.

Instead, he desperately tries to blame others for the deficits that his own policies have created.

Let's look at the President's first claim, that he and the House Republicans have a plan that ''focuses on getting us back to a balanced budget.'' No, they do not. That is not true. The President must know it is not true. They have no plan that gets us back into balance. In fact, the plan they have drives us deep into the deficit swamp. That is the truth.

You will recall 1 year ago, the President told us, with great confidence, that we could expect $5.6 trillion of surpluses over the next decade. We warned, at the time, that that was a risky gamble, that one could not count on a 10-year forecast, that there was enormous risk associated with it.

The President insisted not only that there was going to be $5.6 trillion of surpluses over the next decade, but he and his administration told us privately that there is probably going to be much more money than that.

We said: No, we think it is highly unlikely that we will see that level of surplus.

And just 1 year later, what we find is, if the President's spending and tax policies over the next decade are adopted, instead of $5.6 trillion of surpluses, we will see $400 billion of deficits. The President says it is the fault of the Democrats, that they are spending the money.

Madam President, this will happen without a dime of spending by Democrats. These numbers only include the President's own proposals for spending and additional tax cuts. They lead us from a circumstance of last year being told we had nearly $6 trillion of surpluses to one in which we now see $400 billion of deficits, if his policies are adopted.

In many ways, this is the best case scenario because it does not take into account that the President will be using trillions of dollars of Social Security money on top of this.

This chart shows—I will put it in the RECORD; I know it is too small to read from afar—but one can see the red. The red are the deficits. If you don't count Social Security money, if you don't take Social Security money, as the President proposes, and use it for other things, we see red ink throughout the entire rest of the decade. In fact, over $2.7 trillion of money is being taken from Social Security to pay for other things under the President's budget plan. That is a recipe for fiscal disaster. And it is the President's plan, make no mistake about it.

I ask unanimous consent the chart I just referred to be printed in the RECORD.

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

CHANGES IN BASELINE SURPLUS AND DEFICIT TOTALS, JANUARY 2001–AUGUST 2002

[In billions of dollars]

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002–11
Total CBO surplus—January 2001	313	359	397	433	505	573	635	710	796	889	5,610
Total CBO surplus/deficit—March 2002	5	6	61	111	135	175	213	263	309	454	1,733
Total CBO surplus/deficit—August 2002 [1]	−157	−145	−111	−39	15	52	88	133	177	323	336
Total CBO surplus/deficit with President's proposed budget policies	−157	−159	−138	−76	−44	−23	−2	36	70	108	−386
Without Social Security	−315	−329	−326	−282	−268	−265	−264	−245	−230	−211	−2,734

[1] The CBO baseline projection assumes no change in current policies governing taxes or entitlement spending and that discretionary appropriations in FY 2003 through FY 2011 will equal the level enacted for FY 2002 (including FY 2002 supplemental appropriations), adjusted for inflation.

Source: CBO estimates of January 2001, March 2002, and August 2002 baselines. SBC estimates of President's budget based on CBO baseline estimates and the President's proposed policies.

Mr. CONRAD. The President, again, says the problem is spending. Let's look at what the nonpartisan Congressional Budget Office tells us is the reason for this disappearance of the surplus. Nearly $6 trillion of projected surplus from last year, gone. There is nothing left. If we adopt the President's budget and spending plan, there are no surpluses, only deficits, some $400 billion. And that is the good news because that assumes that the President takes every penny of Social Security surplus over the next decade. So the real deficits are much worse than the $400 billion that I have shown under the President's plan. The true deficits, not counting Social Security, not taking Social Security money to use it for other purposes, is not $400 billion; it is $2.7 trillion.

Where did all the money go? Here is what the Congressional Budget Office told us.

Thirty-four percent of the disappearance of the surplus went to the tax cuts the President pushed through Congress that were passed last year, and that he signed into law.

Twenty-nine percent is from overestimations of revenue by his administration; that is, outside of the tax cuts. So revenue is down 63 percent, not counting lost revenue from the economic downturn; it accounts for 63 percent of the disappearance of the projected surpluses. Twenty-two percent of the disappearance is because of spending, spending on national defense and homeland security. That is where the increases have been. The President supported every penny of those increases in spending. That is where the money has gone. In addition, 15 percent of the disappearance of the surplus is the result of the economic downturn. That is where the money has gone.

For the President to assert it is Democrats who have been overspending is not supported by the facts. The facts are, the overwhelming reason for the disappearance of the surplus is the tax cuts the President proposed and pushed through Congress. The second biggest reason for the disappearance of the surplus is his administration's overestimates of revenue apart from the tax cuts. The third biggest reason is spending on defense and homeland security, every penny of which the President supported. And the smallest reason for the disappearance of the surplus is the economic downturn.

The President, regrettably, is pointing fingers at everyone else but refusing to acknowledge his own responsibility for this dramatic turn in the fiscal condition of the country. The President says: It is the attack on the country and the economic slowdown.

Those are two reasons, but, in fact, they are the smallest reasons for the disappearance of the surplus. The biggest reasons are the tax cut he pushed and his overestimations of revenue. Those are his responsibilities and his failures.

Remarkably, the President's answer to all of this is to advocate more tax cuts. Let's dig the hole deeper. We already see an ocean of red ink over the next decade. We see under the President's plan the taking of over $2 trillion from Social Security to pay for his tax cuts and other things. And the President's answer is: Let's have more tax cuts, $400 billion more in this decade for making the tax cuts passed last year permanent, and a cost in the next decade of $4 trillion.

I hope people are listening. I hope people are thinking about the implications of this. We already face an ocean of red ink. And what the President is proposing is, let's get it bigger; let's have more red ink.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. CONRAD. I ask unanimous consent for an additional 10 minutes.

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

Mr. CONRAD. Madam President, if we adopt the President's proposal, this country will be digging a hole so deep that we will face enormously difficult choices in the future: massive cuts in benefits, massive tax increases, huge debt, unsustainable, all of them. But that is the direction the President has us headed in fiscal policy.

I know people are distracted and thinking about war with Iraq and thinking about a war against terrorism. And those command our attention. But we must also pay attention to the fundamental financial strength of America. The President has us on a disastrous fiscal course, with deficits all the rest of this decade, the President is proposing making them much deeper in the next decade, right at the time the baby boomers retire.

We must understand, we are in the sweet spot of the fiscal future of America. Right now the trust funds of Social Security and Medicare are throwing off huge surpluses. Yet under the President's plan, all that money, every dime of it over the next decade, is being taken and used for other purposes, used to fund the tax cuts, to pay for other priorities.

What is going to happen when these baby boomers retire and they are eligible for Social Security and Medicare? This is not a matter of projections. The baby boomers have been born. They are alive today. They will retire, and they will be eligible for Social Security and Medicare. But they are going to find the cupboard is bare because the President has advocated and pushed through Congress a policy that uses all of the money.

Let's now consider the President's second claim that the Senate has no budget plan. We reported out of the Senate Budget Committee back in March a 10-year plan that would have made available to the President all of the resources requested by him for defense and homeland security, but still we paid down as much as $500 billion more in debt than the President's budget. To say we have no plan is simply wrong. We have a plan, a very clear plan, a very detailed plan that also contained a circuitbreaker to put the Nation back on a path to balance without raiding the Social Security trust funds and to do it within 5 years.

I would like to do it this year but that is no longer possible. But it is critical we adopt a plan that does return fiscal responsibility. We have presented that plan. It has passed the Budget Committee. Sadly, our counterparts in the House, instead of adopting a 10-year budget plan, as is traditional, as the President proposed, that could have been sent to a conference with the Senate, the House of Representatives passed only a 5-year plan. Why? Because they wanted to hide the enormous cost in the second 5 years of the President's plan to make the tax cuts permanent and to add even more tax cuts.

Further, the House used overly optimistic OMB numbers instead of the Congressional Budget Office projections of costs and revenues; again, misleading the American public as to our true financial condition.

The House set spending for such priorities as education and law enforcement and highway construction at levels so low that the House Republican leadership can't even get their own Members to vote for the appropriations bills on the floor of the House of Representatives. They want to wait until after the election because they know they dare not go to the American people with proposals to do such things as the President proposed as cutting the highway program 27 percent or virtually eliminating the COPS Program

that has put 100,000 police officers on the street. How wise is it to eliminate the COPS Program when we are subject to terrorist attacks?

These factors have made it virtually impossible for the House and Senate to ever reach agreement on a budget resolution this year.

In June, in the Senate, a group of us, on a bipartisan basis, offered a budget agreement for the next year containing the key elements of what the Budget Committee proposed, including the setting of realistic spending limits and renewing expiring budget enforcement mechanisms so we could maintain fiscal responsibility.

What did the Bush administration do? They engaged in a furious lobbying effort against it—against setting a realistic cap on spending, against extending the budget enforcement procedures to help maintain fiscal discipline. It seems shocking now to hear the President say he is worried about deficits because he and his administration blocked the efforts to protect us against those very events.

The fact is that we got 59 votes for that proposal on a bipartisan basis. We needed a supermajority, which is 60. Even though we had 59, we needed 60. So that spending cap wasn't put in place and we did not get the budget enforcement procedures extended.

The bottom line is that we set a realistic and appropriate spending cap. The administration is opposing it in a desperate attempt to look fiscally conservative given the massive deficits that have returned on their watch. Yesterday, one of my colleagues came to the floor and complained that spending is too high and it is the reason for the return to deficits.

The place where spending has increased is in defense and homeland security, every penny of which the President asked for, every penny of which passed here with huge, bipartisan majorities. Those measures that are still pending will pass with huge bipartisan majorities.

While it is true that defense and homeland security spending has gone up, it is very important to put into context what has happened to overall Federal spending over the last 20 years. What one sees is overall Federal spending—going back to 1980, it was 22 percent of GDP. In the previous Bush administration, it was close to 22 percent of gross domestic product. It has come down to 18.4 percent. Federal spending has been coming down as a share of our national income.

It is true we have now had a blip up. We have had that blip up because of the attack on America. Yes, we have increased defense spending; yes, we have increased homeland security spending—at the request of the President of the United States. He was right to do so. Even with that, we see—looking ahead—a decline in the share of national income coming to the Federal Government.

Federal spending, while certainly a part of this calculation and a contributor to the increased deficits because of the increases for national defense and homeland security, is not the major reason for the return to deficits and the increasing debt. It is a reason, but it is a relatively small reason.

The same can be said of discretionary spending, which is for all of the things that are not mandatory. Mandatory spending is Social Security, Medicare, farm program—that is mandatory spending. Discretionary spending is for things such as parks, roads, law enforcement, and defense. You can see that discretionary spending has come down quite sharply since 1981.

Again, we see a blip up because of homeland security and national defense. It is also quite remarkable to see members of this administration complaining about the discretionary spending cap we proposed when they are coming out at the same time estimating that a war against Iraq could cost literally hundreds of billions of dollars.

Just this Monday, we saw the President's chief economic aide say the cost of the war with Iraq may top $100 billion. More than that, Mr. Lindsey dismissed the economic consequences of such spending, saying, ''It wouldn't have an appreciable effect on interest rates or add much to the Federal debt, which is already about $3.6 trillion.''

I am from North Dakota. In North Dakota, $100 billion is still real money. That is big money. The President's Chief Economic Adviser—maybe it is part of the reason we are in such financial straits as we are, because this man doesn't understand the significance of $100 billion. He said it really makes no difference. On the other hand, they say $9 billion more so that we don't cut the Federal highway program by 27 percent, so we don't eliminate the COPS program, so we don't cut education—that $9 billion is a disaster, but $100 billion doesn't matter. That is a policy that does not add up.

So where has the Bush fiscal policy left us? The fact is that the surplus is gone. The Federal debt has come roaring back. You will remember that last year the President promised us he would have maximum paydown of the Federal debt. Now we see that that is not true either. The debt held by the public in 2008, he told us last year, would be virtually eliminated. Now we see, instead of having virtually no debt, we are going to be stuck with $3.8 trillion of debt. That has serious consequences for the country.

The President, who said he would have maximum paydown of the national debt, came and asked for a maximum increase in the debt limit. In fact, the only larger request for an increase in the debt limit came from his father when he was President. He asked for a $915 billion increase in the debt. This President asked for $750 billion. The consequences of this enormously increased debt—increased from what we were told last year—is that the interest costs to the Federal Government have tripled, from $620 billion, over the next 10 years, to $1.9 trillion. These policies have real consequences, and real effects, and real impacts on our national economy.

Last year, the President said maximum paydown of the debt. Now what we see under his policy, instead of maximum paydown of debt, is that we will have maximum taking of money from the Social Security trust fund to pay for other things. In fact, the remarkable reality of what we confront is that the President, under his plan, will take every penny of the Social Security surplus over the next decade to pay for his tax cuts and other things. This is the time when we are on the brink of the retirement of the baby boom generation.

This is what we face in the longer term. Right now, the trust funds of Social Security and Medicare are throwing off large surpluses. But that money is being taken under the President's plan to pay for other things, including his tax cut. And we know that, starting in the year 2016, these trust funds go from cash positive to cash negative, and they do it in a very big way. We need to get ready for this reality. That is why we proposed less of a tax cut, more money to paying down debt, more money to secure the long-term solvency of Social Security. The President rejected that plan in a reckless way and has put us on a fiscal course that means more deficits, more debt, more economic insecurity, higher interest rates, lower economic growth, lower employment.

It is critically important that there be a balance in what we do in Washington. It is not healthy to have only one side to a debate. That is what we have seen in the last week. It is time for our side to speak up, to stand up, and to fight back because much is at stake for our Nation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise to address a forest issue, but since Senator WYDEN and I have worked closely on this, I ask unanimous consent that his remarks directly follow mine.

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

Mrs. FEINSTEIN. I thank the Chair.

FOREST MANAGEMENT

Mrs. FEINSTEIN. Madam President, for some time now, Senator WYDEN and I have been working together to try to put forward a compromise amendment on two amendments which are on the Interior appropriations bill. One amendment is by Senator BINGAMAN; the other by Senator CRAIG.

At present, both amendments need 60 votes. Neither amendment has 60 votes. Both amendments deal with a very real emergency in American forests today. It would be a tragedy if we could not use this appropriations bill as an opportunity to move a plan forward to do

the emergency work we need to do to protect our people, our property, our forests, and our endangered species from the risk of catastrophic fire.

Right now, 190 million acres of public lands are at high risk of catastrophic fire. That is 190 million acres, and 73 million of these are in the highest fire risk category, called class III. Of that class III, 23 million acres have been designated by both the Forest Service and the Department of Interior as in vital need of emergency treatment. Those are the strategic areas that need hazardous fuels taken out of the forests to avoid catastrophic fire.

Today in America, moderate to severe drought covers 45 percent of the Continental United States. It is predicted that El Nino is returning, which means we can expect volatile weather patterns, more pronounced rainfall, more pronounced drought. All of this will only exacerbate the risk of catastrophic fire.

It is estimated that this is the third hottest summer on record in the United States. To this fact, we are adding that 2002 looks as if it is going to turn out to be the worst fire season on record in the United States.

This year, 6 million acres of land has burned. That includes nearly a half a million acres in California, and because we have an Indian summer, we are not out of the forest fire season yet.

More property will be lost, more vital habitat for endangered species will be destroyed, and more people will be in greater danger if we do not do something. We have firefighters laying down their lives on these fire lines in some of the worst fires we have ever experienced.

Today, fires burn hotter, faster, and more intensely than ever, and there is a reason for this. The reason is because of forest policy which is what has been called fire suppression. That means you go in and suppress the fires as soon as they begin. Of course, that takes a lot of money, and we have used over $1 billion just fighting these fires. It does not prevent a future fire from happening, but I believe fire suppression has to become the policy of the past rather than the policy of the future because what is happening in our forests is that we have an unprecedented buildup of materials on the ground, so-called biomass, fuels in plants and bushes.

We have a lot of nonnative species now springing up where certain ancient trees are fire resistant, such as the giant sequoias, for example. If other trees grow up among them, they become fire ladders so that when a fire starts, it has the fuel on the ground. It has the new young trees to use as ladders, and the fire whooshes up, hits the canopies of the old trees which are, for the most part, the habitat of endangered species and the greatness of our ancient forests.

The question comes up: How do we work at this? Senator WYDEN and I have chosen to see if we can put together a compromise between the Craig amendment and the Bingaman amendment which will allow us to move for the 1 year that is the life of the fiscal year 2003 Interior appropriations bill vigorously to treat some of those areas.

The areas that we would treat really is very small. Our recommendation would be up to 7 million acres out of the 24 million acres. We know the forest departments are going to try to do at least 2 million acres. What we are saying to them is: This next year triple your activity, move rapidly. Then we try to set the parameters of that emergency movement.

For a moment, I wish to share some of those parameters.

We make a number of findings in our amendment that document and reflect the emerging conditions we find in our forests, and I will talk about that in a moment. But the amendment establishes a 1-year pilot project to enable the Bureau of Land Management and the Forest Service to move rapidly to treat up to 7 million of the 24 million acres in those strategic areas.

Our amendment would have directed all of the work to be only on those lands at the highest danger level of catastrophic fire. It would stipulate that 70 percent of hazardous fuels reduction projects be done either within one-half mile of a community—that is what is called urban wildland interface—or within municipal watersheds. Those are the watersheds where the fire risk to the ecosystem is the greatest. So 70 percent of the program would be concentrated in the areas where we know there is the greatest risk. The urban interface has been broadly agreed to. There is some question on the watershed areas.

Having said that, for many States, rural States in particular, the only way they are going to get any emergency treatment is if we include these watershed areas because this is where they generate the big fires. These are, obviously, the more rural States. California can certainly use all of its funds just within urban interface, but that is not true for more rural States.

Our amendment would also allow the administrative appeals process to be truncated for these areas. What we are trying to do is speed things along, and we estimate this would save at least 135 days. Any fuels reduction projects, such as thinning or brush removal, within a half mile of any community would be excluded from what is called NEPA, the National Environmental Policy Act, thus preventing these projects from being stalled indefinitely. I think there is broad agreement about that.

I think the environmental community understands the need to work quickly in areas very close to communities and very close to property.

Additionally, any temporary injunctive relief, whether it is a TRO, which is limited in days, we know, or a preliminary injunction, which can go on for a substantial period of time—this is a big give on our part. This is, I think, for Senator WYDEN—and he will speak for himself—but certainly for me this is the last best offer to try to get an accommodation with the other side of the aisle. What we did was say that any temporary injunctive relief, preliminary injunction, or TRO, would be limited to 60 days with the authority to renew each temporary injunction without limitation.

What we believe it would do is cause the judge to reflect on our findings in the legislation, on the emergency situation, and on the problems directly on the ground at the time.

I understand my time is up. I ask unanimous consent for an additional 5 minutes.

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

Mrs. FEINSTEIN. This means in situations where the risk of fire is absolutely the greatest and projects are being held up in the courts, a judge must consider changing circumstances and whether to renew a preliminary injunction. Anybody filing an administrative appeal to a hazardous reduction project would be required also to raise the issue before the close of notice and comment; in other words, to have some standing to bring an appeal, not just to be able to jump in after all the periods have closed and go to court.

These were two of our biggest gives in the interest of trying to gain 60 votes. I truly do not think there is anything else we can do. These are very big concessions, at least as far as I am concerned, and I think that is echoed by Senator WYDEN as well.

I will quickly outline some of the additional safeguards in our amendment. There would be no road construction in any inventoried roadless area. An ecologically sufficient number of old and large trees would be maintained for each ecosystem; and for fuels reduction projects, agencies would be required to do all thinning from ground level up. This means that thinning would start with small trees and brush at ground level and act as a safeguard against the cutting of larger trees. And in special, or what is called extraordinary circumstances, such as areas with endangered species or tribal issues or where archeological findings may lie, the exclusions from the normal process do not apply.

Additionally, I will speak for one moment about the four findings in our amendment because they underlie the problems we are facing.

Firstly, in 2002, we find that approximately 6.5 million acres of forest land have burned, 21 people have died, and 3,079 structures have been destroyed. We find the Forest Service and Bureau of Land Management have spent a billion dollars fighting these fires. We find 73 million acres of public lands are classified in the highest risk of catastrophic fire. We find that forest management policy of fire suppression has resulted in an accumulation of fuel

load, dead and dying trees, infested trees, nonnative species, creating fuel ladders that allow fires to reach the crowns of large old trees and cause catastrophic fires. Fourthly, we find the U.S. Forest Service and the Department of the Interior should immediately undertake an emergency program to reduce the risk of catastrophic fire. Obviously, the emergency program is confined to those areas I spoke about.

In closing, I thank, first, Senator WYDEN. I also thank Senator BINGAMAN, Senator DASCHLE, Senator CRAIG, Senator DOMENICI, Senator KYL, and Senator BURNS, all of whom have spent an inordinate amount of time trying to reach some agreement.

I restate my belief that the forest fires raging throughout the Western United States represent one of the most severe crises facing our Nation. The devastation has and will continue to be immense. It is the greatest human and ecological threat now facing virtually every Western State. This is a crisis that transcends the issue of party politics, and I deeply regret our inability to reach a meaningful compromise, at least at this time. Because the Interior appropriations bill will be on the floor at least for the next few days, I urge my colleagues on both sides of the aisle to continue to seek a consensus and I, for one, remain open to one.

I am sorry we do not have an agreement to report, but I want to end by thanking Senator WYDEN for his leadership. He has a State that has glorious forests, as do I. He has been wonderful, and I hope there is a change and we may be able to work something out together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, let me begin by expressing my thanks to Senator FEINSTEIN. I still hope the Feinstein wisdom will prevail upon the Senate and we can get to common ground on this contentious issue. I want my colleague to know how much I appreciate the many hours and nights we have been at this, shuttling back and forth between our offices and the offices of Senator CRAIG and Senator BINGAMAN.

I share the Senator's commitment that, despite the news we have to deliver that there is no compromise today, we are not going to give up and we expect to revisit this issue in the Senate again soon. I thank my colleague for all her leadership, and particularly for her passion on this issue.

When I came to the Senate, I never felt very comfortable when the news media said I was elected to fill the seat of Senator Morse or Senator Packwood. That is because I do not think the people of Oregon send someone to the U.S. Senate just to fill a seat. The people of Oregon send someone to the Senate to work for what is right. That is what they expect of their Senators: to do what is right and take your lumps. They can live with that.

With that in mind, Senator FEINSTEIN and I have now spent certainly 6 or 7 weeks trying to help find the common ground in the Senate for a balanced, narrowly focused bill to address the fire threat in our forests. We knew it would be a difficult task when we took it on, and it has certainly lived down to that promise.

This is what the Senate faced, as Senator FEINSTEIN and I tried to move forward. On the one hand, there is one camp of considerable passion that, unfortunately, would be willing to use this summer's horrendous fires to deny citizens the right to seek justice in a court of law or to severely limit those rights. In another camp, there have been many who have said we will accept no changes in these laws whatsoever, even changes that will benefit the environment. Their position, as far as I can tell, is that there is practically a constitutional right to a 5-year delay on forest management decisions.

Given these two camps, Senator FEINSTEIN and I, optimists by nature, said we know there are Senators who want to try to come together to find the common ground. We set out to do it. Unfortunately, as of this afternoon, it seems the Senate is not willing to seize the common ground which Senator FEINSTEIN and I believe is within the Senate's grasp.

Today, in a front page article of the Oregonian newspaper it was suggested that the Bush administration does not think it needs congressional authorization to pursue a solution to the forest health problem. My sense is they agree with Senator FEINSTEIN and myself that the use of, for example, what are called categorical exclusions offers a way to expedite the process required to reduce fire threats and restore diseased and damaged forests. The administration plans to pursue categorical exclusions though history shows there have been successful court challenges to administratively created categorical exclusions in the past. We believe the American people and the forests would have been better served with narrow specific congressional authorization of categorical exclusions—but, due to the lack of a compromise, that congressional action, as of this afternoon, will not happen on this bill.

Though, as we worked over the last few weeks, it seemed a core group Senator FEINSTEIN, Senator CRAIG, Senator BINGAMAN, Senator DOMENICI, and others—were very close to a compromise, we did not get there.

Instead, the result has been so many pieces of stray paper floating around Washington, the country, and the internet, as well as a whole host of poorly informed rumors. So much misinformation is out there that I have posted our joint Feinstein/Wyden proposal on my Web site so that people will see what it is we have sought to do to try to bring the Senate and our constituents together. I will touch on that proposal just briefly.

First, we allow the use of broad categorical exclusions to thin and salvage in the most fire-prone areas within the urban-wildland interface and allow the use of somewhat narrower categorical exclusions to manage fire-prone lands in other areas.

Second, we require people who may want to file an administrative appeal on a project at a later date to participate in the public comment process on that project.

Third, we require judges to periodically review temporary injunctive relief granted and to review those injunctions with updated information every time a project is brought before the court.

My sense is the administration could have accepted the proposal Senator FEINSTEIN and I have pursued—but not enough Senators could see their way there.

If Members want to get something done, they are going to have to take some political risk. I am not here to blame anyone. Senators have worked in good faith. However, I do not think it is too much to ask Senators to take a political risk to solve this critical problem so that families and forests are not facing the ultimate risk of devastating fires summer after summer.

There should be no confusion on this point. Unless there is some willingness on the part of the Senate to take the kind of political risk necessary to find common ground, we will see these devastating unnatural fires summer after summer after summer, as sure as night follows day.

There were a host of obstacles to a compromise today, though in the past we have been able to find common ground. Senator CRAIG and I, for example, led an effort in this body to write the county payments law, a critical law that is used to offer billions of dollars for rural communities to pay for services and schools. People said that could not be done. The Forest Service now calls it the most important law for that agency in 30 years. Senator CRAIG and I came together more recently to try to advance an old growth protection proposal for the Pacific Northwest, though we have a lot more work to do in that arena. My point is, it is possible to find common ground.

I am going to try again, probably a lot sooner than some people think or may want, on this issue. But I do know that two Democrats, despite all the pushing and pulling, do not make a winning hand in the Senate.

Senator FEINSTEIN and I faced some big challenges. I opposed those who hold out for a major overhaul of the judicial process on this bill, though, due to its controversial nature, that approach is not going to allow us, any time soon, to address the risk of fire. We opposed others who may want to grant very broad forest management exemptions for projects conducted within municipal watersheds. That will also make it impossible to find common ground and a compromise.

But like I said earlier, I don't want to blame anyone today. Certainly, with all the misinformation out there about what I have done and supposedly not done or said during the last few weeks—and I am sure other Senators feel the same—this is not a time to offer a litany of charges with respect to any Member of this body.

My bottom line is this: I hope these efforts, laborious though they have been, can someday soon yield fruit. Toward that end, I thank a number of colleagues. Senator CRAIG has worked in good faith, and certainly closely with me. I hold him in the highest regard. Senator FEINSTEIN, as I have already mentioned, was there night and day working on this issue and I appreciate her efforts. Senator DASCHLE and Senator BINGAMAN went out of their ways to try to accommodate Senator FEINSTEIN and me. For their efforts, I am appreciative, as well.

I chair the Subcommittee on Forests and Public Land Management. In Oregon, we have had tragic fires. I have been consumed by this day after day after day. I wish we were in the Senate today saying we had found the common ground. I think it is possible to do it. The Senate cannot leave this subject for too long and will return to it after this bill is done in some form or another. Too many lives and too many communities will be devastated if the Senate washes its hands of this issue. I am committed to working with all my colleagues, on a bipartisan basis, day after day after day, until this gets done.

I hope one day soon I will be able to come to the floor of the Senate and participate with my colleagues on something that all Members can believe is a positive step forward to make sure these treasures, our forests and lands across this country, are managed properly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

FORESTS

Mr. MURKOWSKI. Madam President, I congratulate my colleague from Oregon and my colleague from California for the effort to try to reach a rationalization relative to the decimation of the forests in the Pacific Northwest.

I am frustrated with regard to the extended negotiations associated with forest health. Any Member, if we are stricken, seeks the very best advice. We do not hold a townhall meeting. We seek out a specialist, a specialist who obviously is well trained, a specialist who bears the brunt of a suit if there is malpractice associated with the care given.

If I may draw a parallel, we have very sick forests. They are sick as a consequence of well-meaning environmental pressures to basically terminate access into the forests, which has always been provided by logging. Many people assume that old growth has always been. They overlook the reality that a forest is similar in many respects to a field of wheat. If it is harvested, it regenerates.

Depending whether selective logging is used or clearcut logging, the appropriate procedure is reforestation. Reforestation occurs by individually planting trees or it can be done by natural reseeding, which is much the case in my State. But we prolong this argument and take it beyond the realm of addressing in a timely manner the necessary correction. The necessary correction associated with our forests as a consequence of the tremendous exposure of fires is the management of underbrush that is predominant in the second growth. If that is not cleared, why, clearly we expose ourselves to complications associated with a huge fire moving through an area very rapidly and the inability to go in and fight it because we have eliminated access in much of our national forest.

So I beseech my colleagues to consider the ramifications. Let's make these decisions not on emotion; let's make them on the best forest management practice. We have foresters who spend a lifetime in the area of forest health. We have to listen to those people; otherwise, we are kidding ourselves and we are kidding the public. We should be taken to task by the public for not directing this corrective result.

While well-meaning environmental groups say let nature take its course, that is not, if you will, in the opinion of many of us, the appropriate procedure. We can help nature. We can help our forests. The forests are there, and we should recognize that we use the forests. They are a place of recreation; they are a place of productivity. If we have fires, we should take what the salvage capabilities are in the forests and move that timber out while it still has some value.

It is very frustrating to the Senator from Alaska. We have fires in the interior. The Tongass is a very wet area and we have few fires. But to see this debate go on and on with no conclusion, no recognition that decisions should be made on the basis of forest health, is extremely frustrating. I hope my colleagues will consider the bottom line. Let's make a decision on what is good for forest health.

DRAFT JOINT RESOLUTION TO AUTHORIZE THE USE OF U.S. ARMED FORCES AGAINST IRAQ

Mr. MURKOWSKI. Madam President, I am going to briefly turn to another matter, and that is the recognition that today OPEC announced they were not going to increase the production of oil from the OPEC nations. What does this mean? It simply means that as we look at going into a showdown with Iraq, the Mideast nations that control oil—basically OPEC—are not going to increase production. That means to the American consumer a continuation of high gasoline prices, high oil prices, perhaps well beyond $30 a barrel.

We have seen the development of that cartel over a period of time. It initiated a program that said, in effect, if the price fell below $22 a barrel, they would reduce supply to stabilize the price. They wanted a price structure of $22 to $28. That puts a tremendous burden on the structure of our society and our economy.

It is rather revealing to recognize that as we continue to address our situation with Iraq, we also continue to import oil from Iraq. I think currently we are importing about 600,000 barrels from Iraq each day.

We have delivered from the White House to the Speaker, majority leader, minority leader, as well as the House minority leader, a transmittal, which is the consequences of discussions with the President, identifying a suggested form of resolution with respect to Iraq. I ask unanimous consent this be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, September 19, 2002.

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

Hon. THOMAS A. DASCHLE,
Majority Leader, U.S. Senate, Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate, Washington, DC.

Hon. RICHARD A. GEPHARDT,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT, LEADER DASCHLE, LEADER LOTT, AND LEADER GEPHARDT, As a follow-up to your discussion yesterday morning with the President, we enclose a suggested form of resolution with respect to Iraq. We stand ready to meet with you or your staffs to discuss our proposal.

As the President indicated to you, it is our hope that we can reach early agreement on the proposal at the leadership level to allow you to proceed to consider the resolution in your respective chambers as soon as possible.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President for Legislative Affairs.

ALBERTO R. GONZALES,
Counsel to the President.

JOINT RESOLUTION TO AUTHORIZE THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

Whereas Congress in 1998 concluded that Iraq was then in material and unacceptable breach of its international obligations and thereby threatened the vital interests of the United States and international peace and security, stated the reasons for that conclusion, and urged the President to take appropriate action to bring Iraq into compliance with its international obligations (Public Law 105–235);

Whereas Iraq remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations, thereby continuing to threaten the national security interests of the United States and international peace and security;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population, including the Kurdish peoples, thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas the attacks on the United States of September 11, 2001 underscored the gravity of the threat that Iraq will transfer weapons of mass destruction to international terrorist organizations;

Whereas the United States has the inherent right, as acknowledged in the United Nations Charter, to use force in order to defend itself;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the high risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify the use of force by the United States in order to defend itself;

Whereas Iraq is in material breach of its disarmament and other obligations under United Nations Security Council Resolution 687, to cease repression of its civilian population that threatens international peace and security under United Nations Security Council Resolution 688, and to cease threatening its neighbors or United Nations operations in Iraq under United Nations Security Council Resolution 949, and United Nations Security Council Resolution 678 authorizes use of all necessary means to compel Iraq to comply with these ''subsequent relevant resolutions;''

Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1) has authorized the President to use the Armed Forces of the United States to achieve full implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677, pursuant to Security Council Resolution 678;

Whereas Congress in section 1095 of Public Law 102–190 has stated that it ''supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq (Public Law 102–1),'' that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and ''constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region,'' and that Congress ''supports the use of all necessary means to achieve the goals of Resolution 688'';

Whereas Congress in the Iraq Liberation Act (Public Law 105–338) has expressed its sense that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107–40); and

Whereas the President has authority under the Constitution to use force in order to defend the national security interests of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Further Resolution on Iraq''.

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce the United Nations Security Council Resolutions referenced above, defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.

Mr. MURKOWSKI. This contains a number of ''whereas's.'' It is transmitted by the Assistant to the President for Legislative Affairs and the Counsel to the President. At the conclusion of the resolution that is going to be before this body is a joint resolution cited as ''Further Resolution on Iraq.'' I will read the ''resolved'' portion:

The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce United Nations Security Council Resolutions referenced above, defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.

We undoubtedly will be addressing this issue in the very near future. I encourage my colleagues to recognize the significance of what this obligation means to each and every Member of the Senate. We know Saddam Hussein is unpredictable. We know he is dangerous. We know he has weapons of mass destruction. We know he has used those weapons—certainly chemical warfare—on his own people.

I had an opportunity several years ago, with a small group of Senators, to visit Baghdad. Later we had an opportunity to meet with Saddam Hussein. His ruthlessness was apparent at that time.

To reflect a little bit on that particular time, there was at issue an allegation that Iraq was importing a delivery capability consisting of a huge cannon-type device that had been intercepted in the docks of London. This was going to have the capability of delivering a projectile farther than any projectile had ever been delivered by conventional methods, as opposed to a missile-type system.

There was allegedly a triggering device also found on the docks of London. When we confronted Saddam Hussein, he advised us these were parts for his refinery, these were technical developments by the Baghdad Institute of Technology. This was prior to the Persian Gulf war.

My point is, he has been misleading, if you will, the Western World for an extended period of time and continues to do so. The announcement he made that he would welcome U.N. inspectors is a guise. He will not allow U.N. inspectors to have free rein in his country, and we will clearly see this as we continue the process of evaluating our position.

But we have an opportunity now to fish or cut bait. We are going to have this resolution before us. I encourage each and every Member of the Senate to review it in detail and recognize the insecurity of our Nation oil supply. Currently, we are importing somewhere close to 60 percent of our oil, primarily from the Mideast. We have the capability of reducing that dependence here at home. It is an issue in my State. ANWR has been debated in this Chamber. It has been supported by the House but not the Senate.

The technology that we have to develop this area is evident. To suggest we can do it safely is something that most people with an objective view would recognize clearly. The reserves are as much as we would import from Saddam Hussein in 40 years or from Saudi Arabia in 30 years.

This matter is in the conference. It is being discussed. It will be determined by the conference as to what the disposition will be. But I encourage Members to recognize that we have an opportunity to take a position that would affirmatively reduce our dependence on imported oil and send a very strong message to the Mideast that we intend to reduce that dependence.

Recognize that we do have an alternative. I think in future times, as we address our continued vulnerability and dependence on the Mideast, we are going to have to assert ourselves to find some relief. That relief partially might be in the joining together of Canada, Mexico, the United States, Alaska, and Russia as an offset to our dependence on imported oil from the Mideast. While we do not have the depth of reserves, we have substantial reserves collectively. The idea of an energy group made up of those nations could clearly send a message to the Mideast that we will not be held hostage by policies of the cartel which are designated to simply maintain high prices for oil by continuing to keep the availability of oil at a minimum.

As this matter comes before the Senate for further discussion and consideration, as well as the conference, I urge my colleagues to keep an open mind and recognize that, again, we are going to have to vote not on what is necessarily the litany of America's environmental community but what is right for America. To suggest we should not have these jobs in the

United States as if we do not have the technical capability to open up this area safely is not fraught with any degree of accuracy but it is simply misleading arguments that environmental groups continue to use to generate revenue in dollars.

I encourage each Member to recognize the obligation that we have. That obligation is do what is right for America. What is right for America is to produce more energy and and to produce clean energy here at home.

One of the inconsistencies we have is that nobody seems to really care where they get the oil as long as they get it. They do not concern themselves with whether it comes from a scorched Earth, lack of any environmental oversight a field in Iraq, or from fields in Saudi Arabia, or from the rain forests of Colombia. They only care if they get it.

As I have said time and time again, the world will continue to depend on oil, because that is what the world moves on. We have no other alternative.

Some people suggest we have alternatives, but hot air is not going to move us in an out of Washington, DC, although occassionally there is quite a bit of it here.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, under the order previously entered, the Senator from Connecticut is entitled to the floor. I ask unanimous consent that Senator KERRY be recognized, and that he be allowed to speak for—how long does the Senator from Massachusetts wish to speak?

Mr. KERRY. A few minutes.

Mr. REID. Up to 15 minutes.

Mr. KERRY. Not more.

Mr. REID. And following that, I would advise the Senate that we will be in a position, at that time, to ask unanimous consent to proceed with legislation today, tomorrow, and Monday, and maybe into Tuesday. The two leaders have worked this out. It is now being drafted, and the two floor staffs have agreed on what the language should be. It is being typed now, and we should be back in 15 minutes, following the statement from the Senator of Massachusetts.

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

Mr. REID. Mr. President, the business before the Senate is the homeland security bill; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Does the clerk need to report that or is it automatic?

The PRESIDING OFFICER. The clerk does not need to report that.

The Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. Mr. President, thank you very much. And I thank the distinguished assistant majority leader.

UNANIMOUS CONSENT REQUEST—S. 2734

Mr. KERRY. Mr. President, I am going to be asking unanimous consent to proceed forward on the bill, but I am not going to do that until someone is here from the other side. And I know they are going to object, or most likely will object.

But let me bring to the attention of my colleagues in the Senate a situation that is not dissimilar to a situation we faced some months ago in trying to provide emergency assistance, under the Small Business Administration, to those who had been affected by the events of September 11 of last year.

We had a lot of small businesses in the country that were hurting that had collateral damage, if you will, as a consequence of those events. Many, many small businesses were dependent on the economy as it flows through all sectors. So whether it was a small drycleaner that was affected because they were not doing as much business because hotels were not doing as much business or a limousine company or a taxi company, there are many people who were affected tangentially because of the dropoff in air travel, and so forth.

It took us a number of months, almost six, unfortunately, in the Senate to respond in a way that many of us thought was both appropriate and adequate. And, again, we are sort of running into a strange kind of unexplained resistance by the administration to something that makes common sense, is very inexpensive but also very necessary for a lot of small entrepreneurs in our country. I am specifically referring to the Small Business Drought Relief Act.

In more than 30 States in our country, we have a declared drought emergency. And the drought is as significant in some places as it was during the great Dust Bowl years of the Depression in the United States.

Drought hurts more than farmers, more than ranchers. The purpose of this bill is to try to provide some emergency assistance, in an affordable and sensible way, for those small businesses that are not in agricultural-related fields but desperately cannot get help, and need it, and cannot get it because the SBA does not apply the law uniformly for all victims of drought.

The SBA makes disaster loans to small businesses related to agriculture that are hurt by drought, but they are turning away small businesses that are in industries unrelated to agriculture, and claiming that those businesses are not entitled to it because drought does not fit the definition of disaster.

That is just wrong. It is wrong because the law does not restrict them from making loans to those small businesses. It is wrong because that is not the intent of the Congress to turn away those small businesses, and they should be following the law and following the intent of Congress.

I might add that the SBA has in effect right now disaster declarations in 30 States that I just talked about. For instance, in South Carolina, the entire State has been declared a disaster by the SBA, but the administration is not helping all of the drought victims in South Carolina that are looking for help.

Let me share with you the declaration of drought itself. It addresses this question of intent.

> Small businesses located in all 46 counties may apply for economic injury disaster loan assistance through the SBA.

Let me read to you from the declaration:

> Small businesses located in all 46 counties may apply for economic injury disaster loan assistance through the SBA. These are working capital loans to help the business continue to meet its obligations until the business returns to normal conditions. . . . Only small, non-farm agriculture dependent and small agricultural cooperatives are eligible to apply for assistance. Nurseries are also eligible for economic injury caused by drought conditions.

What do I mean by other businesses that may be affected by drought? In South Carolina, conditions are so bad that small businesses dependent on lake and river tourism have seen their revenues drop anywhere from 17 to 80 percent. So you have victims of the drought that range from fish and tackle shops to rafting businesses, from restaurants to motels, from marinas to gas stations. Their livelihood is no less impacted and no less important than those who have been deemed to fit under only the agricultural definition.

Thousands of small businesses make their living in tourism, recreation industries, not just in South Carolina but in many other parts of the country, including my State of Massachusetts, in Texas, Michigan, Delaware, and elsewhere.

In fact, for a lot of States around the Great Lakes Basin, sport fishing, as reported by the Committee on Small Business and Entrepreneurship, brings into the region some $4 billion a year. There are many industries that are dependent on water that are affected by drought, and they ought to be eligible for this help.

Is this opening Pandora's box with respect to a flow of lending that we cannot afford? The answer is definitively no. The SBA already has the authority, but its lawyers have decided not to help these industries based on their own interpretation of a definition, despite the fact that Congress believes otherwise.

That defies both common sense and fairness. Small businesses with everything on the line desperately need this,

especially at a time when capital is a lot tighter for working capital purposes, where the lending is significantly tighter from the banks and from other traditional credit sources.

Our bill, the drought relief bill, does not expand the existing program. It simply clarifies existing authority. That is a matter of common sense.

In terms of cost, the Congressional Budget Office estimates a cost of about $5 million annually. What we have here is a resistance by somebody in the U.S. Senate to allowing this to go forward based on about a $5 million annual estimate by CBO.

This chart of CBO's estimate is a tally of the estimated spending under the SBA's disaster loan program which shows the differential with this particular bill.

This bill is bipartisan. The principal cosponsors are Senator BOND and Senator HOLLINGS. All the members of our committee—the Committee on Small Business and Entrepreneurship—voted in favor of this bill. There are 25 cosponsors, Democrats and Republicans; 17 Governors have written us to express their support of this legislation in hopes we will pass it, including 15 of the Southern Governors' Association.

I ask unanimous consent that letter, and others, be printed in the RECORD.

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

SOUTHERN GOVERNORS' ASSOCIATION,
Washington, DC, August 19, 2002.

Hon. JOHN KERRY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: We are deeply concerned that small businesses in states experiencing drought are being devastated by drought conditions that are expected to continue through the end of the summer. We urge you to support legislation that would allow small businesses to protect themselves against the detrimental effects of drought.

Much like other natural disasters, the effects of drought on local economies can be crippling. Farmers and farm-related businesses can turn in times of drought to the U.S. Department of Agriculture. However, non-farm small businesses have nowhere to go, not even the Small Business Administration (SBA), because their disaster loans are not made available for damage due to drought.

To remedy this omission, Sen. John Kerry (D–Mass.) introduced the Small Business Drought Relief Act (S. 2734) on July 16, 2002, to make SBA disaster loans available to those small businesses debilitated by long drought conditions. This bill was passed by the Senate Small Business Committee just eight days later. Also, the companion legislation (H.R. 5197) was introduced by Rep. Jim DeMint (R–S.C.) on July 24, 2002. Both bills are gaining bipartisan support, and we hope you will cosponsor this important legislation and push for its rapid enactment in the 107th Congress.

As 11 southern states are presently experiencing moderate to exceptional drought conditions this summer, we cannot afford to wait to act. We urge you to cosponsor the Small Business Drought Relief Act and push for its consideration as soon as possible.

Sincerely,

Gov. Don Siegelman of Alabama, Gov. Mike Huckabee of Arkansas, Gov. Roy E. Barnes of Georgia, Gov. Paul E. Patton of Kentucky, Gov. M.J. "Mike" Foster, Jr. of Louisiana, Gov. Parris N. Glendening of Maryland, Gov. Ronnie Musgrove of Mississippi, Gov. Bob Holden of Missouri, Gov. Michael F. Easley of North Carolina, Gov. Frank Keating of Oklahoma, Gov. Jim Hodges of South Carolina, Gov. Don Sundquist of Tennessee, Gov. Rick Perry of Texas, Gov. Mark Warner of Virginia, Gov. Bob Wise of West Virginia.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, July 9, 2002.

Hon. JOHN KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: The State of South Carolina is in its fifth year of drought status, the worst in over fifty years. Some parts of the state are in extreme drought status and the rest is in severe drought status.

99% of our streams are flowing at less than 10% of their average flow for this time of year. 60% of those same streams are running at lowest flow on record for this date. The levels of South Carolina's lakes have dropped anywhere from five feet to twenty feet. Some lakes have experienced a drop in water level so significant that tourist and recreational use has diminished.

State and national climatologists are not hopeful that we will receive any significant rainfall in the near future. To end our current drought, we would need an extended period of average to above average rainfall.

Droughts, particularly prolonged ones such as we are experiencing now, have extensive economic effects. For farmers who experience the economic effects of such a drought, assistance is available through the USDA. For small businesses, assistance is available only for agriculture related small businesses, i.e. feed and seed stores. For businesses that are based on tourism around Lakes and Rivers, there is currently no assistance available.

We have reports of lake and river tourism dependent businesses experiencing 17% to 80% declines in revenue. The average decline in revenue is probably near 50% across the board.

My staff has contacted Small Business Administration and they are not authorized to offer assistance to these businesses because a drought is not defined as a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that is causing great economic damage to these small business owners.

I am requesting that you assist us in this situation by proposing that the Small Business and Entrepreneurship Committee take action to at least temporarily amend the SBA authorizing language and allow them to offer assistance to small businesses affected by prolonged drought. This would allow Governors to ask SBA for an administrative declaration of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain in business for the long run.

My staff has also been in contact with Senator Hollings' legislative staff. I hope together, we can find an expedient solution to the plight of these small business owners. Short of finding a way to control the weather, this may be our only option to help their dire situation.

Sincerely,

JIM HODGES,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 18, 2002.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: I am writing to urge your support for legislation recently introduced in the Senate to add drought as a condition for which small businesses may apply for Small Business Administration Economic Injury Disaster Loans.

The Small Business Drought Relief Act (S. 2734) will correct the current situation facing our small businesses in North Carolina. SBA disaster assistance is not available despite a historic drought that is impacting not just our agriculture sector, but causing real business and revenue losses, which threaten some firms with job layoffs or even bankruptcy.

These businesses need help, and access to low-interest SBA loans can offer a lifeline to allow paying bills and making payrolls until business returns to normal.

I urge you to push for rapid action on this important enhancement to SBA's ability to help our people through this time of trouble.

With kindest regards, I remain

Very truly yours,

MICHAEL F. EASLEY,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 18, 2002.

Hon. JOHN EDWARDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR EDWARDS: I am writing to thank you for your support for legislation introduced in the Senate to add drought as a condition for which small businesses may apply for Small Business Administration Economic Injury Disaster Loans.

The Small Business Drought Relief Act (S. 2734) will correct the current situation facing our small businesses in North Carolina. SBA disaster assistance is not available despite a historic drought that is impacting not just our agriculture sector, but causing real business and revenue losses, which threaten some firms with job layoffs or even bankruptcy.

These businesses need help, and access to low-interest SBA loans can offer a lifeline to allow paying bills and making payrolls until business returns to normal.

I urge you to push for rapid action on this important enhancement to SBA's ability to help our people through this time of trouble.

With kindest regards, I remain

Very truly yours,

MICHAEL F. EASLEY,
Governor.

OFFICE OF THE GOVERNOR,
July 23, 2002.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member,
Washington, DC.

DEAR SENATORS KERRY AND BOND: Much of Nevada and the Nation have been experiencing extreme drought over the past several years. In Nevada we have seen the effects of this situation through catastrophic range and forest fires, insect infestations and loss of crops and livestock.

Prolonged drought causes a drastic reduction in stream and river flow levels. This can cause the level of lakes to drop so significantly that existing docks and boat ramps cannot provide access to boats. In the case of range and forest fires we have seen small innkeepers and hunting and fishing related

businesses that have their entire season wiped out in a matter of a few hours.

Unfortunately for some small businesses, drought assistance is available only for agriculture related small businesses, such as feed and seed stores. For businesses that are based on tourism around lakes and rivers, there is currently no drought assistance available.

The Small Business Administration (SBA) is not currently authorized to help these businesses because a drought is not a sudden occurrence. Nonetheless, a drought is an ongoing natural disaster that causes great damage to these small businesses.

I would like to lend my support to S. 2734, The Small Business Drought Relief Act. This bill would amend the guidelines and authorize the SBA to offer assistance to small businesses affected by prolonged drought. With passage of this bill, Governors would be allowed to ask SBA for administrative declarations of economic injury because of drought. The low interest loans SBA can offer these businesses would allow many of them to weather the drought and remain economically viable for future operation.

Sincerely,

KENNY C. GUINN,
Governor.

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE GOVERNOR,
Frankfort, KY, July 23, 2002.

Hon. JOHN F. KERRY,
Chairman, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

Hon. CHRISTOPHER S. ''KIT'' BOND,
Ranking Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KERRY AND SENATOR BOND: As you know, much of our nation is struggling to overcome ''moderate'' to ''extreme'' drought conditions. Droughts, especially prolonged droughts, have extensive, devastating effects that damage crops and livestock, deteriorate soil, and fuel raging wildfires. These are only some of the irreparable effects that droughts can have on small businesses, communities, and state and local economies.

In general, federal disaster assistance is available for agriculture and agriculture-related small businesses that are impacted by drought. However, droughts hurt more than agricultural, forestry, and livestock businesses.

Prolonged drought also causes a drastic reduction in stream and river flow levels. This can trigger such a significant drop in the level of lakes that existing docks and boat ramps cannot provide access to boats, which impacts many additional small businesses.

As a result, many non-farm small businesses that are water-reliant also suffer staggering revenue losses in the wake of a drought disaster, yet they do not currently receive disaster relief. Unlike other natural disasters such as hurricanes or floods, the effects of drought build up over-time, last for several years, and are jeopardizing the future of these small business owners. The lack of federal disaster assistance available to these non-farm small businesses only forces undue job layoffs and bankruptcies and further disrupts drought-impacted communities.

I thank you for recognizing that many fish and tackle shops, rafting businesses, restaurants, motels, camp grounds, marinas, gas stations, and other small businesses in Kentucky and other states are severely impacted by drought but are unable to receive federal disaster assistance. I strongly support your resulting efforts, the Small Business Drought Relief Act (S. 2734), which would allow the Small Business Administration to offer low-interest disaster loans to these businesses and afford them the same opportunity as agriculture-related businesses to recover and survive.

I appreciate your assistance and support and look forward to working with you and your colleagues on this very important matter.

Sincerely,

PAUL E. PATTON,
Governor.

Mr. KERRY. This is a letter from the Southern Governors' Association, with 15 southern Governors signing and asking us to pass this assistance. They have sent letters to Members of Congress asking them to support and pass the bill.

Finally, we are not talking about grants. We are talking about loans. These are going to be repaid. The default record of the SBA over the last 10 years is really quite extraordinary on the positive side of the ledger. The question is whether we are going to look to small businesses that are equally hard working as anyone else in the country, who, like farmers, are suffering the economic consequences of a drought that is beyond their control.

I thank Senator BOND for working with me to try to address this problem. I thank Senator HOLLINGS, particularly, the chairman of the Commerce Committee, for introducing the bill with me. I am particularly grateful to the small business owners who have brought this issue to our attention and who hope we can break out of any partisan resistance within the Senate in order to do what is right.

I hope my colleagues will permit us to proceed forward on this legislation.

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. KERRY. 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. KERRY. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 535, S. 2734; and that the Bond amendment, which is at the desk, be considered and agreed to; the committee-reported substitute amendment, as amended, be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD at the appropriate place as if read, without further intervening business or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KERRY. Mr. President, my hope is, again, that Senators on the other side, who are also cosponsors of this bill, will assist us in trying to proceed forward because there is no rationale for delay—I underscore—there was an e-mail circulated by somebody with some gargantuan unofficial estimate of cost that has no relationship to any legitimate estimate that has been made here. The CBO estimate clearly demonstrates that this measure is sensible, with a cost of about $5 million a year.

What is happening is we are seeing a little bit of partisanship—maybe we are seeing a lot of it these last days here in the Senate. I hope we can overcome this in the next days. I look forward to working with Senator BOND and others to see if we can proceed forward on this legislation.

I yield the floor.

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we all agree that one of the many important tasks of the new Department of Homeland Security will be protecting our country's computer infrastructure from cyber attacks. Computer technology is at the heart of our country's economy and has improved every aspect of our lives. Terrorists and others who wish to harm our country recognize that cyber attacks on our vital computer and related technological systems can have a devastating impact on our country, our economy and the lives of our people. The threat of cyber attacks, be it from foreign and/or domestic actors, is not new, but we all understand that the risks today are even greater.

The threat of a devastating cyber attack is real and the potential for harm is great.

A recent study found that cyber attacks on the Internet were projected to increase this year by as much as 65 percent. Just last year, two Russian hackers infiltrated American banks and businesses, stole private data, including credit card numbers, and extorted those companies by threatening to destroy their computers or release their customers' private information.

Since September 11, there has been growing concern about the risk to our country of a serious cyber attack, particularly one against our infrastructure which could have devastating consequences. Late last fall the FBI traced a suspicious pattern of surveillance against Silicon Valley computers originating from the Middle East and South Asia involving emergency telephone systems, electrical generation and transmission, water storage and distribution, nuclear power plants and gas facilities in the bay area. Recently, it was reported that energy companies have suffered a significant increase in cyber attacks—up 77 percent this year—which have raised concern that the country's power system may be within the cross hairs of cyber terrorists.

Given the vital role that computer and related technologies play in our

country's economy and infrastructure, it is not difficult to imagine an assault on a computer system which might cause death or serious bodily injury. For example, a hacker who infiltrates a hospital database to erase records may thereby cause a patient to be deprived of necessary medication or treatment. As another example, consider the possibility of a cyber attack on a natural gas distribution pipeline that opens safety valves and releases fuel or gas. Attacks on sophisticated control systems, such as those involving natural gas, oil, electric power and water, which typically use automated supervisory control and data acquisition systems, would have a far-reaching effect.

We have acted before when necessary to protect our country and our economy from cyberterrorists. The Patriot Act included several important provisions to improve our nation's cyber security in response to the increasing threats to our country. The amendment I am offering today continues that work.

The amendment I am offering today is noncontroversial, and was passed by the House, on July 15, 2002. The House bill, H.R. 3482, was sponsored by Representative LAMAR SMITH from Texas, and passed with overwhelming bipartisan support by a vote of 385 to 3. We need to act in the same bipartisan manner and pass this amendment.

The amendment will strengthen our criminal laws and provide greater flexibility to communications providers and law enforcement when necessary to prevent and protect against devastating cyber attacks. Specifically, the amendment would increase the criminal penalty in section 1030 of title 18 of the United States Code for a cyber attack to a maximum of 20 years imprisonment where such an attack causes serious bodily injury, and life imprisonment where such an attack causes death. Currently, section 1030 provides a maximum punishment of only 10 years imprisonment for a cyber attack which results in serious bodily injury or death.

The amendment directs the Sentencing Commission to review the Federal sentencing guidelines for cyber crimes to reflect the significant harm caused by such crimes and the need for deterrence. Such a review was not included in the Patriot Act, and is clearly necessary in light of the changes to the federal computer crime statutes contained in the act as well as in this amendment. Such a review based on the factors included in this amendment should give judges greater latitude to increase a defendant's sentence to better account for the seriousness of the cyber attack.

The amendment also includes provisions to give communications providers and law enforcement greater flexibility when dealing with emergency situations where there is a risk of serious bodily injury or death. Specifically, the amendment creates a ''good faith'' exception to allow communications providers to disclose communications to a governmental entity—e.g. hospital, law enforcement—in an emergency situation involving danger of death or serious bodily harm. The amendment also expands the list of ''emergency'' situations where law enforcement may obtain pen register and trap and trace information to include ongoing attacks on a protected computer and when necessary to protect national security interest. In order to address privacy concerns, the amendment includes increased penalties for illegal interceptions of cellular telephone calls and intrusions of stored communications.

Finally, the bill establishes the Office of Science and Technology as an independent office under the general authority of the Assistant Attorney General, Office of Justice Programs. This modification will help OJP to focus the necessary resources on the development of technology and hard science research. This measure will enhance OST's ability to assist state and local law enforcement in developing new cutting-edge technologies, such as computer forensics, firearms and ballistics technology, and crime mapping. Law enforcement is increasingly relying on new and innovative technologies, and we need to make sure that they have all of the tools available to fight terrorists and other criminals.

Mr. President, I urge my colleagues to join in support of my amendment. Once again, we need to demonstrate to our country that working together, in a bipartisan fashion, we can accomplish great things, and we can protect our country from the dangers of potentially devastating cyber attacks.

Mr. President, I pay special tribute to Senator SCHUMER from New York, who is a cosponsor, and tell him how much I appreciate the work of him and all the others who are cosponsors of this particular amendment.

The PRESIDING OFFICER. The assistant majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendments be laid aside and that Senator HATCH be recognized to offer his amendment dealing with cybersecurity; that Senator HATCH be allowed to speak for up to 5 minutes—and we have been informed there is no one on our side who wishes to speak on this matter—that there be no second-degree amendments in order; that at the conclusion or yielding back of time, the amendment be agreed to and the motion to reconsider be laid upon the table.

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

Mr. REID. Mr. President, if the Senator will withhold 1 minute, we are in the process of trying to work out the next step of our unanimous consent request. We think we are going to be able to do that. Senator THOMPSON is on his way to the Chamber.

If that is the case, the next amendment that will be offered in the next few minutes will be that of Senator LIEBERMAN and Senator MCCAIN. That should occur, hopefully, momentarily. That amendment will be debated tonight. The leader is expecting to vote sometime tomorrow morning before noon.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 4693 TO AMENDMENT NO. 4471

(Purpose: To provide greater cybersecurity)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. SCHUMER, proposes an amendment numbered 4693 to amendment No. 4471.

Mr. HATCH. 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 text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. HATCH. Mr. President, I yield back the rest of my time. Of course, the amendment will be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4693) was agreed to.

The PRESIDING OFFICER. The motion to reconsider is laid upon the table.

Mr. HATCH. 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. LIEBERMAN. 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. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment of Senator BYRD be laid aside so I might offer another amendment.

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

AMENDMENT NO. 4694 TO AMENDMENT NO. 4471

(Purpose: To establish the National Commission on Terrorist Attacks Upon the United States and for other purposes)

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. MCCAIN, proposes an amendment numbered 4694 to amendment No. 4471.

Mr. LIEBERMAN. 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 text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LIEBERMAN. Mr. President, this is an amendment which embraces legislation that my friend and colleague

from Arizona, Senator MCCAIN, and I introduced last December and then joined up with similar legislation introduced by the Senator from New Jersey, Mr. TORRICELLI. Ultimately, we have 22 Members of the Senate from both parties who have joined as cosponsors of the legislation.

The underlying bill went to the Senate Governmental Affairs Committee, which I am privileged to chair, and was reported out favorably earlier this year.

This amendment now embraces that legislation. It would create an independent, nonpartisan citizens commission to investigate how and why the tragic terrorist attacks against the United States happened on September 11, 2001.

The underlying measure we are considering to create a Department of Homeland Security, to better organize the Federal agencies whose disorganization, I fear, created some of the vulnerabilities that the terrorists took advantage of in striking us on September 11, is a proposal that also came out of our committee.

This amendment would improve the Department that will be created as a result of the underlying proposal. Up until this time, the Joint Intelligence Committees of the House and Senate have been pursuing investigations focused particularly on how the intelligence community performed and what lapses there were in that performance that may have contributed to the attacks of September 11.

Senator MCCAIN and I, and our colleagues, introduced this measure last December because we believed, first, that there was a need now, after this truly unprecedented attack of September 11, 2001. People compare it to Pearl Harbor. It is comparable, but remember, Pearl Harbor was primarily an attack against Americans in uniform. September 11, 2001, was an attack against innocent civilians, a classic terrorist attack. After Pearl Harbor, there were investigations in Congress, not unlike the ones being carried out by the Joint Intelligence Committee. But there were also citizens' commissions involved to carry out broader investigations, and that is exactly what this commission, as created by this amendment now, would do, if adopted.

This commission would build on the work done by the Intelligence Committees which began their reports yesterday.

The testimony from the staff director of the committee, I found chilling, insofar as it reported that as far back as 1998, if I remember the date correctly, there was intelligence traffic intercepted that indicated that the al-Qaida terrorists were, in fact, discussing the use of civilian aircraft as weapons targeted against prominent buildings in the United States of America. Along the way, the Director of the CIA, so the testimony yesterday went before the Intelligence Committees, effectively declared an intelligence community war against al-Qaida but only assigned a single analyst to that task; there was intelligence information, of course, and law enforcement intelligence, not being coordinated.

Senator MCCAIN and I, as well as Senators TORRICELLI and SPECTER, met earlier today with some of the families of the people who lost their lives on September 11. The question they continued to ask is: How could this have happened and was it preventable? They strongly support the adoption of this independent commission. Why? Because they have had the heroic strength to turn their grievous loss into active advocacy for the kind of investigation that will go as far as we can humanly go to determine the causes of September 11 so we make sure it never happens again.

The commission, to be appointed by legislative leaders of both parties of both Houses, is to have 10 persons on it, not Government employees, not Members of Congress—an equal number of members of both political parties. They choose the chair and vice chair. This ought to be, and I am confident will be, a commission that will not consider itself in any sense limited or truly identified by party affiliation. This is a commission that will have a public purpose: To go beyond the focus of the Intelligence Committees; directed towards intelligence; to consider the widest array of possible causes of September 11; to look at our defense policies, our foreign policies, our international economic policies, our international public diplomacy policies, our intelligence, our law enforcement; to leave no stone unturned in trying to answer the question of how September 11 could have happened, so we make sure it never happens again.

It will have the credibility of an independent, nonpolitical, nonpartisan commission composed of a mix of citizens whose experience and capacity will bring great credibility to this report.

I am so pleased there has been a twist of fate and procedure, often quite important in this body, that has allowed us now to introduce this amendment. I am, therefore, honored to move its adoption.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank my friend, Senator LIEBERMAN, for the privilege of working with him on an issue that I think is of some importance. I appreciate again the fact that he moved this legislation through the committee of which he is chairman. At that time, the debate and the discussion lent weight to the passage of this legislation.

We are simply seeking a commission to investigate all of the factors that led to the tragic events of September 11. We believe there is more than an intelligence aspect of this scenario that needs to be addressed. We believe there were a variety of factors that need to be made known to the American people. Whether they be economic, diplomatic, intelligence, there are a number of factors which led up to the tragic events of September 11.

Obviously, the lawmakers and those who are involved so far in the investigation are not satisfied with the information we have received. There is an article in the Washington Post, dated Thursday, September 19, today, which says in part:

> Lawmakers from both parties yesterday protested the Bush administration's lack of cooperation in the congressional inquiry into September 11 intelligence failures and threaten to renew efforts to establish an independent commission.

The article continues:

> ''Are we getting the cooperation we need? Absolutely not,'' Sen. Richard C. Shelby (Ala.), the ranking Republican on the Senate Intelligence committee said in a joint appearance with Chairman Bob Graham (D-Fla). . . .
>
> Graham added: ''What we're trying to do is get people who had hands on these issues. . . .And what we're being told is: no, they don't want to make those kind of witnesses available.''
>
> Both Graham and Shelby yesterday endorsed the idea of independent panels. In his remarks at the start of the hearings, Shelby warned that ''there may come a day very soon when it will become apparent that ours must be only a prelude to further inquiries.''
>
> Shelby acknowledged that the congressional probe would be incomplete. ''I'm afraid if we try to publish at the end of this session a definitive paper on what we found, that there will be things that we don't know because we hadn't had time to probe them and we have cooperation.''

I quote Senators SHELBY and GRAHAM because they are two of the most respected Members of this body, the chairman and ranking member of the Intelligence Committee, both highly regarded in all areas but particularly in carrying out their responsibilities as members of the Intelligence Committee.

I go back for a second to the issue of what brought about September 11. I will give an example of a factor that needs to be examined which has nothing to do with any secret information or intelligence information.

In 1989, with the active help of the United States of America and our allies, the then-Soviet Union was driven out of Afghanistan. At that point in time, we, as a policy, the United States of America, turned our back on Afghanistan. We provided very little assistance, we paid very little attention, except to celebrate a great victory for the then-Afghan freedom fighters.

We all know what transpired in the ensuing 10 to 11 years. The Government of Afghanistan basically became a series of fighting warlords, and chaos prevailed throughout the Nation, and up came, as happens in history, a group called the Taliban that promised order to the people of Afghanistan. Over time they welcomed the Taliban and, of course, the Taliban assumed power. As part of their regime, they not only allowed but encouraged and provided help and assistance—all this is a matter of public record—to Osama bin

Laden. It was well known that Osama bin Laden maintained and built his terrorist training camps there, his financial network, and was the breeding ground for the terrorists, including those who hijacked the airplanes on September 11.

What is it that led the United States of America to make a policy decision that what happened in Afghanistan was not of sufficient concern to the United States of America and our policymakers to intervene at any time as this scenario unfolded? That is just one example of the areas that need to be explored.

Where was the economic aid? Did the United States of America, because of a variety of reasons, not encourage or even countenance the behavior of the Saudi Government? The Saudi Government, as we all know, is funding the Madrasas. They are giving money to the Islamic extremists who recruit young Middle Eastern men off the streets and teach them to hate the United States of America, our culture, our values, the West. Indeed, 15 of the 19 hijackers on September 11 were Saudi citizens. They were not uneducated. Many of them, as we all know, had received pilot training in the United States of America.

Why did the United States fail to realize that the Saudis, in the guise, perhaps, of being the guardians of the most sacred places of the Muslim Islamic religion, were funding very generously these radical Islamic elements whose influence spread all over the Middle East?

There was a tragic bombing of the Marine barracks in Beirut in 1983. What was the reaction of the United States to that, beside an eventual very rapid withdrawal from Beirut?

The U.S.S. *Cole*, in port in Yemen, was attacked by Islamic extremists. U.S. Embassies all over the world were attacked. What was the response of the United States to those tragedies?

My point is there is a broad variety of issues that need to be addressed. Those issues, as credible as the U.S. Congress is, need to be examined by the most respected people in the United States of America—men and women who have spent their entire lives in public service and are highly regarded by the American people whose assessment and evaluation and, most importantly, recommendations will be given enormous credibility by the Congress of the United States, the President of the United States and, most importantly, the people of the United States, who still are confused as to how these events came about to their great surprise, astonishment, and sorrow.

The makeup of the commission should be of the most respected people in America. Exactly who appoints who—the President, the majority leader—we have a formula in our bill, but we are willing to negotiate that. In a bipartisan spirit, we can select the most respected people in America to serve on this commission.

But let's have no doubt that a commission is called for, just as a commission was called for following December 7, 1941, when Franklin Delano Roosevelt felt that the United States of America was not too busy to appoint a commission to examine the events that led up to what he called the day that will live in infamy.

I thank Senator LIEBERMAN. I will quote from several articles that appeared in the newspapers in previous days that are bound to ratchet up concern and, in some cases, the frustration of the American people about this issue.

L.A. Times headline: U.S. Overlooked Terrorism Signs Well Before September 11:

A House-Senate panel report says al-Qaida was focusing on a domestic attack and the use of planes as far back as the mid-1990s.

New York Times editorial, September 19, 2002, ''While America Slept'':

The initial findings of a Congressional committee that has been reviewing the performance of America's intelligence agencies before Sept. 11 are profoundly disturbing. While the investigation has not found that the agencies collected information pointing to the date and targets of the attacks, it has discovered reports that Osama bin Laden and his followers hoped to hit sites in the United States and that they might employ commercial airliners as weapons. The response of spy organizations—and the government at large—was anemic.

One of the great unanswered questions has been whether the government had enough intelligence in the months before Sept. 11 to fear an imminent blow within the United States and to take aggressive steps to heighten security, especially at airports. The answer now appears to be affirmative. Investigators working for the Senate and House intelligence committees found numerous reports in the archives of the Central Intelligence Agency and other spy organizations suggesting that the bin Laden network was eager to mount attacks within the United States.

One of the articles here from USA Today is entitled ''Intelligence Fails.'' It is very curious:

Almost 3 years before the September 11 attacks, CIA Director George Tenet sent a memo to his deputies. ''We are at war against Osama bin Laden. I want no resources or people spared in this effort.''

I want to repeat what CIA Director George Tenet sent in a memo 3 years prior to September 11:

We are at war. . . . I want no resources or people spared in this effort.

But the article goes on to say that, by the morning of September 11, the war effort had yet to be mounted.

According to a report released Wednesday by the House and Senate in their first public hearing. . . . Lawmakers revealed CIA's Counterterrorism Center had just five analysts assigned full time to tracking bin Laden's network. The FBI put one lone al-Qaida analyst assigned to the agency's international terrorist unit. A lack of attention devoted to al-Qaida before 9/11 helps explain why the $30 billion a year spent on intelligence did not turn up the terrorist plot.

But the report raises new questions about the failure of the FBI and CIA to redirect resources from cold war enemies to new age terrorists.

The New York Times:

Despite DCI's declaration of war in 1998, there was no massive shift in budget or reassignment of personnel to counterterrorism until after September 11.

I ask unanimous consent that these articles I just quoted from be printed in the RECORD.

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

WHILE AMERICA SLEPT

The initial findings of a Congressional committee that has been reviewing the performance of America's intelligence agencies before Sept. 11 are profoundly disturbing. While the investigation has not found that the agencies collected information pointing to the date and targets of the attacks, it has discovered reports that Osama bin Laden and his followers hoped to hit sites in the United States and that they might employ commercial airliners as weapons. The response of spy organizations—and the government at large—was anemic.

One of the great unanswered questions has been whether the government had enough intelligence in the months before Sept. 11 to fear an imminent blow within the United States and to take aggressive steps to heighten security, especially at airports. The answer now appears to be affirmative. Investigators working for the Senate and House intelligence committees found numerous reports in the archives of the Central Intelligence Agency and other spy organizations suggesting that the bin Laden network was eager to mount attacks within the United States. There were also warnings that terrorists were considering using airplanes.

The accumulation of alarming evidence led George Tenet, the director of central intelligence, to tell his top aides in December 1998 that ''we are at war'' with Osama bin Laden and ''I want no resources or people spared in this effort.'' That was exactly the right reaction, but the mobilization of resources that followed did not match the threat.

The Congressional investigators learned that almost no one at the Federal Bureau of Investigation was aware of Mr. Tenet's declaration of war. On Sept. 11, the F.B.I.'s international terrorism unit had just one analyst to deal with Al Qaeda. Even the C.I.A. itself did not make major readjustments to evaluate the threat. The agency increased the number of analysts assigned full time to the bin Laden network from three in 1999 to five in 2001 before the attacks. Despite the indications that airliners might be used as weapons, including one August 1998 report that terrorists might fly a plane into the World Trade Center, intelligence analyst apparently made little effort to assess the aerial threat. The Federal Aviation Administration did not take the threat seriously.

Since Sept. 11, the C.I.A., F.B.I. and other agencies have poured resources into the fight against terrorism, and addressed many of the inadequacies depicted in the Congressional study. The findings underscore the urgent need for greater alertness, more coordination between agencies and the recognition that intelligence agencies must constantly be looking not just for familiar threats but also for new and unexpected methods of attacking America.

INTELLIGENCE FAILS

As the massive FBI investigation uncovers more details of the scope, complexity and long-term planning behind the Sept. 11 terrorist attacks, it is revealing an equally massive failure in the nation's counterintelligence efforts.

Earlier this week, the FBI suggested that two more planes might have been targeted for hijacking. That's on top of what is already known—that more than a dozen terrorists spent years training and preparing for the attack inside the USA, almost certainly with the help of many more accomplices. How could so many terrorists operate for so long in the U.S. piecing together a complex attack plan without detection?

President Bush took the first much-needed step to addressing that question Thursday with a call for a new Cabinet-level homeland-defense agency. It is a recognition of what many terrorism experts have long seen as a key weakness in national security, one that has left the country not just scrambling to piece together the Sept. 11 attack, but also wondering whether the nation's counterterrorism efforts will be able to detect the next attack before it is launched.

The nation's checkered history of tracking Osama bin Laden and anticipating the evil deeds later linked to his network is anything but reassuring.

Since the U.S. Embassy bombings in Tanzania and Kenya in 1998, the government has claimed that it is taking substantial efforts to root out bin Laden's terrorist network. As recently as June of this year, the CIA and Senate Intelligence Committee members were reassuring the public that bin Laden was being kept ''off balance'' and ''on the run.'' Yet this diligence didn't detect or deter either the Sept. 11 tragedies or the October suicide bombing of the USS Cole in Yemen, both of which were only later linked to bin Laden's terrorist network.

These missteps come as no surprise to terrorism experts. In recent years, studies by those inside and outside government have repeatedly warned that the intelligence system, built during the Cold War, was ill-suited to counter the modern terrorist threat. The focus was too much on monitoring troop movements and acquiring hardware and spying technology, not utilizing the kind of human intelligence needed to penetrate multinational, loosely organized terror cells.

Responsibilities have been spread across several federal agencies that don't always coordinate. As a December 2000 RAND report put it, the nation's anti-terrorism program ''is fragmented, uncoordinated and politically unaccountable.''

At the same time, reports were detailing the growing threat of massive attacks posed by rogue terrorists. The spread of technology made greater levels of destruction possible, and the advance of religious fanaticism made use of it more likely. As a June 2000 National Commission on Terrorism report noted, ''today's terrorists seek to inflict mass casualties, and they are attempting to do so both overseas and on American soil.''

With all efforts now devoted to tracking down leads in the wake of the Sept. 11 attack, law enforcement and intelligence communities have little time to analyze their failings. As CIA spokesman Mark Mansfield put it Tuesday, the agency ''won't be distracted'' by criticism.

That's fine. Their failings will get plenty of airing in Congress and elsewhere. The Senate Intelligence Committee has already promised hearings on the failure to detect the suicide hijackings.

More important, though, is that problems identified in these postmortems should be corrected. Recommendations made in the wake of previous attacks tended to result in piecemeal reforms. What's needed is a wholesale review of how the U.S. collects, studies and uses foreign and domestic intelligence. Preferably with an eye toward better coordination.

In this context, Bush's new Cabinet position makes perfect sense.

There are almost certainly other terrorist plots in the works designed to take advantage of previously identified weaknesses in the system.

Finding out who perpetrated the unimaginable horror inflicted on the U.S. last week is important. Preventing any future attacks on U.S. citizens is critical.

Madam President, there is an editorial from the Weekly Standard, ''Time For An Investigation.''

If President Bush knows what's good for the country—and we think he does—he will immediately appoint an independent, blue-ribbon commission to investigate the government's failure to anticipate and adequately prepare for the terrorist attacks of September 11. Make George Shultz and Sam Nunn co-chairmen. Give the commission full and unfettered access to all intelligence from the CIA and FBI and to all relevant internal administration documents.

This is a very important point in this commission. This commission must have access to all relevant documents. I think the frustration articulated by Senators SHELBY and GRAHAM cannot be a part of this independent commission.

There are three reasons such an investigation is necessary. First, the administration is now in danger of looking as if it has engaged in a cover-up. The carefully worded and evasive statements by various administration spokesmen in response to the report of the president's August 6 CIA briefing have raised as many questions as they have answered. We understand the conundrum that administration spokesmen face. They can't be precise about what they did or didn't know without revealing classified information. We also presume the administration has nothing to hide. But the cat is out of the bag. The ranking Republican on the Senate Intelligence Committee, Richard Shelby, says that ''we've just scratched the surface.'' The country needs to be assured that a reputable and unbiased group is going beneath the surface to find the truth.

Nor can we assume that the investigation already in progress by a special joint congressional committee will do the trick. Given the vulgar partisanship into which most elected officials descended last week, we have no confidence that any congressional committee can come up with a reputable and authoritative report.

Furthermore, regardless of what congress does, the president should order an investigation for the sake of accountability within the executive branch.

I think my colleagues and the American people may know that not one person has been replaced, removed, fired, asked to resign, retire or held responsible for the events of September 11—remarkable. Remarkable.

Ever since September 11 we have been troubled and puzzled that almost no one in the government seems to have been held responsible—much less, heaven forbid, stepped forward to assume responsibility—for failure. Was what happened on September 11 the consequence of everyone doing their job perfectly? Can it really be that no one made a mistake? And if someone did make a mistake, shouldn't that someone be held accountable, just a little? People lose jobs in government for hiring nannies and forgetting to pay their taxes. In the military, officers resign when something goes wrong on their watch, even if they were personally blameless for what happened. Isn't it possible that some people should be reprimanded, or even lose their jobs, when 3,000 Americans are killed in a terrorist attach? For the past eight months the Bush administration has essentially been saying that everything and everyone worked just fine. That is absurd and unsustainable.

And, of course, it's perilous. The third reason we need an investigation is that the system did not work. Either we didn't have the intelligence we should have had before September 11. Or the information was not adequately distributed and therefore key signals were missed. Or the intelligence was assembled but wasn't taken seriously enough. Or it was taken seriously but insufficient action was taken to prevent an attack. We don't know there the system broke down. We only now that it did.

Surely the first step in fixing the system—and thereby defending ourselves against the next attack [and that is really what this commission is about, fix the system and defend ourselves from the next attack] is to identify what went wrong or who performed badly. Isn't anyone troubled by the fact that if the failure stemmed partly from incompetence, then the incompetent people are still at their vitally important posts? Isn't President Bush troubled? If it was the system that failed, then should that same system be left in place because no one is willing to take a hard look at how and why it failed?

We understand the administration's reluctance to go through this wrenching process. We understand, too, why the president's supporters are reluctant to demand an investigation. It was nauseating last week to watch Democratic politicians trying to score cheap points against President Bush, treating this most serious of questions as if it were another made-to-order Washington scandal. ''What we have to do now is to find out what the president, what the White House, knew about the vents leading up to 9/11, when they knew it, and, most importantly, what was done about it at that time,'' said Dick Gephardt smarmily, desperately trying to fasten blame on the president à la Watergate.

Unfortunately, the Bush administration, too, has gone into scandal mode—into a defensive crouch. Vice President Dick Cheney came out swinging, claiming that any criticism, even a call for an investigation of the administration's actions before September 11, was ''thoroughly irresponsible . . . in a time of war.'' But he's wrong. It's precisely because we're in a war that we need an investigation to find out where we failed. After Pearl Harbor, there were half a dozen such investigations. Franklin D. Roosevelt ordered the first—just after Pearl harbor. President Bush should follow that war president's lead. Then he should get back to the business of winning the war.

Again, I believe everyone who is responsible for anything, as a matter of public service, should be held responsible. That is obvious. But the reason why Senator LIEBERMAN and I have fought so hard is because the American people deserve to know one fundamental fact; that is, that we know all of the factors and causes of the tragedy of September 11. Once we know all of those factors and causes, we will then be able to take the necessary action to prevent a repetition.

I don't know how in the world we can assure the American people that there will not be a repetition unless we know everything that caused it. That seems to me so obvious on its face that that alone is a compelling reason for the appointment of this commission.

I have had the great honor, as have most Members of this body, to have the opportunity to know the family members and survivors of those who perished or were wounded in the tragic events of September 11. They have come to me and to Senator LIEBERMAN and many other Members of this body and said: We deserve to know. We deserve to know what happened that brought about the deaths of our loved ones.

They make a very compelling case. They make an argument that I think is hard to refute. We owe them a great debt because of the service and sacrifice of many of their loved ones. Incredible feats of heroism, as we all know, were performed on September 11. I hope we will give some weight to their opinions and desires. I think it is perfectly legitimate and understandable that they have a right to know what caused the events that took away their husbands, fathers, wives, sons, daughters, brothers, sisters, and friends.

I hope we can get a large majority vote so we can go to conference with the House, get this commission appointed, and give them the tools they need to make sure we appoint in a nonpartisan—not bipartisan, nonpartisan—fashion the members of this committee who are the most respected men and women in America. We could come up with a list in a very short period of time, give them the tools they need, and within a reasonable length of time they could report back to the President, to the Congress, and, most importantly, to the American people.

In that way, as far as those who lost loved ones in the tragic 9/11 attacks are concerned, at least they may have some comfort in the knowledge that we will be prepared to take whatever necessary steps to ensure that no other family member ever experiences the tragic loss they experienced.

I hope we can discuss this issue at the proper length.

I again thank my friend from Connecticut. I see my friend Senator THOMPSON on the floor, who probably knows as much as or more than, on many of these issues, any Member of this body. I am obviously very interested in hearing his views on this legislation.

Finally, I say again that this legislation is not carved in stone. Senator LIEBERMAN and I are willing to make adjustments to it. We are willing to take input from the administration or any of our colleagues or anyone else who is concerned about it. That is why we have the amending process. But we also think we ought to get it done, and we also think that time is not on our side because the sooner we get the results of this commission, the sooner we can take the necessary measures to defend against a repetition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend from Arizona for a very eloquent statement. I thank him for the work we have done together on this proposal. I also thank him for clarifying something about which I misspoke. I said there had only been one analyst at the CIA committed to targeting al-Qaida even after al-Qaida had been determined to be the source of terrorism against us in a very committed act. In fact, there were five—still not a significant enough number—in the counterterrorism center of the CIA, and one analyst at the Federal Bureau of Investigation.

For the record, the amendment we have offered today differs in a few respects from the bill reported out of committee.

We are calling for an even division between Republicans and Democrats in choosing commission members. As Senator MCCAIN said, I certainly hope this is a nonpartisan commission—not even bipartisan—with the majority parties of the Senate and House each receiving three picks and the minority parties in each House having two nominations. This is the configuration of an equivalent commission recently created by the House of Representatives. And it has another notable precedent in the form of a National Commission on Terrorism created by Congress in 1999 headed by former Ambassador Paul Bremer, which produced some work that had an effect on our foreign policy.

There are three other minor changes in the text of our original bill. The bill emphasizes that the commission should build on the progress of Congress and its committees, and other inquiries, especially the joint inquiry of the Senate and House Intelligence Committees regarding terrorist attacks.

I hope they will come to the floor and speak for themselves. But I want to say that Senator GRAMM, chairman of the Intelligence Committee of the Senate, and Senator SHELBY, vice chairman, have each said to me—although originally earlier in the hearings—that they have some concerns but now fully support the creation of the commission that this amendment would bring about.

The amendment, as we have submitted it, provides that the chair and the vice chair of the commission, in addition to the chairpersons, can issue subpoenas. And it makes technical improvements to the bill's alternative subpoena enforcement mechanism.

I wanted my colleagues to know that there have been those changes from the bill as it came out of our committee, and to echo what Senator MCCAIN has said. This is an idea. It is an idea that we believe is a necessity, in the public interest, to answer the plaintive cries of the families of those who died on September 11: How did this happen? And how can we know everything that is possible to know so we can make sure it never happens again?

But as to the specific details, we welcome the questions and inquiries of the Members of the Senate before this amendment comes to a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, while the two sponsors of this amendment are in the Chamber, and the two managers of this bill, we have had a number of inquiries in the cloakrooms about what the rest of the day is going to hold. There is the question of whether or not we will have any more votes tonight.

I know the Senator from Tennessee has looked at the proposed unanimous consent request, which basically would give several hours of debate on this amendment today and an hour set aside for Monday to complete debate on it and vote on it on Monday. But I am wondering, without pressing the Senator from Tennessee too hard, could the Senator give us some indication when he might be in the position to see if we can enter into this unanimous consent request so we can better field the questions in the cloakrooms?

Mr. THOMPSON. I am not sure exactly what is in the unanimous consent request. But I can possibly be a little bit more definitive after we have had a chance to discuss what is going on here.

Mr. REID. What it simply says is that there would be a total of probably 3 hours for debate equally divided, and then we would come back on Monday and debate it for another hour. At that time, the Senate would vote in relation to the amendment. There would be no second-degree amendments in order prior to the disposition of the amendment.

It is very simple and direct. But we are trying to get something set up for tomorrow and Monday. We have left a lot of Senators without any direction. We need to do that. As soon as the Senator from Tennessee feels confident that we can enter this agreement, let us know, and we will do that as quickly as possible. If we can do that, I think the leader will be in a position to announce that there will be no more votes tonight. Until that happens, we can't do that.

Mr. THOMPSON. I will be happy to respond to the Senator a little later this afternoon.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I welcome the opportunity, while I have two of my close friends and respected Members who are sponsoring this amendment here on the floor, to hopefully enter into a discussion under the rules of the Senate and with the consent of our colleagues as to some of the details of this proposal, as to what is

intended, as to what we are trying to accomplish, and as to whether or not this is the best way to accomplish it.

I commend my colleagues for their effort. I think they have had for a long time the idea of a commission—a long time before a lot of other people who are now calling for one. They have had this vision. Quite frankly, I have tried to keep an open mind with regard to the wisdom of it. I sit on the Intelligence Committee. Right now, we are having bipartisan and bicameral hearings with regard to many issues, some of which have to do with 9/11.

I ask my colleagues—either or both of them—how they view the role of the commission with regard to the intelligence issues.

I am wondering whether we could probe very deeply and successfully into what happened with regard to 9/11, including any intelligence breakdown, and still come away with a not very good analysis of the difficulties we are having in the intelligence community.

Is it the best thing to do to have a commission that has a rather broad mandate with regard to anything and everything and at any level of Government with regard to September 11 of which intelligence would be a part? Is that better than maybe a deeper probe that is more narrowly focused with regard to our intelligence failures? Because most of us believe that is at the heart of the difficulties we saw in relation to September 11.

I have had the opportunity to read the amendment once. I notice the functions of the commission are to conduct investigations that may include relevant facts relating to intelligence agencies. But ''intelligence agencies'' is mentioned, along with a lot of other agencies: ''law enforcement agencies;'' ''immigration, nonimmigrant visas, and border control;'' ''the flow of assets to terrorist organizations;'' and other areas of concern that are not agencies, such as ''commercial aviation'' and ''diplomacy.'' I am not sure what that means.

But I would ask my colleagues what went into their thinking, what is the state of their thinking with regard to that issue. Is it best to have the broader scope that might trip lightly over intelligence issues? Would that be better than having a more detailed and narrow inquiry as to intelligence failures?

I would ask my friend from Arizona what his thinking is with regard to that.

Mr. MCCAIN. Madam President, I ask unanimous consent that Senator LIEBERMAN, Senator THOMPSON, and I be allowed to enter into a colloquy for the exchange of comments to one another.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. I thank you, Madam President.

I say to my friend from Tennessee, first of all, our amendment explicitly states—and we would be glad to report language, with the assistance of the Senator from Tennessee, to point out that clearly intelligence is a central and perhaps most important aspect of any investigation of this nature. The Senator mentioned that there are a number of other factors we would want to take into consideration.

While the Senator was off the floor, I pointed out that we turned our back on Afghanistan after 1989. What were the reasons for that? And what were the diplomatic or national security factors that led to that decision being made?

However, having said that, it is clear intelligence plays a featured role in any investigation. But I am also a little bit concerned—and I wonder if the Senator from Tennessee is concerned—about a report in the Washington Post where, ''[Senator] Shelby acknowledged that the congressional probe would be incomplete. 'I'm afraid if we try to publish at the end of this session a definitive paper on what we found, that there will be some things that we don't know because we hadn't had time to probe them and we have not had enough cooperation,' he said.''

As I respond, I wonder if the Senator from Tennessee has that concern, as expressed by Senator SHELBY.

Mr. THOMPSON. I would say, in response, that I indeed have had that concern as that investigation has gone along. And we have seen the various problems we have had with it and the various difficulties we have had internally and externally, and with the time limitation we placed on ourselves in this intelligence investigation. And I was concerned a long time about where we were going to end up and whether we were going to be in a position of assuring the American people that we had done more than we had really done.

I will have more to say on that later. I still want to keep my powder as dry as I can for as long as I can because it is ongoing and hope springs eternal.

But I certainly do have concern about that, which gets me back to my original concern about where intelligence ought to play in this inquiry.

I appreciate the Senator's reassurance with regard to that, and its importance and, perhaps, central function, central role. But I wonder; it concerns me when I see that put together with immigration issues, and aviation issues, and diplomacy issues.

For example, I would be interested and would like, if we could get the right kind of people and the right kind of objectivity, to have a session as to our policies with regard to reaction ever since the bombings in Beirut, to the attack on the USS *Cole*, to the events in Somalia, and all of that.

What effect did all of that have on all of this? Did that embolden people around the world, who have ill intent toward us, to do some of these things? Those are very interesting, important issues. But can we take on all of that within—what do we have here?—a year's timeframe for this investigation?

Mr. LIEBERMAN. Responding to the Senator, a total of 18 months, with a preliminary report due after 6 months.

Mr. THOMPSON. All right. Well, that is more than the Intelligence Committee has had. I must concede that. But the question really is, Can we do all of that? We are combining some things that would be very subjective, very politically sensitive. Hopefully, we will have the kind of people on this commission to be able the deal with that, along with some very detailed inquiry with regard to the intelligence community.

Is that the best way to go? Can we really hope that at the end of the day we have been able to do all of that?

That leads me to my second question, I suppose, and that is in regard to access to information. As I read through this, there is a provision for ''Information From Federal Agencies'' for this commission. On page 9 of the amendment, it says:

> The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title.

I am not sure that—let's just say for the purposes of this discussion—having access with regard to intelligence agencies, with regard to suggestions, estimates, and statistics would do us very much good.

Now, the right kind of information would be helpful, but is the intent here that this commission will be able to go into these agencies, regardless of what they are?

Also, you have another provision in here that provides for clearance and providing access to people with sensitive information.

But is the intention to provide the members and/or staff of this agency with the authority and the ability to go into these agencies and to review the most sensitive information?

I think back to the Rumsfeld Commission, which I think most people would agree was a very successful enterprise, dealing with issues of missile technology and nuclear capability of various countries, and so forth, very sensitive information. It was done successfully.

A lot of these people were scientists and the same kind of people, perhaps, in many respects that your commission would adopt. They have done that very successfully. I am wondering if someone some months hence would read this document and say: We did not intend to do that. Whatever reports are out there, analyze those reports. But we didn't have any intention for you going in and really getting something that they didn't want to give you.

I think that is relevant because apparently we still have to make the White House a believer that this is a good idea. I am wondering, in terms of

the wording of the bill or legislative history, what would be the proper way to address that question.

Mr. LIEBERMAN. Madam President, I will respond to the Senator from Tennessee. I thank my friend for his very thoughtful and directly relevant questions.

I will try to respond to the first one very briefly and add to what the Senator from Arizona said.

The commission is given a broad mandate, in section 604 of this proposal, to conduct an investigation of all relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, and then it goes on to say, that ''may'' include relevant facts and circumstances relating to, first, intelligence agencies, and then all the rest. Obviously, intelligence is listed first, though I emphasize the ''may.''

This commission has discretionary authority to go ahead as it will decide to conduct a very broad investigation called for under that section A that I read from. I certainly hope they will do some work on the intelligence community, building on the work the joint intelligence committee has done.

The uniqueness of our proposal is to have it be more comprehensive, to get into exactly the kind of broader questions that may seem remote but are not, about what impact the USS *Cole* and Somalia, et cetera, had on both our foreign policy and the attitudes of others abroad that may have all contributed to what happened on September 11. The breadth is very important.

We are trying to build a complementary structure because if you want to end this commission's work feeling that you asked every question that could have been asked about how September 11 happened, there would have to be a lot of questions about intelligence agencies but a lot as well about things that may seem remote, like commercial aviation policies or immigration policies. That is what the intent is.

I do want to respond to the second question, which is very important. It seems to me this commission will not be able to successfully complete its work unless it has full access to all the relevant documents in our Government. That is why we have required in the wording of the proposal that the various departments expeditiously respond to requests for security clearances by members of the commission and their staffs.

There was an earlier time when some criticized the idea for this commission, saying it might be a circus; I guess on the presumption that it would all be in public. That is not our intention.

Mr. THOMPSON. Do you provide for closed hearings?

Mr. LIEBERMAN. That is right. The legislation provides for closed hearings. It is my guess that most of the work of this commission, though not all of it, would be done in closed classified investigations. But some of it, hopefully, presumably, would be done in public, certainly to engage public testimony at various points.

Mr. MCCAIN. I have one additional comment for my friend from Tennessee. One, I believe some of these hearings have to be held in a classified environment. There is just too much raw data out there. I believe the Warren Commission, in their investigations, held closed meetings as well.

I also want to say to the Senator from Tennessee, he was an integral part, as all of us know, in probably the most successful and best known investigation in this century. That, of course, was the Watergate committee. There are certain parallels, there are certain nonparallels, obviously, because we are dealing with different issues. But I know the Senator from Tennessee learned a number of lessons from the Watergate hearings. Those that apply to this legislation that he thinks could improve our efforts and get a better product—we now will have that vote on Monday, I understand—I would be eager to work up an amendment or amendments with the help of the Senator from Tennessee to bring this commission to the quality and level which would achieve the goals that we seek.

I would like to engage in those discussions, if we could.

Mr. THOMPSON. I appreciate that very much. I would ask, just narrowing down a little bit more, how do my colleagues see the work of this commission in relation to the work of the joint intelligence committee?

Mr. LIEBERMAN. Responding to the Senator from Tennessee—another very important question—it is the intention of the sponsors that the work of this commission build on and complement the work of the joint intelligence committee in investigating the events of September 11, 2001. The joint intelligence committee has done some very important work. It already produced some material, just yesterday released publicly, that was riveting and in its way raised an additional set of questions to be answered either by the committee and its later investigation or by this commission.

Again, the purview, the focus of the commission we intend to create is much broader and would build on what the joint committee on intelligence has done but then go into other areas we talked about: Defense, foreign policy, immigration policy, law enforcement, commercial aviation, et cetera.

Mr. THOMPSON. I say to my colleague, it seems to me the situation is basically this: We have concerns, some with regard to our intelligence community and our intelligence difficulties; some have to do with nonintelligence areas. We have talked about the area of diplomacy and action and reaction to attacks, for example. We have a committee that is about to wind up its work dealing with the intelligence area. I think many people are very concerned that they are not going to get to the heart of the issue.

Your commission would come along and overlay that and take up where that leaves off but would have quite a bit broader mandate. It makes me wonder whether you really could pick up where they leave off and do the same kind of job they would have done had they been in business for a while longer, which leads me to the additional question: Has my friend considered—I haven't discussed this with anyone because it just occurred to me—whether or not it might be wise to extend the inquiry of the joint intelligence committee? We placed an end-of-the-year limitation on this. We had the first, I guess you might say, substantive public hearing yesterday. We know about how much longer we are going to be around here from a practical standpoint in terms of Members.

I don't think anybody wants a result and a report that is totally staff driven. It is not even a permanent staff. It is a very good staff, assembled from various places. Some of us know who these people are and some of us don't. But on something this important, with this kind of time limitation, there is going to be an awful lot of uneasiness about all of that.

I have some uneasiness about the ability of this commission to just pick up from there and go on, when we are considering these other broad categories that perhaps need to be considered, either in a commission or otherwise. I am not sure. But one of the things that occurs to me—I don't see why we would shy away from putting it on the table and talking about it—is perhaps extending the joint committee's work into next year.

Mr. LIEBERMAN. Responding again to my friend from Tennessee, let me direct myself to the first part of your question. If this commission functions as its sponsors want it to, this national commission on terrorist attacks upon the United States, it will have the high-quality commissioners devoted to its work, as well as a large, first-rate staff that will have the capability both to pick up the work in the intelligence community and carry it as far as it can be carried forward to answer all relevant questions relating to the causes of September 11, but also to investigate the other subject matter areas we have talked about—diplomacy, law enforcement, aviation policy, et cetera.

Of course, the question of whether the Intelligence Committee investigation goes on is a separate question. And this commission idea stands on its own. I am encouraged, as I mentioned, that the chair and vice chair of the Intelligence Committee, Senators GRAHAM of Florida and SHELBY, both support the establishment of an independent commission. So I conclude they believe its work can be complementary.

Mr. THOMPSON. I thank my colleague. Does the Senator from New Jersey have a contribution to make?

Mr. LIEBERMAN. If I might first note the presence of the Senator from

New Jersey on the floor, he was an early, outspoken, and passionate advocate for an independent investigation—and I have another adjective—persistent. Acting separately, he introduced a bill with Senator GRASSLEY, and Senator MCCAIN and I introduced another measure. We all agreed we have the same goals, and we put our two proposals together.

I thank him for his advocacy of this idea, and I am glad he is on the floor. I welcome him now to this discussion.

Mr. TORRICELLI. I thank my friend. Is the Senator from Tennessee controlling the time?

The PRESIDING OFFICER. The Senator has used his time. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Madam President, on September 12, 2001, I came to the floor of the Senate to suggest to my colleagues that the magnitude of what had happened to the United States of America in the terrorist attack required an independent analysis and establishment of a national commission of inquiry. I am proud to have led this effort, but it was not either my creation or principally my idea.

In New Jersey, a week after the terror of September 11, I began to hear from the widows and the families—simple Americans who believe in their country, pay their taxes, and felt secure behind our borders, recognizing that the United States is the most awesome military power ever assembled on the face of the earth. Intelligence and law enforcement services are larger here than in every other nation combined. Just 24 hours before, 19 men with $250,000 had delivered the most devastating attack on these United States in our history.

Their inquiry of me as their Senator was simply: What do we tell our children? What are we to believe about our country and our Government that we were unable to defend our most vulnerable citizens; that thousands had been left dead and thousands were orphaned and lives will never be the same again? I did not have any answers to their questions, so I brought their questions to my colleagues.

It has been a long struggle to bring this commission to this point. I am more grateful than I can explain that Senator LIEBERMAN and Senator MCCAIN have taken this effort to the point of legislation and possible adoption.

No one seeks to cast blame. No one seeks to unfairly lay responsibility upon those who may not deserve it. But something is wrong—370 days have passed, after thousands of lives were lost in a complete and total breakdown of the security of the United States of America, and I am unaware that one individual has been transferred, demoted, held responsible, fired, noted, or criticized. It cannot be that the security of the United States was breached, thousands of lives were lost, and every agency performed perfectly, everybody did their job, all 1 million Federal employees performed as expected.

Madam President, I cannot give that explanation to the hundreds of widows or orphans and parents and brothers and sisters in the State of New Jersey who have survived and dealt with the unimaginable. I do not simply hope that this commission is adopted, but that, on a bipartisan basis, Members of this Senate send an unequivocal message that this Government is accountable, its agencies are accountable, and the American people will get answers.

It is not that I have come to the floor with a suggestion that is somehow a compromise with our tradition or unusual in our practice. This commission will respond, exactly as every other generation of Americans has responded in every other crisis of similar or lesser proportions. This Congress demanded an answer from a commission about the reasons of the causes of the Civil War. They were still collecting bodies in the North Atlantic and this Senate went to New York and met in midtown Manhattan to get answers for how the *Titanic* could have sunk. The Depression was still ongoing when we demanded a commission for its reasons. And 11 days after Pearl Harbor, Franklin Delano Roosevelt, before the U.S. even counterattacked, wanted the American people to know how their Armed Forces had let them down. He would not allow American sons and daughters to die in a war until their parents knew what happened to our military, our preparedness, so their parents would know that their lives were in good hands.

Lyndon Johnson did no less after the Kennedy assassination, and President Reagan did no less after the *Challenger* accident.

None of these reports were perfect. It was always a painful experience. None of us ever want to admit that anyone in our Government, anyone in the service of our country did not perform perfectly. The truth is that terrible things happen even when people do perform well, and that may be the conclusion of this commission, as it has been with others. I don't know. But the truth is, no Member of the Senate knows either. Unless this commission is established, we will never know.

The simple truth is the Senate might reject this commission, the President may fail to sign it, or the House of Representatives may fail to adopt it. But that does not mean that there will not be a commission.

Sometimes justice is so overwhelming, a cause so obvious and powerful that you can delay it, but you cannot stop it. Defeat this commission today and it will be voted on next year or the next year—even if it is 10 years, even if it is 20 years. No event of this magnitude can happen in a country, inflicting this much pain, this much change in a society, without the accountability of its Government. Either the widows and the widowers and the parents of these victims will get this commission or their children will.

Either the Members of the Senate will establish this commission or our successors will. But make no mistake about it, there will be answers. Something very wrong happened.

Somebody has to provide answers. First, we were told that a commission was impossible because it would interfere with the war in Afghanistan. What an extraordinary notion: A nation with a $2 trillion budget, a quarter of a billion people, a million men under arms and confronting al-Qaida in Afghanistan prohibited us from using resources or personnel to conduct an investigation—an extraordinary notion, considering that Franklin Delano Roosevelt was willing to undertake an investigation while fighting the Germans and the Japanese with sufficient resources.

Then we were told this was better done in the Intelligence Committee—possibly a good explanation if the only issues of failures were in the intelligence community. What about immigration? How about the FAA? How about law enforcement? How about the coordination of policies to save the lives of those firefighters or police officers? How about 100 other Government agencies? This may be a CIA issue, but it is not only a CIA issue. Still the belief was this could be done in the Intelligence Committee. Only now the bipartisan leadership of the Intelligence Committee, Senator SHELBY and Senator GRAHAM, report to us that they cannot get cooperation from the necessary Government agencies to even conduct their limited review in this narrow focus.

How dare they. How dare anyone withhold information or cooperation from this Senate or the families of the victims who have demanded answers? How dare anyone.

Are there those in this Government who believe their principal loyalty is to their agency, the reputation of their bureau, someone in the bureaucracy rather than the people of the United States of America? Does it mean so much to be an agent of the CIA, an employee of the FBI, or the National Security Agency? Is that so important that you would withhold information from the American people in a search for justice for the United States of America?

I have served in institutions, and I believe in institutional loyalty, but that means nothing compared to loyalty to the United States of America. Yet we have the spectacle of the bipartisan leadership of our Intelligence Committee claiming they cannot get cooperation from the bureaucracy itself.

There are issues so large in this debate that they can only be settled by an overwhelming vote for this commission. It is about the accountability of the Government itself to the people. It is about many things, but most fundamentally it is that: Can the people of the country hold their Government and its agencies accountable? I do not know.

For one of the first times in my life, I am not sure the bureaucracy or its

components in the intelligence or law enforcement agencies genuinely can be monitored and controlled by the Congress of the United States. But we are going to find out because that is what this commission is about, more than anything else.

One year has passed. Billions of dollars have now been appropriated to deal with terrorism and homeland security. The Congress has been asked for the most sweeping reorganization of the Government in American history. There is not a Member of this Senate who in good conscience either cast these votes or can cast votes in the future without knowing the results of this inquiry. Spend $10 billion, $20 billion, $30 billion. On what basis is the money spent? Is there a Member of the Senate who knows which agencies failed, which should be improved, which should be expanded, which should be curtailed, what new activities would make a difference? What is the sum of our knowledge of what happened on September 11? I do not know. More importantly, neither do the other 99 Members of the Senate, and they will never know until we know what happened, why, who failed and who succeeded, who met their responsibilities, and who did not.

Does this reorganization, the underlying legislation before the Senate, make sense for the country? Mr. President, I am going to be asked to vote upon that issue and, in good conscience, I cannot tell you. On what basis is this reorganization done? Because we have learned which agencies did not perform?

It is no different than the financial recommendations. There is not a Member of the Senate who knows which agencies were not in control, which were, which met their responsibilities, how a chain of command might have been different. Some day we will know but not without this commission.

What we are learning about the failures of intelligence and law enforcement since September 11 is shocking. Naming a national commission dealing with the realities of what happened is going to be a painful national experience.

We now know that the CIA had advised the FBI of the names of a hundred terrorists and to watch for their entry into the United States. They failed. We now know as early as 1998 intelligence agencies received information about Bin Laden planning an attack involving aircraft in New York and Washington.

We now know, as late as July 2001, the National Security Agency reported 33 communications involving a possible and imminent terrorist attack. We now know the U.S. Government was put on notice by foreign intelligence agencies and our own of the possibility of such attack.

This will be a painful national experience—painful for the country, painful for the families. But this problem is not going away. Time will not heal it. The distance between ourselves and the events will not lessen the intensity of the need or the demand for the inquiry.

I want nothing but the truth for the families, the communities in my State of New Jersey which have suffered so badly, and mostly for my country. The U.S. Government failed our people. It does not mean that we are not a good people or that this is not a great Government, but good and great governments learn by experiences and their failures. We can be a better country better able to protect our people with a more accountable Government, with intelligence and law enforcement agencies that understand their responsibilities and their needs based on this process.

It will be a painful process of growth, but it will happen. We will learn how it is that the FBI, given all these warnings, could not have had people who were possibly trained in Arabic translation, how piles of documents may have accumulated having never been analyzed. We will learn how information about flight schools and the possible warnings of the ill intent of its students never came to proper attention.

We will learn how over the course of years a conspiracy was built, signals were received, but we were unable to see the dimensions of a plot that would so change our country.

Put aside your loyalties to institutions. Put aside your commitment to individuals. This is not about the bureaucracy. We have passed the point of being able to preserve the reputations of agencies that failed our country. It is no longer about them. It is about the accountability of the United States Government. Whoever is found at fault, whoever is found to have performed their duties, it is time to face the truth.

This is the issue that will never go away. This is the one part of the Government, the formation of an independent commission on September 11, 2001, that will happen no matter what we do, no matter how we vote, or whatever is said. It is as inevitable as tomorrow morning's sunrise because the cause is so powerful, so just and so necessary.

Give those few widows, parents, and children the one thing they have been demanding. Writing them checks will not change it. Laying wreaths will not change it. Prayers will not change it. They are asking for an answer. They want an answer, and so do other Americans. And I intend to get it for them. I intend to get that answer. I hope it is today.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time?

The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from New Jersey for his comments. I used the words ''passionate'' and ''persistent'' to describe his advocacy of an independent inquiry into the events of September 11. He has brought that passion and eloquence to the floor today. We will persist together, in growing numbers in this body, until the questions that he asks, that the families are asking, are answered. He is right, there is an inevitability to this idea, but ''inevitable'' can be a long time. We have to make it happen sooner rather than later, and the adoption of this amendment will do just that.

I do want to say to my friend from New Jersey, he raised a question about the underlying bill—I know it was done in the context of what he was saying. I do want to assure him, which I know he knows, that the underlying proposal for the Department of Homeland Security does derive from the Hart-Rudman Commission, which saw these vulnerabilities before September 11, and called for a new department, and the National Commission on Terrorism—the Bremer Commission did the same—and from the various hearings of our committee. So I think there is an ample record that cries out for the establishment of a Department of Homeland Security, but as I have said all along in this debate, this is our first best effort to create such a department.

It will be, in my opinion, hope, and belief, measurably improved over time, by experience but also by the results of the inquiry that this amendment will create because the more we know about how September 11 happened, the better we will be able, through this new Department of Homeland Security, to make sure it never happens again.

This morning, I spoke to one of the family members of someone who was killed in New York on September 11, and she said that sitting at the hearing of the joint intelligence committee yesterday, hearing the staff director report on findings to date, forced her to a conclusion that she did not want to reach; that the attacks were preventable.

I am not one who believes that another September 11 type of attack is inevitable. It is not. We all know that if somebody is crazy enough to strap explosives around their waist and walk into a crowd, it is hard to stop that; but even that, with proper intelligence and infiltration of terrorist groups, can be stopped. A terrorist event as large and as comprehensive as September 11, involving all of the context it had with financial resources, with aviation, with Governmental agencies, immigration and otherwise, when one considers all the money we are investing every year in satellites and conversation surveillance devices, that should have been noted and prevented, and that is the aim of the commission and the department, to make sure that September 11 never happens again.

The Senator from New Jersey made reference to the *Titanic*. I will share with my colleagues very briefly an excerpt from an article that appeared in the New York Times on September 11, 2002, just last week, on the first anniversary of that day. It is written by Jim Dwyer, and it says:

Of course the country had to understand what went wrong. One of the largest structures ever built had failed, at a terrible cost in lives. When warned of danger, those in charge had shrugged. Many died because the rescue effort was plagued by communication breakdowns, a lack of coordination, failure to prepare.

These findings on the sinking of the Titanic entered the public record after the Carpathia docked at the Chelsea piers in Manhattan on April 18, 1912, with the 705 survivors plucked from the North Atlantic. Starting the next morning at the Waldorf-Astoria, the barely dry witnesses provided a rich body of facts about the accident, the Titanic, the maritime practices to the United States Senate Commerce Committee, which held 18 days of hearings. Their testimony gave form to a distant horror, shaping law and history. No inquiry remotely similar in scope, energy, or transparency has examined the attacks of last September 11, the devastating collapse of two of the world's tallest structures, the deaths at the Pentagon, or on United Airlines flight 93 in Pennsylvania. A handful of tightly focused reviews have taken place mostly in secret, conducted by private consultants, or by Congressional committees.

One year later, the public knows less about the circumstances of 2,801 deaths at the foot of Manhattan in broad daylight than people in 1912 knew within weeks about the Titanic, which sank in the middle of an ocean in the dead of night.

That hardly seems possible, considering that 9/11 iconography has been absorbed into everything from football pageants to pitches by speakers peddling lessons in leadership. And yet, says John F. Timoney, once a senior police commander in New York and the former police commissioner in Philadelphia, the events of September 11 are among the most rare in American public life: true catastrophes that have gone fundamentally unscrutinized.

''You can hardly point to a cataclysmic event in our history, whether it was the sinking of the Titanic, the Pearl Harbor attack, the Kennedy assassination, when a blue-ribbon panel did not set out to establish the facts and, where appropriate, suggest reforms,'' Mr. Timoney. That has not happened here.''

That is the dreadful gap and omission that this amendment aims to fill. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, my colleague is very eloquent in the promotion of his cause, which is the creation of this commission. I appreciate the response of Senator LIEBERMAN and Senator MCCAIN to the concerns I have. I appreciate the offer they have made to work with us to see if we go in this direction and make sure we can put forth our best effort. I suppose I look at the whole endeavor a little bit differently than my friend from Connecticut.

Probably the best reason for going forward with some additional activity, whether extension of the joint committee or creation of a new commissioner, is not necessarily because we can do something that will prevent future catastrophes. I wish we could. But there is too much hate and too much technology in the world to be able to ever guarantee our citizenry that we can do that. It is not that we can even resolve the issue. Tragedies have happened before in this country, and we are still debating what happened or what did not happen.

It is a matter of doing what we can to find out what happened in the best way possible. It is a matter of simple justice. We owe it to the people involved. We owe it to the American people. We owe it to ourselves. We owe it to our world to do the best we can to do all those things to make it a little more preventable, to resolve key issues, do the best we can. It is the right thing to do. It is a matter of simple justice—not that there will be a pot of gold at the end of the rainbow.

I have become more realistic as I look into these things. When I hear about the ''connecting of the dots,'' we should have been able to connect these dots, or this is preventable, what I know is these dots were in a sea of dots, a veritable sea of dots. The problem we had with regard to September 11 is not just the fact we did not have the analytical capability there at that time, before that time, in order to put this together, but for a long time now we have lost our ability, analytically and technologically, to pull together these disparate facts. Technologically, we ought to be able to evaluate the disparate facts and put our computers to work and get analyses and estimates as to what is likely to happen.

It will be a long, drawn-out deal. We did not get there overnight, and we will not get a solution to it overnight. Even if we do everything right, we are never going to be totally safe. There is too much hatred, too much fanaticism in the world, and too much high technology. It is too easy for those things to come together. We will have to be vigilant for the rest of our lives and the lives of our children and our grandchildren—and spend a lot of money and have a lot of effort.

The idea that we can come together and have a little investigation or have a commission, and we can tell the American people and those tragic victims who lost loved ones, and imply we are going to find out exactly what happened, we will prevent this thing from happening again—I wish that were true. I don't think it will be.

As I said, we need to do what we can. We need to do as much as we can. What we are struggling with is trying to determine the best way to do that and the best forum. We should not be afraid.

People say it is not a blame game. Of course, it is a blame game, to a certain extent. Why shy away from assessing blame if there is blame to be assessed? We are talking almost 3,000 lives here. That is part of it. Prevention is a part of it. But also a very important part of it is doing what we can to assess the nature of the problem so that we are as strong as we can be—not that we can prevent any potential problem, but be as strong as we can be. That is what I think my friend is trying to do with this commission. I appreciate that effort.

I want to continue to study this bill, this amendment.

I want to talk to my friends who support this amendment between now and the time we vote. I want the opportunity to discuss our process with my colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the majority leader has asked me to announce there will be no more rollcall votes tonight.

Mr. GRASSLEY. Mr. President, I rise to support Senator LIEBERMAN's amendment establishing a National Commission on Terrorist Acts Upon the United States. This amendment would direct the new independent commission in both investigation of the facts and circumstances relating to the September 11 attacks, and evaluation of the lessons learned from the attacks regarding the Federal Government's abilities to detect, prevent and respond to such attacks. Further, the bill empowers the commission to hold hearings, collect relevant materials and subpoena witnesses for the purpose of studying the systemic problems within the intelligence and law enforcement communities and to discover what part these problems played in the September 11 attacks. I support this amendment with the expectation that the recommendations coming from this commission will assist us in strengthening our national security by improving our intelligence and law enforcement as well as our intelligence efforts. We need to do everything possible to make sure that this type of attack never happens again.

As we learn more from the investigation into the September 11 attacks, it is increasingly evident that there are many barriers of communications between the several agencies involved in the battle against terrorism. I have been concerned about this problem for a number of years. There is no place for jurisdictional battles and unnecessary statutory barriers when America's security is at risk. We also need to determine where our national security shortcomings are, and what can be done to remedy them, so that we can look at potential legislative initiatives or the appropriate allocation of resources.

Make no mistake, this commission will not be a witch hunt. We are not trying to place blame. Our goal in creating this commission is to find the best way to make our law enforcement and intelligence the best that it can be.

Although I support this amendment and the general idea of a commission

for this purpose, I would like to note that I have concerns regarding the changes to the composition of the commission. Focusing on the party affiliation of the officials who select the commission members unnecessarily politicizes the commission's work. This commission should be staffed by men and women with knowledge and expertise necessary to develop solutions that will prevent further terrorist attacks.

That having been said, I would like to reiterate the importance of this amendment and the need for an independent commission that will dedicate its time to fleshing out these problems and in turn allow us to prevent further attacks and most importantly to protect the American people.

Mr. McCAIN. Mr. President, more has changed in the last year than any of us, 1 year ago, would have cared to imagine. It was on a September day not unlike this one that terrorists committed mass murder in America, transforming forever the way we think about our security and our role in the world. One year later, we are in the midst of restricting our entire apparatus of Government to protect against future acts of terror in our homeland. But we have yet to comprehensively assess what went wrong last September 11—how our defenses failed us, why our worldwide intelligence network did not provide us warning of imminent attack, how terrorists operated and trained within our borders, how policy decisions may have made the events more likely, and how various Government agencies failed to analyze information in their possessions that could well have provided us a blueprint of the terrorists' intentions.

The anniversary of September 11 is past us, and with it the celebration of heroism and sacrifice that will forever mark that day. Now is the time to take a harder look at the other side of that tragic event: the utter failure of the United States Government to predict and prevent the slaughter of Americans in America's greatest city.

The September 11 attacks were incredibly depraved but not, as it turns out unimaginable. As early as 1995, an accomplice of Ramzi Yousef revealed that the mastermind behind the 1993 World Trade Center attack intended to plant bombs on 12 U.S.-bound airliners and crash a light plane packed with explosives into CIA headquarters. The accomplice had trained as a pilot at three separate U.S. flight schools. In 1999 the Library of Congress prepared a report for the National Intelligence Council warning that al-Qaeda suicide bombers ''could crash-land an aircraft packed with high explosives'' in the Pentagon, the CIA, or the White House.

Two months before the September 11 attacks, Kenneth Williams, an FBI field agent in Phoenix, suspected that terrorists had enrolled in an Arizona pilot training school. He urged the FBI to begin investigating whether other U.S. flight schools might be training terrorists to fly. His prophetic warnings went unheeded. Similarly, FBI agent Coleen Rowley, whose efforts to have the FBI and CIA investigate hijacker Zacarias Moussaoui were rebuffed, believes such an investigation could have uncovered the terrorists' plot in the weeks before the attacks.

Yesterday, the joint congressional intelligence committee reported that U.S. intelligence received a number of reports indicating that terrorists were plotting to use planes as weapons and planning to attack domestic targets. According to the committee, U.S. intelligence learned in August 1998 that a ''group of unidentified Arabs planned to fly an explosive-laden plane from a foreign country into the World Trade Center.'' This information was given to the FBI and the FAA, which took little action.

CIA Director Tenet told the intelligence community in December 1998 that ''We are at war,'' and ''I want no resources or people spared in this effort.'' According to the joint committee, ''Despite the D.C.I.'s declaration of war in 1998, there was no massive shift in budget or reassignment of personnel to counterterrorism until after September 11, 2001.'' The committee's report continues: ''By late 1998, the intelligence community had amassed a growing body of information—though general in nature, and lacking specific details on time and on place—indicating that bin Laden and the Al Qaeda notework intended to strike within the United States, and concern about bin Laden continued to grow over time and reached peak levels in the spring and summer of 2001, as the intelligence community faced increasing numbers of reports of imminent Al Qaeda attacks against U.S. interests. . . .''

According to the congressional investigators, senior government officials in July 2001 were briefed on the threat in the following language: ''Based on a review of all source reporting over the last five months, we believe that [Osama bin Laden] will launch a significant terrorist attack against U.S. and/or Israeli interests in the coming weeks. The attack will be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. Attack will occur with little or no warning.'' National Security Agency intercepts on September 10th warning in Arabic that ''The match is about to begin'' and ''Tomorrow is zero hour'' went untranslated until the attacks, when their meaning became all too apparent.

Asking for, urging, and demanding answers for why various agencies of the Federal Government failed to understand the enormity of the danger facing the United States is an obligation shared by all elected Federal officials. As is the responsibility for understanding why and how the previous administration failed to combat the growing menace of international terrorism more effectively. As is responsibility for questioning Congress' inability or unwillingness to exercise more diligently its oversight responsibilities for those agencies. As is the expectation that officials who did not competently discharge their responsibilities be held accountable.

Congress is on the verge of creating a Department of Homeland Security that constitutes the largest reorganization of the Federal Government in many of our lifetimes. But there has been no comprehensive diagnosis of the state of our preparedness for terrorism prior to last September, no proper analysis of the security loopholes in our immigration and airline security organization that provided the terrorists with the access they needed to kill Americans; no systematic review of the failure of Government agencies to analyze and share information on the terrorists' planning that coordinated analysis could have revealed prior to the attacks; and no formal assessment of the consequences of policy decisions dating back years that led to a climate in Afghanistan in which a terrorist network could train and flourish, with consequences that need no retelling.

We need an honest search for answers, so that we and the people we represent can arrive at fair conclusions about what went wrong and develop ways to repair it. The independent commission we are proposing to look into these and all matters concerning our vulnerability and our initial response to the attacks would provide a blueprint for reform of the way we defend America. The insights of a blue-ribbon panel of experts, removed from the pressures of partisan politics, would add to the reforms we are making with creation of a Homeland Security Department by highlighting additional areas where the way our Government is organized have made us vulnerable.

Eleven days after the attack on Pearl Harbor, President Roosevelt mandated an investigation into how such tragedy could have struck an unknowing America. Ultimately, four different major panels appointed by the President and Congress investigated this ''Day of Infamy.'' Seven days after President Kennedy was murdered, President Johnson appointed a commission of distinguished leaders to investigate the assassination. The independent commission we are proposing would carry on this requirement for answers, which has gone unquestioned and been deemed necessary in previous crises of this magnitude.

There is a crisis of confidence in America today. Americans are more proud than ever to be American. But large percentages deeply distrust the institutions that shape our daily lives—the Federal Government, corporate America, the Church. Corporate corruption, the scandals of campaign financing and corruption of the political process have deprived many Americans of the sense that they have a stake in the way they are governed. In

the same way, I believe the lack of a fundamental accounting for the greatest tragedy in the Nation's history—one that touched all Americans and permanently altered the way we live and think about ourselves—is another source of alienation and insecurity.

I do not believe the administration and the Congress have given the American people reason to be confident that we no longer remain vulnerable to terrorist attack, despite the admirable leadership our President has shown in prosecuting the war on terror, and despite the important work of Congress to create a Department of Homeland Security. The congressional intelligence committees have been conducting a very limited investigation into the intelligence failures related to September 11 and even this narrow inquiry has been sidelined by staff disputes that disrupted its operations and an FBI investigation into leaked material. Strangely, the FBI is now investigating the same people who are investigating the FBI. Indeed, until this week the joint committee has not held any open hearings. Ranking Republican Senator SHELBY in particular has been outspoken in criticizing its lack of progress before it goes out of existence when the 107th Congress adjourns.

Both Senator SHELBY and joint committee co-chairman Senator BOB GRAHAM support the establishment of an independent commission to carry on the work performed by the congressional intelligence investigation they helped to lead. I am pleased that a number of the Senate members of the joint congressional intelligence committee have endorsed our proposal to establish a panel that would build upon their work. The rationale for an independent commission seems indisputable if the very leaders charged with a more narrow inquiry do not believe their own investigation met the necessary standards to authoritatively report on and learn from our past failures.

Many in Congress and the administration voiced concern last year that an independent investigation into September 11th's causes and consequences would interfere with Congress' investigation into these matters. With Congress planning to adjourn very soon, the congressional investigation represents only a first step into the intelligence and other failures that gave the terrorists their opening. The independent commission Senator LIEBERMAN and I are proposing would explicitly build on the work of the congressional investigation and would go far beyond it by examining Government practice and policy in a host of other areas, including foreign policy, border control, aviation security, and law enforcement.

Americans deserve answers after the events of September. This issue rises above politics, as the families and friends who lost loved ones will attest. Indeed, a commission would remove the issue from the political realm and serve the needs of both the administration and Congress by providing a blueprint for action, above and beyond any conclusions the joint congressional intelligence investigation may draw from its limited review.

Leaders of the joint congressional investigation into the intelligence failures of September 11th have said the attacks may well have been preventable, based on everything we have learned since then about what we knew and how it fit together in a way that formed a blueprint for attack. I find it unfathomable, and frankly unacceptable, that we would accept that we could have prevented the attacks, but in the same breath say we should move on. We should move on—after we have answered all the lingering questions about why we were neither prepared nor organized to meet the challenge of terrorism, and after we have made the kind of reforms that only a panel of distinguished experts separated from politics could propose.

An independent inquiry will not impose a serious burden on the administration as it prosecutes our just war on terrorism, any more than a similar inquiry after Pearl Harbor impeded Franklin D. Roosevelt's prosecution of World War II. Nor should it prevent members of Congress, the press, or any American citizen from questioning or criticizing the Government's apparent failures over the course of successive administrations. All wars and national security failures have occasioned contemporaneous criticism, and the Republic has managed to thrive.

It is irresponsible in a time of war, or any time for that matter, to attack or defend unthinkingly or because partisan identification is one's supreme interest. But it is not responsible or right to shrink from offering thoughtful criticism when and to whom it is due, and when the consequences of incompletely understanding failures of governance are potentially catastrophic. On the contrary, such timidity is indefensibly irresponsible especially in times of war, so irresponsible that it verges on the unpatriotic.

Two years before the attacks, the distinguished Hart-Rudman Commission on national security warned that as a result of the threat of catastrophic terrorism, ''Americans will likely die on American soil, possibly in large numbers.'' Congress and successive administration ignored the commission's recommendations for reform to defend against this threat—many of which are now embodied in the homeland security legislation we are considering this week. We shouldn't wait for the next attack to investigate what more we need to do to protect the American people.

Until we have comprehensive assessment of needed reforms across the spectrum of our Government, based on what went wrong last September, we will not be prepared to predict and prevent the next attack. Americans need answers. I urge my colleagues to join us to create a commission that will tell them the truth—and put in place the protections that will prevent future generations from judging us for abdicating our responsibility to that truth.

Mr. THOMPSON. Mr. President, I have been asked by Senator HATCH to request unanimous consent that Senator SCHUMER be removed as a cosponsor of amendment No. 4693.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent that the Senate be in recess subject to the call of the Chair.

There being no objection, the Senate, at 5:56 p.m., recessed subject to the call of the Chair and reassembled at 7:13 p.m., when called to order by the Presiding Officer (Mrs. MURRAY).

DOMESTIC NEEDS

Mrs. BOXER. Madam President, I want to thank publicly the majority leader, TOM DASCHLE. Yesterday, Leader DASCHLE took to the floor and talked about something that, frankly, is just not talked about by this administration, and that is the very sad state of our economy. Somebody needs to focus on that because, while we must devote much of our time to the war against terrorism, while we must devote much of our time to figuring out the best way to meet the threat that Iraq poses in terms of her weapons of mass destruction and the frightening prospect of those weapons being used, while we address those issues, I think we know very well that an administration must also pay attention to domestic needs, to the job needs, the educational needs, the health care needs. We must do both things in a great nation like this.

So as the Democratic leader made his statement yesterday, it is stunning to see that, in some categories, this economy under this administration is the worst we have seen in more than 50 years. It is very serious. We must address it. We must have a plan to address it. We must look back at the success of the Clinton administration and other administrations, Democratic and Republican, which had good economic records. We are seeing record stock market losses because there is a loss of confidence. There is a decrease in earnings and there are massive layoffs. We have seen a maiming or loss in private sector jobs—the worst in 50 years—and the weakest economic growth in 50 years.

Madam President, I hope this Senate will take care of the two most important things we could do: Foreign policy concerns and also domestic concerns, with a prime focus on this economy and turning it around and giving Americans the kind of confidence they had in the 1990s. That was a good time for America.

CHARITABLE GIVING

Mr. SANTORUM. Madam President, I rise to talk about a plan that is being discussed here in the Halls of the Senate and a very important plan in this time of economic recovery when we are looking at the 1-year anniversary a week ago of September 11 and the tragedy that has befallen so many people.

When we look at a lot of hardships going on in America, and while we had a great response and outpouring of support from the American public to the victims of 9/11, if we look at the rest of the charitable world, charitable giving is off about 20 percent. Part of that is the stock market, and part of it is because of the funds and worthy causes supporting the victims of 9/11. A lot of the service needs, artistic needs, and educational needs in communities all across the country are doing with a lot less money this time of year—at a time when the need is very great.

We are looking at a piece of legislation and working on a piece of legislation in the Senate. The Finance Committee marked up a bill in June to try to help the situation as part of the President's faith-based initiative. It is a charitable giving package that will strengthen the nonprofit sector of our economy—those who help in the human service area—as I mentioned, education and the arts.

We have been working very hard to try to get this legislation on the floor. Senator DASCHLE, I know, has given a commitment to the President that he will in fact bring this measure to the floor of the Senate and have a vote before the end of this session. We are winding down to the final days of the session, and that has yet to happen.

Senator LIEBERMAN, I know, has been working very hard, as have I, to get this legislation to the floor and do it under a unanimous consent agreement. Obviously, there are a lot of important issues being discussed, and we want to have the opportunity to have debate and amendments offered.

We are willing on our side of the aisle to have a limitation on amendments and a limitation on debate. We have had a discussion back and forth. The majority leader has suggested the way he would feel comfortable bringing this legislation up is to have one amendment on each side.

I have been working very hard on our side. I thank our leader, Senator LOTT, and our ranking member on the Finance Committee, Senator GRASSLEY, for getting together as a team and working our side of the aisle to make sure we get that down to one amendment.

We shared that amendment with the Democratic side of the aisle last week. So we had that amendment out so everybody would know what our amendment is. There are two other amendments. One will be an amendment on the Democratic side. I understand Senator REED from Rhode Island will be the offerer of that amendment. And then there will be a managers' amendment. There will be a managers' amendment because there are certain issues in the underlying CARE Act that Senator LIEBERMAN and I worked out with the White House several months ago that are not under the jurisdiction of the Finance Committee and cannot be reported out of the Finance Committee. They have to be added on the floor.

Senator LINCOLN had concerns about provisions in the act. We worked diligently. Again, I thank Senator BAUCUS and Senator GRASSLEY for working this issue. We now have agreement, I understand, on Senator LINCOLN's provision and that is going to be included in the managers' amendment.

We had an amendment on our side of the aisle from Senator HUTCHISON of Texas which had bipartisan support, as Senator LINCOLN's did, and we put that in the managers' amendment.

We had things pop up, and we have been able to work out compromises and make this happen.

I was just informed a few minutes ago that the majority committee staff has actually given us the managers' amendment. I thank them for moving the ball down the field. We are reviewing that amendment. We can now, with that managers' amendment, actually go through the process of hotlining the bill on our side of the aisle.

I am very sanguine about our chances of getting approval on our side of the aisle for this very important legislation affecting millions of people in need in our society and the thousands upon thousands of volunteers, people who are committed to helping those less fortunate in our society. They are waiting for this legislation to pass.

I know the President in speech after speech has asked the Senate to move forward on this legislation during this time of economic need. We are approaching that point. I encourage this work to continue.

I understand there is a good-faith effort ongoing, but we are reaching the end of the session. We have 3 weeks to go. If we pass this legislation, we have to get our colleagues in the House to act on it. We do not know how they are going to act on it, but I am hopeful we can work out something to get this bill to the President before we adjourn on the 11th of October.

I wish to report that progress is being made. I am hopeful that, with this information, we can get approval on our side of the aisle for an agreement. I am hopeful an agreement also can be reached on the Democratic side so we can move forward and get this very important bipartisan legislation passed. Senator LIEBERMAN and I are sponsors of it. I know Senator DASCHLE announced publicly he is in support of it. There is broad support on this side of the aisle for the legislation.

This bill affects the people, the armies of compassion on the front lines meeting the needs of Americans in every State of the country. This is something very good we can do. It looks small, but it has a huge impact on millions of Americans if we do this before we leave.

I encourage all those who have an interest in this legislation to come forward and make sure a unanimous consent agreement is accomplished very quickly.

Mr. President, I yield the floor.

FOOD SECURITY IN AFRICA

Mr. FEINGOLD. Madam President, I rise today to call attention to the tenuous food security situation in sub-Saharan Africa.

The United Nations estimates that 14.4 million people are in need of immediate food aid and humanitarian assistance in southern Africa, where drought and poor harvests have combined with manmade factors—including economic mismanagement and politically-motivated disruption of agriculture in Zimbabwe—to create deadly conditions for the people of Zimbabwe, Zambia, Malawi, Mozambique, Swaziland, and Lesotho. This food crisis is striking a population already devastated by HIV/AIDS, compounding the difficulty of African families' struggle for survival. I have asked the General Accounting Office to investigate the causes of the food shortage and the obstacles to successfully addressing it in the hopes of gaining greater clarity as the relationship between natural and manmade obstacles to food security in the region.

In the Horn of Africa, food shortages are again threatening the well being of millions. As the people of Ethiopia and Eritrea struggle to recover from a costly war and severe food shortage in 2000, many have had no opportunity to reestablish their own economic security. Large numbers of people are living on the margin, and are extremely vulnerable to food shortages. In Angola, the brutal civil war is finally over, but the legacy of that conflict and of years of neglect has left hundreds of thousands malnourished and seeking assistance. And in West Africa, disturbing reports suggest that the people of Mauritania and Senegal are also threatened by food shortages linked to drought. Sadly, from Burundi to Liberia, populations living in conflict zones also suffer from resulting food shortages.

As the Chairman of the Subcommittee on African Affairs, I know that our interests throughout the sub-Saharan region are many, from promoting democracy and development to combating terrorism and other international criminal activity. None of those aims can be vigorously pursued when populations are weakened and governments distracted by desperate hunger and humanitarian catastrophe. I also know that our foreign policy agenda today is a crowded one, and that many crucially important issues compete for resources and attention.

There are some baseline conditions that we must strive to maintain if other elements of our policy are to have a meaningful impact around the

world. Basic food security is one of those baseline conditions. We need strong partners, and the strength of the region is being sapped every day by hunger. Working with others to fight off starvation, and then to help strengthen food security systems to avoid future crises, must always be a priority. I will work with my colleagues and the administration to ensure that the United States finds a way to give food security issues throughout sub-Saharan Africa the attention that they deserve, and I urge my colleagues to support efforts to address the problem in the region.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 31, 2001 in Browns Mills, NJ. Two white men attacked a black couple while they were sleeping in their home. The attackers beat the victims with baseball bats, causing severe cuts and broken bones. Neighbors said that the assailants had previously indicated their intention to ''beat up'' the victims, and used racial slurs to describe them.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM

Mr. FEINGOLD. Madam President, I rise today in support of the Community Oriented Policing Services program, commonly known as COPS. The COPS program was established in 1994, due in large part to the efforts of my distinguished colleague from Delaware, Senator BIDEN, and the support of then President Clinton. Since its inception, the program has greatly enhanced community oriented policing across the Nation. The COPS program has facilitated the hiring and training of over 116,000 police officers who help keep our communities safe. I am especially pleased that this program has been a shining example of an effective partnership between local and Federal Governments. It provides Federal assistance to meet local objectives without imposing mandates or interfering with local prerogatives, and it provides federal dollars directly to the police departments and communities.

COPS has had a positive and very tangible impact on communities throughout the country, including in my home State of Wisconsin, by putting more police officers on our streets and making our citizens safer. In the State of Wisconsin alone, COPS has funded over 1,300 new officers by contributing more than $100 million to communities.

The effects of community-based policing cannot be understated. The COPS program has succeeded because it helps individual officers to be a friendly and familiar presence in their communities. They are building relationships with people from house to house, block to block, school to school. Community policing helps law enforcement to do their job better, makes our neighborhoods and schools safer, and, very importantly, gives residents peace of mind. Increasing the number of local law enforcement on the streets and in our neighborhoods fosters an environment of mutual respect between officers and their neighbors, and community pride from home to school to fire station to corner store. Reducing crime and keeping our communities safe has been and should continue to be a top priority for all of us. As the tragic events of September 11 have shown our Nation, local police officers play a vital role to protect and secure our communities. We should give them the support they need.

As I travel through Wisconsin and talk to sheriffs, police chiefs and other law enforcement officers, I hear the same refrain, time after time: the COPS program is vital to their work and has enabled them to get more officers out from behind their desks and onto the streets. Wisconsin is not alone. Since 1994, the COPS program has provided funding for thousands of law enforcement agencies across the country, and has expanded to include the COPS in Schools Program and the COPS Tribal Resources Program, and now funds the Community Policing to Combat Domestic Violence grants.

As the COPS program has grown, crime rates have decreased. But in order to maintain a low crime rate, we must continue to provide the necessary resources. The COPS program gives us an opportunity at the federal level to send a strong signal of support back to local police officers that we value community-oriented policing as integral to the protection and safety of all Americans.

We have taken up funding for the COPS program in this body numerous times since its inception. I am pleased that the Judiciary Committee reported favorably a bill calling for its re-authorization this spring, the PROTECTION Act, S. 924, introduced by Senator BIDEN. I commend and thank Senator BIDEN for his leadership on this issue. I was very pleased to support his bill re-authorizing the COPS program in Committee, and I urge the full Senate to work to ensure that the COPS program is authorized again before we adjourn.

ADDITIONAL STATEMENTS

TRIBUTE TO THE OAKLAND ATHLETICS

• Mrs. BOXER. Mr. President, there are times when the achievements of an individual athlete or sports team are so dramatic, so sensational and exciting, that the entire country stops what it is doing to simply watch in wonder. The sport of baseball, in particular, has supplied us with many such moments over the years.

I recall the thrill of Joe DiMaggio's 56-game hitting streak; Bobby Thompson's ''Shot Heard Round The World'' home run; pitcher Don Larsen's perfect World Series game; Hank Aaron's 715th trip around the bases; Cal Ripken Jr.'s 2,131st consecutive game; and Barry Bond's 71st home run of the season. All of these milestones are embedded in America's sports memory.

There is another baseball milestone that I believe deserves a place in the pantheon of remarkable sporting achievements, an accomplishment as exciting as Carlton Fisk's 12th inning World Series home run or ''The Catch'' by Willie Mays in another, earlier World Series. That accomplishment, Mr. President, is the 20-game, American League record winning streak set this season by the Oakland Athletics—the longest win streak in baseball in 67 years.

Until the Oakland Athletics rewrote the American League record book, many had considered the 19-game win streak record held jointly by the New York Yankees and the Chicago White Sox to be untouchable. Indeed, there are only three teams in the entire history of baseball—the New York Giants, the Chicago Cubs, and now the Oakland Athletics—that have ever won 20 or more games in a row.

This summer, baseball fans from around the world were caught up in the excitement as the Athletics continued to win game after game after game. At work, in the car, and at home, and regardless of time zone, Americans watched with fascination as the Oakland Athletics approached the magic number of 20 victories. I shared in that growing sense of excitement and cheered along with the rest of the country when the team set the new record on September 4th.

My hat is off to the Oakland Athletics, to the players and staff, Manager Art Howe, and to the fans. I know how proud the Oakland community is of its team, and of a win streak record that is one for the ages. With this amazing achievement, the 2002 Oakland Athletics have secured a special place in baseball history and lore.•

TRIBUTE TO MICKIE PAILTHORP

• Mrs. MURRAY. Mr. President, I rise today to share with the Senate a tribute to Mickie Pailthorp, a leader in my home State of Washington who passed away on July 31, 2002. On August 8, I was honored to speak at a memorial service for Mickie, and today I want to

share her accomplishments with my colleages.

I will never forget my first meeting with Mickie Pailthorp. It was early in 1992, and I had just announced that I was running for the U.S. Senate. Many in the established political community had written me off. They said I hadn't paid my dues. They said I couldn't raise the money. They even said I was too short.

Many dismissed me sight unseen, but Mickie decided to find out for herself. Shortly after I announced, Mickie called my campaign office. She said she was thinking about supporting me because I was a woman candidate, but she absolutely had to meet me first. I thought, ''No problem.'' We met at a restaurant for what I thought would be a casual dinner.

Instead, Mickie grilled me for over an hour. She wanted to know very specifically what I was going to do about this issue and that issue. She wanted to know why I thought I could win, and she wanted to know that I would work hard. To be honest, by the end of our dinner, I really wasn't sure whether she was going to help me.

But before I knew it, she was one of my strongest behind-the-scenes supporters, and her support made a difference. Mickie quietly opened doors for me. She got me into places that I couldn't go on my own.

When I won the election, she didn't come after me seeking favors or demanding credit, but I knew she was watching. Every year at Joel and Mickie's Christmas party, she would come up to me and say very quietly either: ''I was really proud of what you did here.'' Or more sternly, ''Now you've got to be careful about this.'' So I knew she was watching.

When I think about Mickie, I remember her as whirlwind of passion and energy. She was there fighting the good fight for women on the ERA and so many other issues before it was popular and before it seemed possible. One of the things that made Mickie so unique is that she didn't seek any credit. She was happy to work behind the scenes. Mickie never needed to be the ''picture'' for the cause, but she clearly painted every line.

Some leaders climb up to the top and when they get there they pull up the ladder behind them and leave everyone else stuck below. But Mickie's whole purpose was to help other women make it to the top, and she did that well. So today, while a generation of young women might not know Mickie's name, they know the women she helped elect. And they know that they can make a difference, too.

Mickie Pailthorp was not a visible women's leader, but she made a lot of other women leaders visible. And because Mickie didn't trumpet her own accomplishments, it's up to us to make sure that others know about this remarkable woman and carry on her legacy. So I invite Mickie's friends and fans in Washington State to tell their children and grandchildren about an energetic, passionate woman named Mickie Pailthorp, and the opportunities she gave all of us.●

THE POEM AMERICAN PRIDE

● Ms. LANDRIEU. Mr. President, the events of September 11 were very tragic and very traumatic for our Nation, especially our children. This poem, written by 10-year-old James Dillon Hughes of Bourg, LA, demonstrates, very simply, what is great about America. In these few lines James captures the spirit of his country, stronger now than ever before. It is our job to ensure that the freedoms we enjoy now will still ring true for our children and future generations to follow. James wrote this on September 13, 2001, only two days after the terrible events of September 11. Even after those tragic events, James was still able to show his American Pride. I was so moved upon reading this poem that I ask that it be printed in the RECORD.

The poem follows:

American Pride
I am proud to be an American
I am proud to be free
I'm proud to be able to choose anything I want to be.

I can be a doctor, a lawyer or a priest
Because I live in a country
That allows me to be free.

Our country was somewhat divided
Now it has united
Let's keep it strong and free.

Where leaders teach and guide us
Always stand beside us
And show us the way to be.

Our country is rich
Our army is strong
Living in America
Could never be wrong.●

2002 IOWA WOMEN'S HALL OF FAME

● Mr. HARKIN. Mr. President, I wanted to take a few minutes to recognize four outstanding women who the Iowa Commission on the Status of Women have selected for this year's inductees to the Iowa Women's Hall of Fame.

Each year, the Commission solicits nominations of women, living or deceased, who have had a significant impact on society or their communities. Four nominees are selected by a five-member committee and the Commission and then are honored by the Governor and the Lieutenant Governor at a special ceremony. I'd like to add my voice to this tribute to four accomplished Iowa women.

Bonnie Campbell has been a strong leader since she first began her private practice in Des Moines. In 1990, she became the first female elected Iowa attorney general in our State's history. She used her position to author and pass one of the Nation's first anti-stalking laws. By 1995, her work was recognized nationally and she was appointed director of the U.S. Department of Justice's Violence Against Women Office. She played a critical role in the implementation of the Violence Against Women provisions of the 1994 Crime Act. Now in private practice, Bonnie continues to serve as a role model for women. On a personal level, Bonnie is a good friend of mine and I congratulate her on this well-deserved recognition.

Sue Ellen Follon's impact on women's issues was once described in the Des Moines Register this way: ''You may never have heard her name, but there's a good chance she has touched your life.'' A Volga native, Follon served as the executive director of the Iowa Commission on the Status of Women from 1976 to 1984. Throughout her service, Follon worked to expand the Commission's influence and scope, to strengthen rape and sexual abuse laws, and help public hearings on domestic abuse, displaced homemakers and the feminization of poverty. In fact, her efforts helped to make Iowa the first State in the Nation to legislatively address gender inequities in many facets of life. Follon went on to become the first woman to serve as Vice President at the University of Iowa. Throughout her career, she made over 150 presentations from the local to the international level on the subjects of women's equality, leadership, higher education and mentors for women and minorities. Born in 1942, Follon died on November 4, 1998, the day after voters passed the equal rights amendment to the Iowa Constitution.

Alice Yost Jordan is internationally known as one of the most distinguished and published American composers. A Des Moines resident, Jordan is best known for her choral and organ works numbering over 200, which have sold over 250,000 copies. Her recital song, Take Joy Home, commissioned by Sherrill Milnes of the Metropolitan Opera and pianist Jon Spong, received world-wide exposure on concert tours and was performed at a White House State Dinner in 1983. Her arrangement of America the Beautiful, commissioned by the Iowa High School Music Association for the All-State Chorus and Orchestra, opens the All-State Festival Concert biennially. She has composed another 40 works that were commissioned by churches, universities and organizations across the Nation. Born in Davenport in 1916, she graduated from Drake University, where she studied composition for her undergraduate and graduate studies with the late Dr. Francis J. Pyle and received an Honorary Degree, Doctor of Letters from Grand View College.

Shirley Ruedy of Cedar Rapids is a nationally recognized journalist, speaker and cancer survivor. Twice diagnosed with breast cancer, Ruedy launched a biweekly ''Cancer Update'' column that the Cedar Rapids Gazette began publishing in 1991. The column focused on her own experiences as well as providing the latest expert information on cancer treatment and prevention to her readers. ''Cancer Update'' is

now carried in a publication from the Mayo Clinic Women's Cancer Program. Each October, in recognition of Breast Cancer Awareness Month, Ruedy runs a column she co-wrote with a surgeon about the life journey of a breast cancer cell. Through her writing and speaking, Shirley Ruedy serves as a role model of courage and positive advocate for all of those who have been diagnosed with cancer.

These women have aspired to high standards in their career fields and in serving their community. They also serve as an inspiration to young Iowans who can look to them for direction and leadership. I applaud the Iowa Commission on the Status of Women for recognizing their outstanding contributions. They are strong role models for all of us and deserve the highest praise. And they are some of the many special people who make Iowa such a great place to call home.●

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith the 6-month periodic report prepared by my Administration on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2002*.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM IS TO CONTINUE IN EFFECT BEYOND SEPTEMBER 23, 2002—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2002, to the *Federal Register* for publication.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2002*.

REPORT ON THE NATIONAL SECURITY STATEGY OF THE UNITED STATES OF AMERICA—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report: which was referred to the Committee on Armed Services:

To the Congress of the United States:

As required by section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting a report prepared by my Administration on the National Security Strategy of the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2002*.

MESSAGES FROM THE HOUSE

At 4:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1701. An act to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

ENROLLED BILLS SIGNED

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1834. An act for the relief of retired Sergeant First Class James D. Benoit and Wan Sook Benoit.

H.R. 4687. An act to provide for the establishment of investigative eteams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

H.R. 5157. An act to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5308. An act to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the ''Barney Apodaca Post Office''; to the Committee on Governmental Affairs.

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1701. An act to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 19, 2002, she had presented to the President of the United States the following enrolled bill:

S. 2810. An act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

*Rebecca Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2005.

*Roger P. Nober, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2005.

*David McQueen Laney, of Texas, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Coast Guard nominations beginning Capt. Jody A. Breckenridge and ending Capt. James C. Van Sice, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

*Coast Guard nomination of Stephen W. Rochon.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science,

and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Coast Guard nominations beginning Christine D Balboni and ending Steven E Vanderplas, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

*Coast Guard nomination of David C. Clippinger.

By Mr. LEAHY for the Committee on the Judiciary.

Ronald H. Clark, of Texas, to be United States District Judge for the Eastern District of Texas.

Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Antonio Candia Amador, of California, to be United States Marshal for the Eastern District of California for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself and Mr. ALLEN):

S. 2966. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself and Ms. COLLINS):

S. 2967. A bill to promote the production of affordable low-income housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SARBANES (for himself, Mr. JEFFORDS, and Mr. SESSIONS):

S. 2968. A bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. GREGG):

S. 2969. A bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2970. A bill to amend title XVIII of the Social Security Act to assure fair and adequate payment for high-risk Medicare beneficiaries and to establish payment incentives and to evaluate clinical methods for assuring quality services to people with serious and disabling chronic conditions; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2971. A bill to amend the Transportation Equity Act for the 21st Century to provide the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2972. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for a cooperative research and management program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2973. A bill to to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building''; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 2974. A bill to provide that land which is owned by the Seminole Tribe of Florida but which is not held in trust by the United States for the Tribe may be mortgaged, leased, or transferred by the Tribe without further approval by the United States; to the Committee on Indian Affairs.

By Mr. BREAUX (for himself and Ms. LANDRIEU):

S. 2975. A bill to authorize the project for hurricane and storm damage reduction, Morganza, Louisiana, to the Gulf of Mexico, Mississippi River and Tributaries; to the Committee on Environment and Public Works.

By Mr. BREAUX (for himself and Ms. LANDRIEU):

S. 2976. A bill to provide economic disaster assistance to producers of the 202 crop of rice in the State of Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2977. A bill to authorize the Secretary of the Army to assist in the continued development of the Indianapolis Central Waterfront project in Indianapolis, Indiana; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 2978. A bill to modify the project for flood control, Little Calumet River, Indiana; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself, Mr. NELSON of Nebraska, and Mr. HAGEL):

S. 2979. A bill to identify certain routes in the States of Colorado, Nebraska, and South Dakota as part of the Heartland Expressway, a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Mr. BOND (for himself, Mr. DODD, Mr. FRIST, and Mr. KENNEDY):

S. 2980. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH:

S. 2981. A bill to exclude certain wire rods from the scope of any anti-dumping or countervailing duty order issued as a result of certain investigations relating to carbon and certain alloy steel rods; to the Committee on Finance.

By Mr. CORZINE (for himself, Mr. FITZGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 2982. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. THOMPSON):

S. 2983. A bill to authorize a project for navigation, Chickamauga Lock and Dam, Tennessee; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. Res. 328. A resolution designating the week on September 22 through September 28, 2002, as ''National Parents Week''; to the Committee on the Judiciary.

By Mr. SMITH of Oregon:

S. Con. Res. 142. A concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mrs. CARNAHAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. BREAUX, Mrs. LINCOLN, Mr. LIEBERMAN, Ms. STABENOW, Mr. BIDEN, Mr. CLELAND, Mr. JOHNSON, Mr. MILLER, Mr. NELSON of Nebraska, Mr. EDWARDS, Mr. BAUCUS, Mr. REED, Mrs. MURRAY, Mr. BAYH, Mr. BOND, Mr. HAGEL, Mr. THURMOND, Mr. HELMS, Mr. BROWNBACK, Mr. ALLEN, Ms. COLLINS, Mr. STEVENS, Mr. ALLARD, Mr. THOMAS, Mr. CRAIG, Mr. MURKOWSKI, Mr. LUGAR, Mr. FRIST, Mr. NICKLES, Mr. BUNNING, Mrs. HUTCHISON, Mr. FITZGERALD, Mr. WARNER, Mr. ROBERTS, Mr. SHELBY, Mr. LOTT, Mr. CRAPO, Mr. GRASSLEY, Mr. SESSIONS, Mr. DEWINE, and Mr. COCHRAN):

S. Con. Res. 143. A concurrent resolution designating October 6, 2002, through October 12, 2002, as ''National 4-H Youth Development Program Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 155, a bill to amend title 5, United States Code, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 677

At the request of Mr. HATCH, the names of the Senator from Delaware

(Mr. BIDEN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds , to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 969

At the request of Mr. DODD, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 1201

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1201, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1914

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1914, a bill to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2188

At the request of Mr. BURNS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2188, a bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act.

S. 2215

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2215, supra.

S. 2245

At the request of Mr. BURNS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2245, a bill to amend title 49, United States Code, to enhance competition between and among rail carriers, to provide for expedited alternative dispute resolution of disputes involving rail rates, rail service, or other matters of rail operations through arbitration, and for other purposes.

S. 2462

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2462, a bill to amend section 16131 of title 10, United States Code, to increase rates of educational assistance under the program of educational assistance for members of the Selected Reserve to make such rates commensurate with scheduled increases in rates for basic educational assistance under section 3015 of title 38, United States Code, the Montgomery GI Bill.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2490

At the request of Mr. TORRICELLI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2562

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2583

At the request of Mr. CORZINE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2583, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category.

S. 2692

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2692, a bill to provide additional funding for the second round of empowerment zones and enterprise communities.

S. 2734

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2734, a bill to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought.

S. 2820

At the request of Mrs. CARNAHAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2820, a bill to increase the priority dollar amount for unsecured claims, and for other purposes.

S. 2860

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2860, a bill to amend title XXI of the Social Security Act to modify the rules for redistribution and extended availability of fiscal year 2000 and subsequent fiscal year allotments under the State children's health insurance program, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2892

At the request of Mr. KENNEDY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2892, a bill to provide economic security for America's workers.

S. 2903

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2906

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2906, a bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways.

S. 2936

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr.

WARNER) was added as a cosponsor of S. 2936, a bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, and for other purposes.

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 94, A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 138

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. DAYTON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 138, A concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

AMENDMENT NO. 4662

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 4662 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 4662

At the request of Mr. CRAPO, his name was added as a cosponsor of amendment No. 4662 intended to be proposed to H.R. 5005, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. ALLEN):

S. 2966. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will significantly lower noise, emissions, and fuel consumption, to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Madam President, I am pleased to rise today with Senator ALLEN to introduce the Aeronautics Research & Development Revitalization Act of 2002. This legislation is aimed at protecting the economic stability and national security of the United States by establishing a broad-based agenda to reinvigorate America's aeronautics and aviation R&D enterprise and maintain America's competitive leadership in aviation. Congressman LARSON and other members of Congress introduced companion legislation in the House several months ago.

The United States has dominated the aircraft industry for years. In 1985, we dominated the aerospace market controlling more than 73 percent of the commercial aircraft industry. Unfortunately, since 1985, the U.S. has fallen behind considerably. Today, we control less than 50 percent of the global market. Over the last decade, funding for the National Aeronautics and Space Administration's aeronautics research and development program has fallen by approximately 50 percent.

Last year, the European Commission and aerospace industry executives unveiled a report entitled ''European Aeronautics: A Vision for 2020'' which outlines ambitious goals of attaining global leadership in aeronautics and creating a world class air transport system for Europe. The U.S. aeronautics industry is being left behind at the gates, and is now in a position where it must catch up in an effort not to lose its economic and technological dominance over the international aeronautics market. Europe has committed to spending more than $93 billion within the next 20 years in order to implement ''A Vision for 2020''.

The Aeronautics Research and Development Revitalization Act of 2002 will provide a funding basis for NASA to plan and implement their ''Aeronautics Blueprint-Toward a Bold New Era of Aviation''. The ''Aeronautics Blueprint'' confronts the challenges that are faced by the aviation industry and puts forth a vision of what can be achieved by investments in aeronautics research and technology, and stresses the importance of combining the efforts of NASA, DOD, DoT, the FAA, academia, and industry. It does not, however, provide a program plan to actually achieve the vision, nor does it address the huge disparity between current NASA aeronautics funding and what is required to achieve the vision. The bill that Senator ALLEN and I are introducing today provides the necessary program plan needed to achieve the nation's aeronautics vision as found in the ''Aeronautics Blueprint,'' and stresses the importance of having agencies like NASA and FAA work closely together in achieving these goals.

The Aeronautics Research and Development Revitalization Act of 2002 would reverse the trend of declining Federal investments in aeronautics and aviation R&D by doubling the authorization of funding over five years. Funding for NASA would increase to $900 million in 2005, which is approximately the level it was in 1998, and would increase to $1.15 billion in 2007. The legislation would also double funding for the FAA to more than $550 million in 2007.

This bill will have a direct impact on technologies that can be easily incorporated into the commercial airline industry. The bill focuses on improving fuel-efficiency for commercial standard airliners, as well as noise reduction, improved emissions, wake turbulence, more stringent safety and security standards, a more efficient air-traffic control system, and supersonic transport. Universities will also be given resources to develop training methods for people who will make use of these technologies. Individual engineering graduate students studying aeronautics will be eligible for scholarships and summer employment opportunities which will be made possible through specific funding in this legislation.

These new technologies will help our Nation militarily, as well. Planes will be able to fly farther than before, communications networks will be improved, making it easier to coordinate military operations, and quieter engines will make planes less detectable to ground forces that do not have the benefit of radar. Even transport missions will be much more efficient.

The events of September 11 not only highlighted the importance of aviation to our entire economy, but they also demonstrated the need to enhance our aviation security system. This bill should, we believe, be part of our government's commitment to investment in the economic growth, security and safety of America's aviation and aeronautics sector.

By Mr. BOND (for himself and Ms. COLLINS):

S. 2967. A bill to promote the production of affordable low-income housing; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BOND. Madam President, I rise today to introduce the Affordable Housing Expansion Act of 2002. I include a summary of the provisions of the legislation with my statement, and I urge all members to review the bill and the summary. Obviously this is a major piece of legislation that will undoubtedly be considered in the next session of Congress as well, but I want to be out in public for discussion this year so we can work on it early next year. This is an important bill that is designed to start to meet the long-term housing needs of very low- and extremely low-income families. This bill is targeted especially to provide affordable housing for extremely low-income families, those at or below 30 percent of medium income.

In particular, the Affordable Housing Expansion Act would establish a new block grant program to be administered by the Department of Housing and Urban Development—HUD. HUD would allocate funds to state housing finance agencies for the development of mixed income housing with the Federal funding targeted to the development of the very low-income and extremely low-income housing component of the mixed income housing. Each state housing finance agency would have to submit an affordable housing expansion

plan to HUD that ensures the funds are allocated to meet the low-income housing needs in both the rural and urban areas of each state. States also would have to contribute a 25 percent match. Moreover, each state housing finance agency could use up to 20 percent of these block grant funds to preserve existing low-income multifamily housing and for the rehabilitation needs of low-income multifamily housing.

The Affordable Housing Expansion Act also provides new authority for low-income housing production under the Section 8 program and the Public Housing program. Under the Section 8 program, the bill provides new authority for a ''Thrifty Voucher'' program that would allow the use of section 8 project-based assistance for new construction, substantial rehabilitation and preservation of affordable housing for extremely low-income families. Because the cost of these vouchers is capped at 75 percent of the payment standard, these vouchers will need to be used in conjunction with other housing assistance programs, such as the HOME program, the Community Development Block Grant program or Low Income Housing Tax Credit program, to be successful.

The bill also would authorize a new loan guarantee program that will allow public housing agencies to rehabilitate existing public housing or develop off-site public housing in mixed income developments. The long-term debt of these loans would be tied to the pro-rata share of funds under the Public Housing Capital and Operating Funds that would be allocated to the units that are rehabilitated or constructed over a maximum of 30 years. This tool will allow Public Housing Agencies to address more aggressively the over $20 billion backlog of public housing capital needs.

The Affordable Housing Expansion Act of 2002 is an important first step towards addressing a growing shortage of affordable housing for very low-income and extremely low-income families. While homeownership rates have grown and the cost of housing has skyrocketed, many very low-income and extremely low-income families are being left behind without the availability of affordable rental housing. This is unfortunate. It is a tragedy. The social and economic costs to the Nation are dramatic. And while we have several Federal housing production programs, such as the HOME program and the Low Income Housing Tax Credit, not enough is being done.

In particular, HUD's most recent report on worst case housing needs, A Report on Worst Case Needs in 1999: New Opportunity Amid Continuing challenges, concluded that the shortage of affordable housing has worsened. In particular, the number of units affordable to extremely low-income renters dropped between 1997 and 1999 at an accelerated rate, and shortages of affordable housing available to those renters worsened. As we have seen in this economy, as rents continue to rise faster than inflation, the pressure for above-average rent increases at the bottom end of the rental stock is eroding further the supply of rental units that are affordable without Government subsidies.

In addition, this report found a record high of 5.4 million families—some 600,000 more families with worst case housing needs than in 1991—that have incomes below 50 percent of median income and pay at least 50 percent of their income in rent. In addition, worst case housing needs have become increasingly concentrated among those families with extremely low-incomes. In particular, over three-quarters of the families with worst case housing needs in 1997 had incomes below 30 percent of median income. I have seen no evidence that these families have fared better since 1997, and as rents have increased, I think it obvious that the problem has worsened. Further, since that time, we have lost some 200,000 units of section 8 project-based units to rent increases as well as to decisions by owners of the housing not to renew their section 8 contracts. Also, as families age and people live longer lives, we are beginning to face a new crisis of a lack of affordable housing for our seniors.

The Affordable Housing Expansion Act is designed to provide additional, needed tools that will allow States and communities to develop new affordable low-income and mixed-income housing, including units targeted to extremely low-income families. This would help fill a gap in the housing needs of the Nation that would allow these lowest income families to begin to climb the housing ladder to homeownership. Decisions would be driven by local choice and need and start to meet the burgeoning need for new low-income housing in tight markets where there is little or no housing for families and seniors at the low end of the economic scale. These families need to be served and the cost is small compared to potential cascading social and economic costs to both communities and families—it is a simple equation—homes equal stable environments in which children are educated and people can obtain jobs. Jobs and homes represent the tax base of any community and educated children are the future of our Nation.

This is important legislation. The private sector is not making the needed investment to meet the low-income housing needs of the present and future. The Federal government must show the leadership and make the needed investment to partner with state and localities as well as public and private entities in the low-income housing infrastructure of the Nation. This bill is designed to start to meet this need and focus the debate on the importance of low-income housing production to the current and future housing needs of this Nation.

Too often in this body we say we are going to help low-income people get more housing because we are going to expand the number of section 8 certificates. The sad fact is that in many communities, particularly in the St. Louis area, no matter how many more vouchers you put out, no more housing is available. Too many of the vouchers, the certificates, are not used because there simply is not the affordable housing. This deals with the problem that we see, not just in St. Louis but across the Nation.

I believe my colleagues should take a hard look at this. We invite their comments and consideration. We must do something, and it will probably be next year, but we must get to work right now thinking about how we are going to meet the need for affordable housing for the very low and extremely low income people who live in our country.

I ask unanimous consent that a summary of the legislation be printed with my statement.

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

Mr. BOND. Madam President, I send the bill to the desk and ask for its appropriate referral.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

AFFORDABLE HOUSING EXPANSION ACT OF 2002 (INTRODUCED BY SENATORS BOND AND COLLINS)

TITLE I—PRODUCTION OF NEW HOUSING FOR EXTREMELY LOW-INCOME AND VERY LOW-INCOME FAMILIES

Establishes a $1 billion block grant program beginning in 2003 that would allocate funds to state housing finance agencies on a per capita basis according to the population of the state. No state would receive less than $6 million.

Allows funds to be used for acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing; permits funds to be used for rehabilitation needs and preservation of existing assisted low-income housing (although no more than 20 percent of the funds can be used for rehabilitation and preservation); allows conversion of existing housing to housing for the elderly or for persons with disabilities.

Requires states to meet a 25 percent matching requirement to ensure accountability and to leverage additional funds.

Requires housing developed to be low- and mixed-income housing with at least 30 percent of the assisted unites targeted to extremely low-income families (families at or below 30 percent of medium income); remaining assisted units would be targeted to very low-income families.

Rents for assisted units are modeled after the low-income tax credit program only with deeper targeting—extremely low-income families would pay no more than 25 percent of 30 percent of medium income and very low-income families would pay no more than 25 percent of 50 percent of medium income.

Authorizes a new multifamily risk-sharing mortgage insurance program to help underwrite housing assisted under this title.

TITLE II—SECTION 8 HOUSING PRODUCTION

Thrifty vouchers

Establishes a ''Thrify'' Voucher Housing Production program that targets section 8

project-based assistance for new construction, substantial rehabilitation and preservation with eligible families defined as ''extremely low-income families'' (those at or below 30 percent of adjusted income).

Limits assistance to 25 percent of units in a building while limiting the cost for a unit at 75 percent of the payment standard or fair market rent (really is operating costs, utility costs and reasonable return on operating costs.). Initial rent term would be 15 years with renewals through at least year 40. The premise is to use anticipated section 8 project-based funds to capitalize the cost of new construction, substantial rehabilitation and preservation while subsidizing these costs over some 40 years plus. Thrifty vouchers could be used in conjunction with low-income housing tax credits, HOME, CDBG or the (Title I) ''Bond'' Housing Production Block Grant program.

New Thrifty Vouchers would be distributed under the formula used for the HOME program.

Reallocation of vouchers

New section 8 provision would provide for the reallocation of section 8 funds where a PHA fails to utilize at least 90 percent of allocated section 8 tenant-based assistance, and then 95 percent after 16 months from notice on failure to meet the 90 percent utilization requirements. Allows PHAs to challenge for a new survey of market rents in an area for an increased rent payment standard or fair market rent. Provides for a reallocation to another PHA, State or local agency, or nonprofit/for-profit capable of administering section 8 assistance upon a finding that a PHA has failed to meet these performance requirements. Upon a finding that there is a lack of eligible families for section 8 assistance in an are, HUD may reallocate section 8 assistance to other needy areas.

Preservation of sections 8 assistance on hud—held and owned properties

New provision that requires HUD to maintain existing section 8 project-based assistance for any HUD-owned or HUD-held multifamily projects upon disposition, except where HUD determines the project is not viable. (Mirrors Bond provision carried in annual VA/HUD Appropriations Acts for the disposition of HUD-owned or HUD-held multifamily projects that serve elderly or disabled families.)

TITLE III—PUBLIC HOUSING LOAN GUARANTEE PROGRAM

Establishes a new HUD loan guarantee program for public housing agencies for the rehabilitation of a portion of public housing or the development of off-site public housing in mixed income developments. Long term debt is tied to the pro-rata share of funds under the Captial and Operating Funds that would be allocated to the units rehabilitated or constructed over a maximum of 30 years.

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

S. 2967

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

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Affordable Housing Expansion Act of 2002''.

SEC. 2. PURPOSE.

The purposes of this Act are to expand the production of affordable low-income housing for extremely low-, very low- and low-income families:

(1) through the creation of a housing production block grant program that will be administered through state housing finance agencies;

(2) through new section 8 ''thrifty'' voucher authority; and

(3) through new loan guarantee authority for public housing agencies.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) The term ''extremely low-income families'' shall mean persons and families (as that term is defined in section 3(b)(3) of the United States Housing Act of 1937) whose incomes do not exceed—

(A) 30 percent of the area medium as determined by the Secretary with adjustments for smaller and larger families and for unusually high or low family incomes; or

(B) 30 percent of the national nonmetropolitan medium income, if it is higher than the area medium income.

(2) The term ''insular areas'' shall mean the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, America Samoa, and any other territory of possession of the United States

(3) The term ''low-income families'' shall have the same meaning as provided under section 3(b)(2) of the United States Housing Act of 1937.

(4) The term ''project-based assistance'' shall have the meaning given such term in section 16(c)(6) of the United States Housing Act of 1937, except that such term includes assistance under any successor programs to the programs referred to in such section.

(5) The term ''public housing agency'' shall have the meaning given such term in section 3(b) of the United States Housing Act of 1937.

(6) The term ''Secretary'' shall mean the Secretary of Housing and Urban Development.

(7) The term ''section 8 assistance'' or ''voucher'' shall have the meaning given such term in section 8(f) of the United States Housing Act of 1937.

(8) The term ''State'' shall mean any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(9) The term ''State housing finance agency'' shall mean any State or local housing finance agency that has been designated by a State or insular area to administer this program.

(10) The term ''very low-income families'' shall have the same meaning as provided under section 3(b) of the United States Housing Act of 1937.

TITLE I—PRODUCTION OF AFFORDABLE HOUSING FOR EXTREMELY LOW-INCOME AND VERY LOW-INCOME FAMILIES

SEC. 101. AUTHORITY.

The Secretary of Housing and Urban Development shall make funds available to State housing finance agencies as provided under section 102 for the rehabilitation of existing low-income housing, for the development of new affordable low-income housing units, and for the preservation of existing low-income housing units that are at risk of becoming unavailable for low-income families.

SEC. 102. ALLOCATION OF RESOURCES.

(a) IN GENERAL.—The Secretary shall allocate funds approved in appropriations Acts to State housing finance agencies to carry out this Title. Subject to the requirements of subsection (b) and as otherwise provided in this subsection, each State housing finance agency shall be eligible to receive an amount of funds equal to the proportion of the per capita population of the State in relation to the population of the United States which shall be determined on the basis of the most recent decennial census for which data are available. For each fiscal year, the Secretary shall reserve for grants to Indian tribes 1 percent of the amount appropriated under the applicable appropriations Act. The Secretary shall provide for distribution of amounts under this subsection to Indian tribes on the basis of a competition conducted pursuant to specific criteria developed after notice and public comment.

(b) MINIMUM STATE ALLOCATION.—If the allocation under subsection (a), when applied to the funds approved under this section in appropriations Acts for a fiscal year, would result in funding of less than $6,000,000 for any State, the allocation for such State shall be $6,000,000 and the increase shall be deducted pro rata from the allocation of all the other States.

(c) CRITERIA FOR REALLOCATION.—The Secretary shall reallocate any funds previously allocated to a State housing finance agency for any fiscal year in which the State housing finance agency fails to provide its match requirements or fails to submit an affordable housing expansion plan that is approved by the Secretary. All such funds shall be reallocated pursuant to the formula provided under subsection (a).

SEC. 103. AFFORDABLE HOUSING EXPANSION PLAN.

(a) SUBMISSION OF AFFORDABLE HOUSING EXPANSION PLAN.—The Secretary shall allocate funds under section 102 to a State housing finance agency only if the State housing finance agency has submitted an affordable housing expansion plan, with annual updates, approved by the Secretary and designed to meet the overall very low- and low-income housing needs of both the rural and urban areas of the State in which the State housing finance agency is located. This plan shall be developed in conjunction with the housing strategies developed for the applicable States and localities under section 105 of Cranston-Gonzalez National Affordable Housing Act.

(b) CITIZEN PARTICIPATION.—Before submitting an affordable housing expansion plan to the Secretary, a State housing finance agency shall—

(1) make available to citizens of the State, public agencies and other interested parties information regarding the amount of assistance expected to be made available under this Title and the range of investment or other uses of such assistance that the State housing finance agency may undertake;

(2) publish the proposed plan in a manner that, in the determination of the Secretary, affords affected citizens, public agencies, and other interested parties a reasonable opportunity to review its contents and to submit comments on the proposed plan;

(3) hold one or more public hearings to obtain the views of citizens, public agencies, and other interested parties on the housing needs of the State; and

(4) provide citizens, public agencies, and other interested parties with reasonable access to records regarding the uses of any assistance that the State housing finance agency may have received under this Title during the preceding 5 years.

SEC. 104. ELIGIBLE USE OF FUNDS.

Funds made available under this title shall be used for—

(1) the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing for mixed income rental housing where the assistance provided under section 102 shall be used to assist units targeted to very low-income and extremely low-income families, including large families, the elderly, and persons with disabilities.

(2) the moderate and substantial rehabilitation of rental housing units that are currently assisted under State or Federal low-income housing programs;

(3) the preservation of Federal and State low-income housing units that are at risk of

being no longer affordable to low-income families;

(4) the purchase and creation of land trusts to allow low-income families an opportunity to rent homes in areas of low-vacancy;

(5) conversion of public housing to assisted living facilities for the very low- and extremely-low income elderly;

(6) conversion of section 202 elderly housing to assisted living facilities for the very low- and extremely-low income elderly;

(7) conversion of HUD-owned or HUD-held multifamily properties upon disposition to housing for the very low- and extremely low-income elderly, housing for very low-income and extremely low-income persons with disabilities and to assisted living facilities for the very low- and extremely low-income elderly; and

(8) creation of sinking funds to maintain reserves held by State housing finance agencies to preserve the low-income character of the housing.

SEC. 105. MATCHING REQUIREMENTS.

(a) IN GENERAL.—Each State housing finance agency shall make contributions for activities under this title that total, throughout a fiscal year, not less than 25 percent of the funds made available under this title.

(b) ALLOWABLE AMOUNTS.—

(1) APPLICATION TO HOUSING.—A contribution shall be recognized for purposes of a match under subsection (a) only if—

(A) made with respect to housing that qualifies as affordable housing under section 107; or

(B) made with respect to any portion of a project for which not less than 50 percent of the units qualify as affordable housing under section 107.

(2) FORM.—A contribution may be in the form of—

(A) cash contributions from non-Federal sources, which may not include funds from a grant under section 106(b) or section 106(d) of the Housing and Community Development Act of 1974 or from the value of low income tax credits allocated pursuant to the Internal Revenue Code;

(B) the value of taxes, fees or other charges that are normally and customarily imposed but are waived, forgone, or deferred in a manner that achieves affordability of housing assisted under this title;

(C) the value of land or other real property as appraised according to procedures acceptable to the Secretary;

(D) the value of investment in on-site and off-site infrastructure directly required for affordable housing assisted under this title;

(E) the reasonable value of any site-preparation and construction materials and any donated or voluntary labor in connection with the site-preparation for, construction or rehabilitation of affordable housing; and

(F) such other contributions to affordable housing as the Secretary considers appropriate.

(3) ADMINISTRATIVE EXPENSES.—Contributions for administrative expenses may not be recognized for purposes of this section.

SEC. 106. DISTRIBUTION OF ASSISTANCE.

Each State housing finance agency shall ensure that the development of new housing under this section is designed to meet both urban and rural needs, and prioritize funding, to the extent practicable, in conjunction with the economic redevelopment of an area.

SEC. 107. ELIGIBLE AFFORDABLE HOUSING.

(a) PRODUCTION OF AFFORDABLE HOUSING.—In the case of new construction, housing shall qualify for assistance under this title only if the housing—

(1) is required to have not less than 30 percent of the assisted units occupied by extremely low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 25 percent of the adjusted income of a family whose income equals 30 percent of the median income for the area, as determined by the Secretary, with adjustments for the number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 30 percent of the median income for the area on the basis of the Secretary's findings that variations are necessary because of the prevailing levels of construction costs or fair market rents, or unusually high or low family incomes;

(2) except as provided under paragraph (1), is required to have all assisted units be occupied by very low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 25 percent of 50 percent of the median income for an area; and

(3) will remain affordable under the requirements provided in paragraphs (1) and (2), according to legally binding commitments satisfactory to the Secretary, for not less than 40 years, without regard to the term of the mortgage or to the transfer of ownership, or for such period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, including foreclosure where the responsibility for maintaining the low-income character of the property will be the responsibility of the State housing finance agency.

(b) PRIORITY FOR EXTREMELY LOW-INCOME FAMILIES.—State housing finance agencies shall give priority for funding to those projects that maximize the availability and affordability of housing for extremely low-income families.

SEC. 108. TENANT SELECTION.

An owner of any housing assisted under this Title shall establish tenant selection procedures consistent with the affordable housing expansion plan of the State housing finance agency.

SEC. 109. PROHIBITION ON USE OF FUNDS FOR SERVICE COORDINATORS OR SUPPORTIVE SERVICES.

No funds under this Act may be used for service coordinators or supportive services.

SEC. 110. PENALTIES FOR MISUSE OF FUNDS.

The Secretary shall recapture any assistance awarded under this Title to the extent the assistance has been used for impermissible purposes. To the extent the Secretary identifies a pattern and practice regarding the misuse of funds awarded under this Title, the Secretary shall deny assistance to that State for up to 5 years, subject to notice and an opportunity for judicial review.

SEC. 111. SUBSIDY LAYERING REQUIREMENTS.

The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with assistance, including a commitment to insure a mortgage, provided under this Title by a certification of a State housing finance agency to the Secretary that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property assisted under this Title shall not be any greater than is necessary to provide affordable housing.

SEC. 112. MULTIFAMILY RISK-SHARING MORTGAGE INSURANCE PROGRAM.

The Secretary shall carry out a mortgage insurance program through the Federal Housing Administration in conjunction with State housing finance agencies to insure multifamily mortgages for housing that qualifies under this Title. This program shall be consistent with the requirements established under section 542 of the Housing and Community Development Act of 1992, except that housing that meet the requirements of this Title shall be eligible for mortgage insurance.

SEC. 113. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Title shall take effect upon the date of enactment of this Act.

(b) RULES.—The Secretary shall issue notice and comment rulemaking with final regulations issued no later than 6 months after the date of enactment of this Act.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000,000 for fiscal year 2003, of which no more than 20 percent of such funds may be used for rehabilitation needs and to preserve existing housing for low- income families.

TITLE II—SECTION 8 HOUSING PRODUCTION

SEC. 201. PROJECT-BASED VOUCHERS AND THRIFTY VOUCHERS.

(a) IN GENERAL.—Section 8(o)(13) of the United States Housing Act of 1937 is amended—

(1) in subparagraph (C)(ii), by inserting before the period at the end the following: '', revitalizing a low-income community, or preventing the displacement of extremely low- income families'';

(2) in subparagraph (D)(ii), by striking ''apply in the case of'' and all that follows through the period and inserting the following: ''apply—

(I) in the case of assistance under a contract for housing consisting of single family properties (buildings with 1 to 4 units);

(II) for dwelling units that are specifically made available for households comprised of elderly families or disabled families; or

(III) outside of a qualified census tract, for buildings with 5 to 25 units or with dwelling units that are specifically made available for families receiving supportive services.

For purposes of this clause, the term 'qualified census tract' has the same meaning given that term in section 42(d) of the Internal Revenue Code of 1986. The Secretary may waive the limitations of this clause, consistent with the obligation to affirmatively further fair housing practices.'';

(3) in subparagraph (F), by striking ''10 years'' and inserting ''15 years'';

(4) by adding the following to the end:

''(L) USE OF ASSISTANCE IN CONJUNCTION WITH PUBLIC HOUSING CAPITAL FUNDS.—

''(i) CAPITAL FUND.—Notwithstanding any provision to the contrary in this Act, a public housing agency may attach assistance under this paragraph to a structure or unit that receives assistance allocated to the public housing agency under the Capital Fund, established by section 9(d).

''(ii) OPERATING FUND.—A unit that receives assistance under this paragraph shall not be eligible for assistance under the Operating Fund established by section 9(e).

''(M) THRIFTY VOUCHERS.—

''(i) IN GENERAL.—For the purpose of encouraging the production or preservation of housing affordable to extremely low-income families, a public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract for Thrifty Voucher assistance that is attached to the structure. Except as otherwise specified in this paragraph, such housing assistance contract shall be subject to the limitations and requirements of subparagraphs (A), (B), (C), (D), (E), (F), (G), (J), (K) and (L).

''(ii) USE FOR NEW PRODUCTION, SUBSTANTIAL REHABILITATION, AND PRESERVATION.—Assistance under this paragraph may only be attached to a structure that is newly constructed, acquired for preservation as affordable housing, or substantially rehabilitated.

''(iii) ELIGIBLE FAMILIES.—A prospective tenant of a unit that is assisted under this subparagraph must qualify as an extremely low-income family at the commencement of the proposed occupancy by the tenant.

''(iv) LIMITATION.—Assistance under this subparagraph may not be attached to more than 25 percent of the units in a building. For purposes of this clause, a project consisting of single family structures shall be treated as 1 building if the single family structures are owned, and constructed, substantially rehabilitated, or acquired for preservation under a common plan.

''(v) RENT CALCULATION.—

''(I) IN GENERAL.—A housing assistance payment contract entered into under this subparagraph shall establish the gross rent for each unit assisted in an amount equal to the per unit operating cost of the property plus the applicable utility allowance of the public housing agency for tenant-paid utilities. An owner may accept a gross rent that is less than the per unit operating cost of the property plus the applicable utility allowance, if the gross rent exceeds the limitation under subclause (IV).

''(II) UNIT OPERATING COST.—As used in this subparagraph, the unit operating cost is the allocable share of the ordinary and customary expenses of the unit incurred to operate the property, including applicable owner- paid utilities, contribution to the replacement reserve, asset management fees, and a cash flow allowance equal to 15 percent of all other allocable operating costs. A public housing agency shall require an owner to demonstrate that the unit operating cost for units assisted under this subparagraph does not exceed the operating cost of other units in the property that are not assisted under this subparagraph, with appropriate adjustments for unit size, and shall establish policies to ensure that expenses included in the unit operating cost that are paid to the owner or a related entity are reasonable and consistent with prevailing costs in the community in which the property is located. Required verification shall be determined by the public housing agency.

''(III) ADJUSTMENT.—A public housing agency shall, upon request, make an appropriate annual adjustment in the rent established under this clause based on documented changes in unit operating costs and any increase in the applicable fair market rent or payment standard.

''(IV) LIMITATION.—Gross rent established under this paragraph shall not exceed the greater of—

''(aa) 75 percent of the payment standard used by the public housing agency for a dwelling unit of the same size; or

''(bb) 75 percent of the applicable fair market rental.

''(V) EXCEPTION.—The Secretary is authorized to approve an exception to the 75 percent limitation in subclause (IV) for not more than 2 percent of the total number of vouchers funded under this subsection, not to exceed 90 percent of the payment standard or applicable fair market rental, if the permitted maximum rent could not otherwise support the reasonable operating cost of rental housing, and the public housing agency can demonstrate a need for production or preservation of affordable housing.

''(vi) RENEWAL OF ASSISTANCE.—

''(I) IN GENERAL.—The Secretary shall increase the adjusted allocation baseline for renewal of funding under subsection (dd) for public housing agencies that attach assistance under this paragraph to a structure.

''(II) INCREASE EQUIVALENT.—An increase under subclause (I) shall equal the number of additional families that a public housing agency can assist as a result of the reduced payments permitted under this paragraph.

''(III) EXCEPTION TO LIMITATION ON PROJECT-BASED ASSISTANCE.—The additional units assisted as a result of the reduced payments permitted under this paragraph shall not be considered in determining the compliance of a public housing agency with the percentage limitation in subparagraph (B).

''(IV) APPLICABILITY.—This subparagraph shall not apply to incremental assistance initially issued under this paragraph.

''(vii) ALLOCATION OF INCREMENTAL ASSISTANCE FOR USE UNDER THIS PARAGRAPH.—

''(I) IN GENERAL.—Incremental assistance appropriated for use under this paragraph—

''(aa) shall be allocated for public housing agencies within each State, after reserving appropriate amounts for insular areas, in accordance with the formula established by the Secretary under section 217(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)); and

''(bb) the Secretary shall obligate amounts that are available for public housing agencies within each State, as determined under item (aa), to qualified public housing agencies within the State pursuant to specific criteria for the selection of recipients for assistance in a notice published in the Federal Register.

''(II) RECIPIENTS.—Subject to the allocation referred to in subclause (I) and any additional criteria that the Secretary may establish, the Secretary shall award such incremental assistance for use under this paragraph to a public housing agency that administers a program of tenant-based assistance under this subsection and—

''(aa) administers funds for the construction, preservation, or substantial rehabilitation of rental housing other than public housing; or

''(bb) has an agreement with an agency or entity that administers funds for the construction, preservation, or substantial rehabilitation of rental housing that will enable a prospective developer of such housing to submit a single application for both types of funds.

''(III) LIMITATION.—Incremental assistance for use under this paragraph shall not be considered in determining compliance by a public housing agency with the limitation in subparagraph (B).

''(IV) NATIONAL COMPETITION.—If the Secretary determines that sufficient funds for incremental assistance for use under this paragraph have not been appropriated for public housing agencies within each State in accordance with the formula established under section 217(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(b)), the Secretary may award such funds to qualified public housing agencies through a national competition.

''(viii) DEFINITIONS.—In this subparagraph—

''(I) the term 'substantial rehabilitation' means rehabilitation expenditures paid or incurred with respect to a unit, including its prorated share of work on common areas or systems, of at least $25,000, which amount shall be increased annually by the Secretary to reflect inflation, and such increased amount shall be published in the Federal Register; and

''(II) the term 'extremely low-income families' means persons and families (as that term is defined in section 3(b)(3)) whose incomes do not exceed—

''(aa) 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families and for unusually high or low family incomes; or

''(bb) 30 percent of the national nonmetropolitan median income, if it is higher than the area median income.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect upon the date of enactment of this Act.

(2) RULES.—The Secretary shall promulgate rules, as may be necessary, to carry out section 8(o)(13) of the United States Housing Act of 1937, as amended by this Act, and shall publish—

(A) either proposed rules or interim rules not later than 6 months after the date of enactment of this Act; and

(B) final rules not later than 1 year after the date of enactment of this Act.

SEC. 202. REALLOCATION OF VOUCHERS.

(a) IN GENERAL.—Section 8(dd) of the United States Housing Act of 1937 (42 U.S.C. 1437f(dd)) is amended—

(1) by striking ''Subject to'' and inserting the following: ''(1) IN GENERAL.—Subject to''; and

(2) by adding at the end the following: ''(2) REALLOCATION OF CHRONICALLY UNUTILIZED VOUCHERS.—

''(A) IN GENERAL.—The Secretary may reduce the allocation baseline, only to the extent that the reduction reflects the lesser of the unutilized portion of tenant-based subsidies or of budget authority provided under this section, of a public housing agency that—

''(i) fails, in a fiscal year, beginning in the fiscal year in which this Act is enacted, to utilize at least 90 percent of its allocated number of tenant-based subsidies or at least 90 percent of the budget authority provided under this section that has been under annual contributions contract for 12 months on the first day of the fiscal year, not taking into account, in the numerator, funds used for services and other activities under section 4; and

''(ii) fails, within 16 months after written notice by the Secretary of a failure described in clause (i), to utilize at least 95 percent of allocated vouchers for rental assistance provided under this section or contracted budget authority provided under this section with respect to vouchers that have been under annual contributions contract for 12 months on the first day of the fiscal year, not taking into account, in the numerator, funds used for services and other activities under section 4.

''(B) NOTICE TO TENANTS AND COMMUNITY.—When the Secretary provides written warning to a public housing agency of a failure described in subparagraph (A)(i), the Secretary shall also publish notice of such failure in the Federal Register and shall provide written notice of such failure to the chairman of the subject public housing agency's resident advisory board established pursuant to section 5A(e). Not later than 14 days after the date of receipt by the public housing agency of notice of a failure described in subparagraph (A)(i), that public housing agency shall provide a copy of such notice to all members of its resident advisory board or boards.

''(C) UTILIZATION RATE DETERMINATION.—

''(i) IN GENERAL.—At the request of a public housing agency, the Secretary shall determine the voucher utilization rate of the public housing agency for use under subparagraph (A), based on data regarding the utilization of vouchers from the period beginning 6 months prior to the request of the public housing agency.

''(ii) ELIGIBILITY OF A PHA TO REQUEST A NEW SURVEY OF FAIR MARKET RENTS.—If a public housing agency requests, within 60 days of receipt of the written notice by the Secretary of a failure described in subparagraph (A)(i), that the Secretary conduct a further survey of market rents in the area to determine the accuracy of the applicable fair market rent or the need for an exception payment standard, and the Secretary determines as a result of such survey to increase the fair market rent or payment standard,

the written notice shall be considered null and void. Whether a public housing agency complies with the standard under subparagraph (A)(i) shall be determined based on the first complete fiscal year in which the agency has the opportunity to use the increased fair market rent or approved exception payment standard. To be eligible to request a rent survey under this clause, a public housing agency must use the maximum allowable payment standard for that area for a period of not less than 6 months prior to such request.

''(D) DETERMINATION OF INEFFECTIVE PERFORMANCE.—A reallocation of chronically unutilized vouchers under this subsection shall be deemed to be a determination that the agency is not performing effectively under section 3(b)(6)(B)(iii).

''(3) REALLOCATION.—

''(A) IN GENERAL.—The Secretary shall allocate the contracts for the vouchers made available by the reduction in baseline authority authorized under paragraph (2) in a manner that ensures that applicants on the waiting list of the public housing agency from which vouchers are reallocated may continue to be served, consistent with this paragraph.

''(B) METROPOLITAN AREA.—

''(i) DESIGNATION OF METROPOLITAN ADMINISTRATOR.—If vouchers are reallocated from a public housing agency located in a metropolitan area, the Secretary shall, based on a public competitive process, designate a metropolitan administrator for all or a portion of the metropolitan statistical area in which that public housing agency is located, in a manner consistent with clause (iv).

''(ii) DISTRIBUTION OF VOUCHERS.—A metropolitan administrator designated under clause (i) shall receive all vouchers in that administrator's region made available pursuant to paragraph (2).

''(iii) ELIGIBLE ADMINISTRATORS.—The Secretary may select as a metropolitan administrator an agency—

''(I) that—

''(aa) currently administers a voucher program serving residents of the geographic area served by the agency whose voucher allocation has been reduced;

''(bb) has the legal ability to serve such area; or

''(cc) has an agreement with the Secretary to serve such area pursuant to section 3(b)(6)(B)(iii); and

''(II) that is—

''(aa) a public housing agency that administers a voucher program;

''(bb) a State or local agency that has experience in administering tenant-based assistance programs; or

''(cc) a nonprofit or for-profit agency that has experience in administering tenant-based assistance programs.

''(iv) SELECTION PROCESS.—

''(I) PREFERENCE FOR CERTAIN PUBLIC HOUSING AGENCIES.—The Secretary may give preference in a competitive selection to a public housing agency described in clause (iii)(II)(aa) over other eligible administrators described in items (bb) and (cc) of that clause (iii)(II), if the public housing agency—

''(aa) is a well-managed agency, based on objective indicators, including a high rate of utilization of allocated vouchers or contracted budget authority provided under this section, and a high rate of compliance with eligibility and rent determination requirements; and

''(bb) has demonstrated an ability to increase the number of voucher holders residing in low poverty areas.

''(II) SELECTION CRITERIA.—In selecting a metropolitan administrator, the Secretary shall take into account—

''(aa) whether the entity has operated tenant-based assistance programs in a manner that has not led to an overconcentration of tenant-based subsidy holders in certain areas;

''(bb) whether the entity has the administrative capacity to administer the number of additional vouchers it is likely to receive if it is selected as a metropolitan administrator and to serve the geographic area served by agencies from which vouchers are reallocated;

''(cc) the relative need for assistance under subsection (o) of the eligible population not receiving housing assistance in the area currently served by the entity; and

''(dd) any other criteria for choosing a metropolitan administrator that the Secretary determines to be appropriate.

''(C) NONMETROPOLITAN AREA.—

''(i) IN GENERAL.—If vouchers are reallocated pursuant to this subsection from a public housing agency that is located in a nonmetropolitan area, the Secretary shall reallocate such authority to a public housing agency or other eligible administrator as specified in subparagraph (B)(iii). The Secretary may designate an entity to receive vouchers reallocated from all or a portion of the nonmetropolitan area in a State.

''(ii) SELECTION.—In selecting an entity to receive vouchers reallocated from a nonmetropolitan area, the Secretary shall utilize the preferences and criteria in subparagraph (B)(iv), and shall consider the relative administrative costs likely to be incurred to serve families that reside in the geographic area of the agency from which the vouchers were reallocated.

''(D) DESIGNATION OF A NEW ADMINISTRATOR.—If, at any time, the Secretary determines that the criteria established under this paragraph for a metropolitan or nonmetropolitan administrator are not met, the Secretary shall designate another administrator.

''(E) ADDITIONAL VOUCHERS.—The Secretary shall ensure that certain criteria or benchmarks regarding voucher success rates and concentration of voucher holders are met each year before providing an administrator with additional vouchers.

''(F) LACK OF ELIGIBLE FAMILIES.—If the Secretary determines that the primary cause of voucher underutilization by a public housing agency under paragraph (2)(A) is a lack of eligible families in the area of operation of the public housing agency, the Secretary may establish criteria and procedures to reallocate vouchers from that agency to another public housing agency or another metropolitan or nonmetropolitan administrator outside of the area of operation of the public housing agency. First priority for vouchers reallocated under this subparagraph shall be given to an entity that has previously voluntarily relinquished to the Secretary a portion of its allocated voucher budget authority and has subsequently demonstrated a need for, and an ability to use, such budget authority under criteria established by the Secretary. Second priority shall be given to an entity that serves a jurisdiction in the same State as the agency from which vouchers are being reallocated.

''(4) SPECIAL POPULATIONS.—Vouchers that have been designated by the Secretary to be used by special populations shall—

''(A) retain such designation on reallocation; and

''(B) be reallocated, if there is an eligible applicant within the State or area that has experience administering a voucher program for a special population, in accordance with paragraphs (2) and (3).

''(5) PROMPT REALLOCATION.—Within 60 days of reducing a public housing agency's allocation of vouchers pursuant to paragraph (2) in an area for which the Secretary has designated an administrator to receive vouchers reallocated pursuant to this subsection, the Secretary shall enter into a contract with the designated administrator for the reallocated vouchers.''.

(b) RULES OF THE SECRETARY.—The Secretary shall promulgate rules to carry out this section not later than 6 months after the date of enactment of this Act.

SEC. 203. DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS.

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall maintain any rental assistance payments attached to any dwelling units under section 8 of the United States Housing Act of 1937 for all multifamily properties owned by the Secretary and multifamily properties held by the Secretary for purposes of management and disposition of such properties. To the extent, the Secretary determines that a multifamily property owned by the Secretary or held by the Secretary is not feasible for continued rental assistance payments under section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties.

TITLE III—PUBLIC HOUSING LOAN GUARANTEE PROGRAM

SEC. 301. PUBLIC HOUSING LOAN GUARANTEE PROGRAM.

(a) Section 9 of the United States Housing Act of 1937 is amended by inserting at the end the following new subsection:

''(o) LOAN GUARANTEE DEVELOPMENT FUNDING.—(1) In order to facilitate the financing of the rehabilitation and development needs of public housing, the Secretary is authorized, upon such terms and conditions as the Secretary may prescribe, to guarantee and make commitments to guarantee, only to the extent or in such amounts as the provided in appropriations Acts, loans or other financial obligations entered between financial institutions and public housing agencies, for the purpose of financing the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced), provided that the number of public housing units developed off-site replaces no less than an equal number of on-site public housing units in a project. Loans or other obligations guaranteed pursuant to this subsection shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary.

''(2) Subject to the availability of appropriated funds, the Secretary may not object to making a loan guarantee under this subsection unless the rehabilitation or replacement housing proposed by a public housing agency is inconsistent with its Public Housing Agency Plan, as submitted under section 5A, or the proposed terms of the guaranteed loan constitutes an unacceptable financial risk to the public housing agency or for repayment of the loan under this subsection.

''(3) Notwithstanding any other provision of this title, funding allocated to a public housing agency under subsections (d)(2) and (e)(2) of this section for the capital and operating funds are authorized for use in the payment of the principal and interest due (including such servicing, underwriting or other costs as may be specified in the regulations of the secretary) on the loans or other obligations guaranteed pursuant to this subsection.

''(4) The amount of any loan or other obligation guaranteed under this subsection shall not exceed in total the pro-rata amount of funds that would be allocated over a period not to exceed 30 years under subsections

(d)(2) and (e)(2) of this section on a per unit basis as a percentage of the number of units that are designated to be rehabilitated or replaced under this subsection by a public housing agency as compared to the total number of units in the public housing development, as determined on the basis of funds made available under such subsections (d)(2) and (e)(2) in the previous year. Any reduction in the total amount of funds provided to a public housing agency under this section in subsequent years shall not reduce the amount of funds to be paid under a loan guaranteed under this subsection but instead shall reduce the capital and operating funds which are available for the other housing units in the public housing development in that fiscal year. Any additional income, including the receipt of rental income from tenants, generated by the rehabilitated or replaced units may be used to establish a loan loss reserve for the public housing agency to assist in the repayment of the guaranteed loans or other obligations under this subsection or to address any shortfall in the operating or capital needs of the public housing agency in any fiscal year. The Secretary may require the payment of guaranteed loan premiums by a public housing agency to support the creation of a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of these guaranteed loans.

''(5) Subject to appropriations, the Secretary may use funds from the Public Housing Capital Fund to (A) establish a loan loss reserve account within the Department of Housing and Urban Development to minimize the risk of loss associated with the repayment of guaranteed loans made under this subsection, or (B) make grants to a public housing agency for capital investment needs or for the creation of a loan loss reserve account to be used in conjunction with a loan guarantee made under this subsection for the rehabilitation of a portion of public housing or the development off-site of public housing in mixed income developments (including demolition costs of the public housing units to be replaced).

''(6) To assure the repayment of loans or other obligations and charges incurred under this subsection and as a condition for receiving such guarantees, the Secretary shall require the public housing agency to enter into a contract, in a form acceptable to the Secretary, for the repayment of notes or other obligations guaranteed under this subsection and furnish, at the discretion of the Secretary, such security as may be deemed appropriate by the Secretary in making such guarantees.

''(7) The full faith and credit of the United States is pledged to the payment of all guarantees under this subsection. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of such guarantee so made shall be incontestable in the hand of the holder of the guaranteed obligations.

''(8) The Secretary may, to the extent approved in appropriations Acts, assist in the payment of all or a portion of the principal and interest amount due under the note or other obligation guaranteed under this subsection, if the Secretary determines that the public housing agency is unable to pay the amount it owes because of circumstances of extreme hardship beyond the control of the public housing agency.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect upon the date of enactment of this Act.

(2) RULES.—The Secretary shall promulgate rules, as may be necessary, to carry out section 8(o)(13) of the United States Housing Act of 1937, as amended by this Act, and shall publish—

(A) either proposed rules or interim rules not later than 6 months after the date of enactment of this Act; and

(B) final rules not later than 1 year after the date of enactment of this Act.

By Mr. SARBANES (for himself, Mr. JEFFORDS, and Mr. SESSIONS):

S. 2968. A bill to amend the American Battlefield Protection act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Madam President, today I am introducing legislation, together with my colleagues Senator JEFFORDS and Senator SESSIONS, which will help preserve significant sites associated with the Civil War. A similar companion bill has been introduced and has bipartisan support in the House of Representatives.

According to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, CWSAC, in July, 1993, of the 384 principal Civil War battlefields, less than 20 percent have been protected for posterity and 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites. To adequately address this problem, CWSAC recommended a federal investment of $10 million a year for seven years with a one-to-one Federal/non-Federal match.

While Congress has yet to fund Civil War battlefield preservation at the levels recommended in the 1993 report, in recent years it has taken important steps to preserve our Civil War heritage. In Fiscal Years 1999 and 2002, the Congress appropriated a total of $19 million in matching grants for battlefield protection. Thus far, these grants have preserved over 7,000 acres of key Civil War battlefields in 11 States.

The legislation I am introducing today seeks to build upon these successes by directing the Secretary of the Interior to establish the Civil War Battlefield Acquisition Grant Program. The bill authorizes Civil War battlefield acquisition matching grants of $10 million per year for Fiscal Years 2004 through 2008. The legislation requires a non-Federal share of at least 50 percent, thus leveraging $20 million annually. State and local governments and non-profit organizations will be eligible to receive grants under the program. All lands acquired by these grants must be identified in the 1993 report and may only be purchased from landowners who voluntarily sell their interests.

The legislation also directs the Secretary to update the Report on the Nation's Civil War Battlefields to reflect the activities carried out on the battlefields during the period between original publication of the report and the time of the update, including any changes or relevant developments relating to the battlefields during that period.

In my view, this legislation represents an important opportunity to maintain and preserve tangible links to our past so that future generations may experience firsthand this most critical period in our nation's history.

I ask unanimous consent that the text of the bill be printed in the RECORD. I urge my colleagues to join with me in supporting this important legislation.

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

S. 2968

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil War Battlefield Preservation Act of 2002''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States; and

(2) according to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—

(A) almost 20 percent are lost or fragmented;

(B) 17 percent are in poor condition; and

(C) 60 percent—

(i) have been lost; or

(ii) are in imminent danger of being—

(I) fragmented by development; and

(II) lost as coherent historic sites.

(b) PURPOSES.—The purposes of this Act are—

(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

SEC. 3. BATTLEFIELD ACQUISITION GRANT PROGRAM.

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended—

(1) by redesignating subsection (d) as paragraph (3) of subsection (c), and indenting appropriately;

(2) in paragraph (3) of subsection (c) (as redesignated by paragraph (1))—

(A) by striking ''APPROPRIATIONS'' and inserting ''APPROPRIATIONS''; and

(B) by striking ''section'' and inserting ''subsection'';

(3) by inserting after subsection (c) the following:

''(d) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) BATTLEFIELD REPORT.—The term 'Battlefield Report' means the document entitled 'Report on the Nation's Civil War Battlefields', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

''(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government.

''(C) ELIGIBLE SITE.—The term 'eligible site' means a site—

''(i) that is not within the exterior boundaries of a unit of the National Park System; and

''(ii) that is identified in the Battlefield Report.

''(D) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

''(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

''(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

''(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

''(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)).

''(6) REPORTS.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this subparagraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection.

''(B) UPDATE OF BATTLEFIELD REPORT.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to Congress a report that updates the Battlefield Report to reflect—

''(i) preservation activities carried out at the 384 battlefields during the period between publication of the Battlefield Report and the update;

''(ii) changes in the condition of the battlefields during that period; and

''(iii) any other relevant developments relating to the battlefields during that period.

''(7) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection $10,000,000 for each of fiscal years 2004 through 2008.

''(B) UPDATE OF BATTLEFIELD REPORT.—There is authorized to be appropriated to the Secretary to carry out paragraph (6)(B) $500,000.''; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''as of'' and all that follows through the period and inserting ''on September 30, 2008.''; and

(B) in paragraph (2), by inserting ''and provide battlefields acquisition grants'' after ''studies''.

By Mr. FEINGOLD:

S. 2970. A bill to amend the XVIII of the Social Security act to assure fair and adequate payment for high-risk medicare beneficiaries and to establish payment incentives and to evaluate clinical methods for assuring quality services to people with serious and disabling chronic conditions; to the Committee on Finance.

Mr. FEINGOLD. Madam President, I rise today to introduce the Promoting Care for the Frail Elderly Act of 2002, which is of critical importance to the most vulnerable Medicare beneficiaries, disabled seniors and those with complex medical conditions.

A number of States have successfully chosen to serve seniors and the disabled by combining Medicare and Medicaid services through a waiver approved by the Department of Health and Human Services that integrates services under Medicare and Medicaid capitated financing arrangements. These programs provide beneficiaries with a comprehensive benefit package that combines the services traditionally provided by Medicare, Medicaid, and home and community based wavier programs.

In my home State of Wisconsin, the Wisconsin Partnership Program, WPP, is one such success, a community-based program that has improved the quality, access, and cost-effectiveness of the care delivered to its beneficiaries. Perhaps most important to the beneficiaries, these programs help the disabled and the frail elderly remain in their own community, and avoid institutionalized care. Wisconsin is lucky to have four such programs across our State: Elder Care and Community Living Alliance of Dane County, Community Care for the Elderly of Milwaukee County, and Community Health Partnership of Eau Claire, Dunn, and Chippewa Counties.

In order to qualify for these programs, a person must be Medicaid-eligible, have physical disabilities or frailties of aging, and require a level of care provided by nursing homes. Through programs such as the Wisconsin Partnership Program, these frail elderly and disabled beneficiaries are able to receive quality preventive care up front, which allows more beneficiaries to stay in their communities and reduces the rate of hospitalization.

In Wisconsin, about 26 percent of all Medicaid recipients age 65 or older are in nursing homes. This rate drops dramatically for those enrolled in the Wisconsin Partnership Program, where only 5.9 percent of recipients age 65 or older are in nursing homes.

While the Wisconsin Partnership Program is a success, we must ensure that the Federal Government continues to support these State-based solutions to our long-term care needs and other specialty managed care programs that focus on frail, chronically-ill seniors. The current formula used to cover those enrolled in Medicare managed care programs overpays for healthy beneficiaries and underpays for the frail elderly and disabled. This payment method creates a backwards incentive for plans to avoid serving the most vulnerable segment of the Medicare population, the very seniors who could benefit most from program such as the Wisconsin Partnership Program.

While a number of steps have been taken to improve these payment methods over the past four years, we must ensure that they meet the needs of Medicare beneficiaries with complex care needs.

This legislation will help develop an appropriate incentive for specialty managed care programs serving a disproportionate number of frail, medically complex beneficiaries. My legislation will take several steps toward meeting this goal. First it will require the Center for Medicare and Medicaid Services to evaluate alternative risk adjustment methods that account for the higher costs borne by plans with a disproportionate number of high cost beneficiaries.

During this study, it will also implement the recommendations of the Medicare Payment Advisory Commission by permitting these plans that currently operate under demonstration authority to maintain existing payment formulas until the Secretary devises a risk adjustment method that pays adequately for high risk enrollees. At the same time, it would also direct MedPAC to evaluate appropriate methods to adjust payment rates based on the makeup of the beneficiaries.

Finally, my legislation would also authorize the Secretary to conduct a demonstration to enhance care and improve outcomes for frail, vulnerable Medicare beneficiaries.

I would also like to make clear that this legislation uses existing funds to pay for these initiatives, and is thus budget neutral. It authorizes the demonstration program within existing dollars and would also provide additional funding for the frailty adjustment with existing Medicare+Choice dollars.

Fundamental long-term care reform is vital to any health care reform that Congress may consider. As part of these reforms, we must support state and local efforts to encourage care for the most vulnerable populations. We must provide our seniors and disabled with real choices. They are entitled to the opportunity to continue to live in the homes and communities that they helped build and sustain. I urge my colleagues to support this measure that will help provide a measure of support for the most frail elderly and disabled to allow them to stay in their own homes.

By Mr. BINGAMAN:

S. 2971. A bill to amend the Transportation Equity Act for the 21st Century to provide the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I am very pleased today to introduce the Tribal Transportation Program Improvement Act of 2002. The goal of this legislation is to help provide safe and efficient transportation throughout Indian country. At the same time, this bill will help promote economic development, self-determination, and employment of Indians and Alaska Natives. I believe the Federal Government has an obligation to provide safe and efficient transportation for all tribes. Indians pay the same Federal gasoline, tire, and other taxes, as all other Americans and are entitled to the same quality of transportation.

This bill is a 6-year reauthorization and improvement of the Indian Reservation Roads program, which funds transportation programs for all tribes. Next year, Congress must reauthorize

the IRR program, along with all other transportation programs in TEA–21. I am introducing the bill today as a first step in that process.

Congress has long recognized the importance of improving transportation and access to tribal lands. The Indian Reservation Roads Program was established in 1928, and in 1946 the BIA and the FHWA executed the first memorandum of agreement for joint administration of the program. Since 1982, funding for tribal transportation programs as been provided from the Federal Highway Trust Fund. Major changes to the program were again made in 1998 as part of TEA–21.

Today, the Indian Reservation Roads program serves more than 560 federally recognized Indian tribes and Alaskan native villages in 33 States. The IRR system comprises 25,700 miles of BIA and tribally owned roads and another 25,600 miles of State, county, and local government public roads. There are also 4,115 bridges on the IRR system, and one ferryboat operation, the Inchelium-Gifford Ferry in Washington State.

Of the 25,700 miles of BIA and tribal roads on the IRR system, only about one quarter are paved. Only about 40 percent of the 25,600 miles of state, county, or local government IRR roads are paved. Together, over two-thirds of all IRR roads are unpaved. Many of these unpaved roads are not passable in bad weather. In addition, about 140 of the 753 bridges owned by the BIA are currently rated as deficient.

Some of the roads on tribal lands resemble roads in third-world countries. In some cases, the roads are little more than wheel tracks. Even though the IRR system perhaps the most rudimentary of any transportation network in the country, over 2 billion vehicle miles are annually traveled on the system.

According to the Federal Highway Administration's most recent assessment of the Nation's highways, bridges, and transit, only 34 percent of paved IRR roads are rated in good condition, 37 percent are rated only fair, and 29 percent are rated poor. Of course, these ratings apply only to the paved roads on the IRR system, not the 33,000 miles of dirt and gravel roads.

The poor road quality also has a serious impact on highway safety. According to FHWA, the highway fatality rate on Indian Reservation Roads is four times above the national average. Automobile accidents are the number one cause of death among young American Indians.

Reflecting the current poor state of roads throughout the Indian country, FHWA now estimates the backlog of improvement needs for IRR roads at a whopping $6.8 billion dollars.

This year, the authorized funding level for IRR is $275 million from the highway trust fund. As required in TEA–21, the BIA distributes highway funding to federally recognized tribes each year using a relative need formula. This formula reflects the cost to improve eligible roads, road usage, and population of each tribe. Some modifications to the formula are currently being made as part of a negotiated rule making.

I hope all Senators recognize the broad scope of the IRR program and its impact on 33 of the 50 States. I'd like to read a list of the fiscal year 2002 distribution of IRR funding in the States that have tribal roads and ask unanimous consent that the table be printed in the RECORD.

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

EXHIBIT 1.—APPROXIMATE DISTRIBUTION OF FISCAL YEAR 2002 INDIAN RESERVATION ROAD FUNDING

State	Funding to tribes
Arizona	$56,100,000
Oklahoma	34,000,000
New Mexico	31,900,000
Alaska	18,500,000
Montana	13,600,000
South Dakota	11,700,000
Washington	10,100,000
Wisconsin	6,600,000
North Dakota	6,500,000
Minnesota	5,780,000
California	5,100,000
Oregon	3,900,000
Utah	2,970,000
Idaho	2,850,000
Wyoming	2,070,000
Michigan	1,560,000
Nevada	1,290,000
North Carolina	1,190,000
Colorado	1,100,000
New York	949,000
Maine	890,000
Kansas	851,000
Mississippi	706,000
Nebraska	626,000
Florida	550,000
Texas	220,000
Louisiana	197,000
Rhode Island	162,000
Iowa	126,000
Alabama	100,000
South Carolina	89,000
Connecticut	83,000
Massachusetts	47,000

Source: BIA. Data are approximate because some reservations and roads extend into more than one state.

I know every senator is keenly aware of the importance of transportation to the basic quality of life and economic development of a region. Safe roads are essential for children to get to school, for sick and elderly to receive basic health and medical treatment, and for food and other necessities to move to shops and to consumers. Moreover, transportation is critical to any community's efforts to sustain robust economies and to attract new jobs and businesses.

Unfortunately, most tribes today lack the basic road systems that most of us take for granted. Indian communities continue to lag behind the rest of the Nation in quality of life and economic vitality. Unemployment rates in Indian country frequently top 50 percent and poverty rates often exceed 40 percent.

The limited availability of housing and jobs on the reservation forces people to commute long distances everyday for work, school, health care, basic government services, shopping, or even to obtain drinking water.

I'd now like to take a moment to discuss the impact of the Indian Reservation Roads Program on just one tribe, the Navajo Nation. I think most senators know that Navajo is the largest federally recognized Indian tribe. The current membership is about 280,000. By itself, Navajo represents about one quarter of the entire Indian Reservation Roads program.

The Navajo Reservation covers 17.1 million acres in the States of Arizona, New Mexico, and Utah. It is roughly the size of the State of West Virginia. The reservation includes the three satellite communities of Alamo, Ramah, and To'hajiilee in New Mexico.

According to BIA, the Navajo IRR system includes 9,800 miles of public roads, or about 20 percent of all IRR roads. However, 78 percent of the roads within Navajo are unpaved. Because of the nature of the soil and terrain, many of the unpaved roads are impassable after snow or rain. Navajo estimates a current backlog of road construction projects totaling $2 billion.

The safety of bridges is also a continuing concern on the Navajo reservation. Of the 173 bridges on Navajo, 51 are rated deficient. Of the deficient bridges, 27 must be completely replaced and the rest need major rehabilitation.

The Navajo Nation also operates a transit system with 14 buses and three vans. The system carries 75,000 passengers each year. The system serves both Navajo people as well as the nearby communities of Gallup, Farmington, Flagstaff, and Winslow.

Finally, the few roads that are being built on the Navajo Reservation are not being properly maintained. Funding for road maintenance is not part of the IRR program. Instead road maintenance is funded each year as part of the BIA's annual appropriation bill. Unfortunately, BIA's budget lags woefully behind the need for road maintenance. Each year the Navajo Region of BIA requests about $32 million to maintain about 6000 miles of roads, but receives only about $6 million, or about 20 percent of the funds needed just to maintain the existing roads.

The bill I am introducing today will begin to address this crushing need for road construction and transit programs throughout Indian Country. The bill will benefit all tribes, both large and small. I'd like to briefly summarize the major provisions of the bill.

First, the bill increases funding for the Indian Reservation Roads program to $2.775 billion for the six years from 2004 to 2009. Under TEA–21, the IRR program is currently authorized for $275 million per year. This level represents less than 1 percent of annual Federal funding for road construction and rehabilitation. However, the 50,000 miles of the IRR system represent about 5 percent of the nation's 957,000 miles of Federal-aid-highways. I do believe the substantial increase in IRR funding in my bill is fully justified based on the very poor condition of so many IRR roads as well as the importance of transportation to economic development in Indian country.

Second, the bill removes the obligation limitation from the Indian Reservation Roads program. This funding limitation was first applied to the IRR program in 1998 in TEA–21, and over the six years of TEA–21 the limitation will have cut about $31 million per year in much-needed funding out of IRR. The IRR was not subject to any obligation limitation from 1983 to 1997, and my bill restores the program to the status it had before 1998.

Third, the bill restores the Indian Reservation Bridge Program with separate funding of $90 million over six years. TEA–21 had eliminated separate funding for the Indian reservation bridge program in 1998. In addition, the bill streamlines the bridge program by expanding the allowable uses of bridge funding to include planning, design, engineering, construction, and inspection of Indian reservation road bridges.

Fourth, the bill increases the current limit for tribal transportation planning from 2 percent to 4 percent. These funds will be used by tribes to compile important transportation data and to forecast their future transportation needs and long-range plans. Many of the tribes have indicated they currently don't have funding for capacity building, and the additional planning funds in my bill would address this need.

Fifth, TEA–21 established a negotiated rule making for distribution of funds based on the relative needs of each tribe for transportation. To ensure the distribution is tied to actual needs, my bill requires the Secretary of Transportation to verify the existence of all roads that are part of the Indian reservation road system.

Sixth, I propose a new tribal transit program to provide direct funding to tribes from the Federal Transit Administration. The new program would parallel the existing Indian Reservation Roads program funded through FHWA. In general, while States may allocate to tribal areas some of their transit funding under the existing formula grant programs for transit for elderly and disabled, section 5210, and for nonurbanized areas, section 5311, they rarely do so. Because the tribes are at a disadvantage in having to compete for funding within the states, I believe we need a direct funding program to allow tribes to provide better transit services to young people, elderly, and others who lack access to private vehicles. The bill sets aside a very modest level of funding of $120 million over six years for the new tribal transit program.

Seventh, the bill states the sense of Congress that the BIA should have sufficient funding to maintain all roads on the Indian Reservation Roads System. Federal funding for road maintenance is provided through the BIA's annual appropriation bill. Road maintenance has typically been funded at about $25 million per year, about one-fifth of the level needed to protect the Federal investment in IRR roads.

Finally, the bill increases funding for the successful school bus route maintenance program for counties in Arizona, New Mexico, and Utah that maintain roads used by school buses on the Navajo Reservation. The funding over six years is $24 million. Without this funding many of the children on the reservation would often not be able to get to school. I ask unanimous consent that a letter from Gallup McKinley County Public Schools describing this program be printed in the RECORD.

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

GALLUP MCKINLEY COUNTY PUBLIC SCHOOLS,
Gallup, NM.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The Gallup McKinley County Schools serve over 14 thousand students, of which 10,040 are bussed daily. Our District's school buses travel 9,235 miles daily. Several miles of these roads are primitive dirt roads with poor or no drainage, no guard rails, and some not maintained. The inability to safely negotiate school buses over these roads during wet, muddy and snowy conditions, greatly restricts our ability to provide adequate services for families living along these particular roadways. Continuing, and expanding, funding for school bus route maintenance is vital to providing safe and efficient transportation for thousands of students throughout our County.

The School bus route maintenance programs have helped tremendously. Our County Roads Division (McKinley County) has been tremendous in maintaining hundreds of miles of bus route roads. The bus route improvements made in the Bread Springs area have benefited families immensely. Along with graveling, they constructed a bus turnaround. Improvements have also been made and maintained in other areas in our County such as Rock Springs. This bus route was graveled along with a graveled bus turnaround. In Rock Springs, Mexican Springs, Coyote Canyon, and County Road 1 areas, similar improvements were made, allowing us to provide safe and efficient services for hundreds of families.

The School bus route program is a very important program, one that should continue and expand. The McKinley County Roads Division has worked diligently to provide safe access and passage for our School District's 160 school buses. Without the school bus route program, it will be impossible to maintain safe conditions on these roads. To insure the safety of our school children and families, the program must continue.

Your help in sponsoring bills in the past which address the unique situations with respect to school bus route roads have been greatly appreciated. Your continuing support of the school bus route program will enable our County Roads Division to improve and maintain hundreds of miles of school bus routes.

It is through these cooperative efforts that we are able to provide safe and efficient transportation for thousands of school children daily. Thank you for your continued efforts.

Sincerely,

BEN CHAVEZ,
GMCS Support Services.

Mr. BINGAMAN. The IRR system doesn't just serve Indian communities, but also visitors, including tourists, recreational, commercial and industrial users of roads and transit throughout Indian country. For the tribes, transportation is an important contributor to economic development, self-determination, and employment for all Indian communities. This bill represents a very modest, but important step toward providing basic transportation services throughout Indian country.

The proposals in my bill are similar to many of the recommendations presented by Chairwoman Robyn Burdette of the Summit Lake Paiute Tribe of Nevada at the August 8 hearing of the Subcommittee on Transportation, Infrastructure, and Nuclear Safety of the Environment and Public Works Committee. In her testimony, Chairwoman Burdette specifically cited the need to remove the obligation limitation, increase funding for the IRR program, create new programs for transit and bridges, and increase funding for road maintenance in the Interior appropriations bill. All of these items are addressed in my bill.

In addition, my bill parallels most of the recommendations in the recent White Paper prepared by the National Congress of American Indians' TEA–21 Reauthorization Task Force.

I well appreciate that tribes in different regions of the country may have different views and proposals on how best to improve Indian transportation programs. I see my bill as just the first step in a yearlong process leading up to the reauthorization of the TEA–21. I do believe it is important that we start the process as soon as possible, and that is my goal in introducing this bill today. I hope that Chairman INOUYE and Senator CAMPBELL of the Committee on Indian Affairs will soon hold hearings on the reauthorization of the Indian Reservation Roads Program. I look forward to working with them an the other members of the committee on developing a consensus proposal that is fair to all tribes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2971

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tribal Transportation Program Improvement Act of 2002''.

SEC. 2. INDIAN RESERVATION ROADS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking ''of such title'' and all that follows and inserting ''of that title—

''(i) $225,000,000 for fiscal year 1998;

''(ii) $275,000,000 for each of fiscal years 1999 through 2003;

''(iii) $350,000,000 for fiscal year 2004;

''(iv) $425,000,000 for fiscal year 2005; and

''(v) $500,000,000 for each of fiscal years 2006 through 2009.''.

(b) OBLIGATION CEILING.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking ''distribute obligation'' and inserting the following: ''distribute—

''(A) obligation'';

(2) by inserting ''and'' after the semicolon at the end; and

(3) by adding at the end the following:

''(B) for any fiscal year after fiscal year 2003, any amount of obligation authority made available for Indian reservation road bridges under section 202(d)(4), and for Indian reservation roads under section 204, of title 23, United States Code;''.

(c) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at the end the following: '', $3,000,000 for each of fiscal years 2004 and 2005, $4,000,000 for each of fiscal years 2006 and 2007, and $5,000,000 for each of fiscal years 2008 and 2009''.

(d) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking ''(B) RESERVATION.—Of the amounts'' and all that follows through ''to replace,'' and inserting the following:

''(B) FUNDING.—

''(i) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund $15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, construction, and inspection of projects to replace,''; and

(B) by adding at the end the following:

''(ii) AVAILABILITY.—Funds made available to carry out this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.''; and

(2) in subparagraph (D)—

(A) by striking ''(D) APPROVAL REQUIREMENT.—'' and inserting the following:

''(D) APPROVAL AND NEED REQUIREMENTS.—''; and

(B) by striking ''only on approval of the plans, specifications, and estimates by the Secretary.'' and inserting ''only—

''(i) on approval by the Secretary of plans, specifications, and estimates relating to the projects; and

''(ii) in amounts directly proportional to the actual need of each Indian reservation, as determined by the Secretary based on the number of deficient bridges on each reservation and the projected cost of rehabilitation of those bridges.''.

(e) FAIR AND EQUITABLE DISTRIBUTION.—Section 202(d) of title 23, United States Code, is amended by adding at the end the following:

''(5) FAIR AND EQUITABLE DISTRIBUTION.—To ensure that the distribution of funds to an Indian tribe under this subsection is fair, equitable, and based on valid transportation needs of the Indian tribe, the Secretary shall—

''(A) verify the existence, as of the date of the distribution, of all roads that are part of the Indian reservation road system; and

''(B) distribute funds based only on those roads.''.

(f) INDIAN RESERVATION ROADS PLANNING.—Section 204(j) of title 23, United States Code, is amended in the first sentence by striking ''2 percent'' and inserting ''4 percent''.

SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

''(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

''(1) DEFINITION OF INDIAN TRIBE.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) PROGRAM.—

''(A) IN GENERAL.—The Secretary of Transportation shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

''(B) AMOUNT OF GRANTS.—The amount of a grant provided to an Indian tribe under subparagraph (A) shall be based on the need of the Indian tribe, as determined by the Secretary of Transportation.

''(3) FUNDING.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary of Transportation shall use $20,000,000 to carry out this subsection.''.

SEC. 4. SENSE OF CONGRESS REGARDING INDIAN RESERVATION ROADS.

(a) FINDINGS.—Congress finds that—

(1) the maintenance of roads on Indian reservations is a responsibility of the Bureau of Indian Affairs;

(2) amounts made available by the Federal Government as of the date of enactment of this Act for maintenance of roads on Indian reservations under section 204(c) of title 23, United States Code, comprise only 30 percent of the annual amount of funding needed for maintenance of roads on Indian reservations in the United States; and

(3) any amounts made available for construction of roads on Indian reservations will be wasted if those roads are not properly maintained.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should annually provide to the Bureau of Indian Affairs such funding as is necessary to carry out all maintenance of roads on Indian reservations in the United States.

By Mrs. SNOWE (for herself and Ms. COLLINS):

S. 2972. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for a cooperative research and management program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I rise today to introduce a bill which would help restore credibility in the National Oceanic and Atmospheric Administration, NOAA, and the National Marine Fisheries Service's, NMFS, data collection programs and improve their cooperative research and management programs.

I am introducing this bill today because of recent events in New England in which a commercial fisherman noticed that the trawl warps on the NOAA research vessel, Albatross IV, were improperly marked. As a result of this mis-calibration, the groundfish stock assessment data gathered since February 2000 may be inaccurate and its usability for management purposes is questionable. This fish-counting error could not have come at a worse time for NMFS, which is under a federal judge's order to impose some of New England's strictest fishing restrictions by next August.

This revelation and the possibility of other discrepancies is severely eroding the credibility of NMFS's stock assessments. These stock assessments form the foundation for all of our fisheries regulations and determine how many fish our fishermen can harvest. When these stock assessments are flawed and lack credibility, the entire process is adversely affected. We must act now to restore this credibility in the process and ensure that our stock assessments are as accurate as possible.

My bill would require the National Research Council to conduct an independent review of NMFS' data collection techniques; its protocols through which stock assessment equipment is calibrated, operated, inspected, and maintained; the frequency and financial cost of these quality control checks; how the accuracy and validity of data collected with sampling equipment is verified; and how measurement error is accounted for in stock assessment modeling and analysis based on these data. The National Research Council completed a report on the Northeast Fishery stock assessment process in 1998, so this new study would build upon the previous one. This assessment will provide us with an independent baseline to determine the extent of NMFS' data collection discrepancies.

Additionally, my bill will require NMFS to implement a national cooperative research program to facilitate industry involvement in data collection and stock assessments. I have also included a section that authorizes $3 million to enable cooperative comparative trawl research between the NMFS and fishing industry participants in the Northeast multi-species groundfish fishery. The fishing industry has been calling for a commercial vessel to trawl alongside the NOAA's vessels and this provision would require it. Nothing will help restore NMFS's credibility more than having commercial fishermen verifying its data.

The third section of this bill would address a flexibility concern for fisheries management. Earlier this year NMFS came out with new biological targets for groundfish. In other words, NMFS increased how many fish there have to be in order for the fishery to be considered recovered. The law is not clear on whether or not a change in the biological targets means the time-line for recovery changes as well. NMFS has interpreted the law to mean that despite a change in the biological targets, the fish must be recovered in the same amount of time. Accordingly, I have drafted language which allows, but does not require, the Secretary to adjust the time allowed for recovery if the biological targets have changed in the middle of the rebuilding plan. This provision would clarify existing law and make Congress' intent clearer.

As Ranking Member of the Subcommittee on Oceans, Atmosphere, and Fisheries, I am dedicated to ensuring that our stock assessments are as accurate as possible and the process we use

is transparent to all the stakeholders. This bill will allow us to take a critical step forward in ensuring that we can restore credibility and faith in this important process. I urge my colleagues to join me and support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2972

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fisheries Research Improvement Act''.

SEC. 2. INDEPENDENT PEER REVIEW OF DATA COLLECTION PROCEDURES.

The Magnuson-Stevens Fishery Conservation and Management Act is amended by adding at the end of Title IV the following:

''SEC. 408. PEER REVIEW.

''The National Academy of Sciences shall review and recommend measures for improving National Marine Fisheries Service's procedures for ensuring data quality in the data collection phase of the stock assessment program. In this review, they shall address the quality control protocols through which stock assessment equipment is calibrated, operated, inspected, and maintained; the frequency and financial cost of these quality control checks; how the accuracy and validity of data collected with sampling equipment is verified; and how measurement error is accounted for in stock assessment modeling and analysis based on these data. This review shall apply to all activities that affect stock assessment data quality, whether conducted by the National Marine Fisheries Service or by National Marine Fisheries Service contractors.''.

SEC. 3. COOPERATIVE RESEARCH AND MANAGEMENT.

The Magnuson-Stevens Fishery Conservation and Management Act is amended by adding at the end the following:

''TITLE V—COOPERATIVE RESEARCH AND MANAGEMENT

''SEC. 501. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a national cooperative research and management program to be administered by the National Marine Fisheries Service, based on recommendations by the Councils. The program shall consist of cooperative research and management activities between fishing industry participants, the affected States, and the Service.

''(b) RESEARCH AWARDS.—Each research project under this program shall be awarded on a standard competitive basis established by the Service, in consultation with the Councils. Each Council shall establish a research steering committee to carry out this subsection.

''(c) GUIDELINES.—The Secretary, in consultation with the appropriate Council and the fishing industry, shall create guidelines so that participants in this program are not penalized for loss of catch history or unexpended days-at-sea as part of a limited entry system.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Marine Fisheries Service, in addition to amounts otherwise authorized by this Act, the following amounts, to remain available until expended, for the conduct of this program:

''(1) $25,000,000 for fiscal year 2003.
''(2) $30,000,000 for fiscal year 2004.
''(3) $35,000,000 for fiscal year 2005.
''(4) $40,000,000 for fiscal year 2006.
''(5) $45,000,000 for fiscal year 2007.

''(e) NEW ENGLAND TRAWL SURVEY.—Of the funds authorized in subsection (d) $3,000,000 shall be authorized for the purpose of cooperative comparative trawl research between the National Marine Fisheries Service and fishing industry participants for the Northeast multispecies groundfish fishery, which the Secretary shall design and administer with input from fishing industry participants and other interested stakeholders.''.

SEC. 4. REGULATORY FLEXIBILITY.

Section 304(e)(4)(A)(ii) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854(e)(4)(A)(ii)) is amended to read as follows:

''(ii) not exceed 10 years, except in the case where a rebuilding target is changed during the rebuilding period, the Council or the Secretary may extend the time period for the rebuilding to accommodate the new target;''.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2973. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building''; to the Committee on Environment and Public Works.

Mr. DOMENICI. Madam President, I rise today to introduce a bill to rename the Federal courthouse in Roswell, New Mexico for my longtime friend and ally, Representative JOE SKEEN.

I have had the highest honor of serving the State of New Mexico with this amazing man for more than 20 years. JOE was first elected to the House of Representatives in 1980 as a write-in candidate. He is only the third man in the history of this country to achieve this feat.

As great an accomplishment as this was, history will show that it was among the least of his great achievements. As I'm sure you can imagine, the litany of successes that JOE has had in his work for New Mexico is much too long to go into here today. Suffice it to say that New Mexico is infinitely better for having had JOE SKEEN representing us in Congress; this country is better for having had JOE participate in making decisions that affect the entire nation.

JOE will be the first to tell you that he has not done it on his own, however. He has had a partner in his great adventure who has walked beside him every step of the way. Mary, his wife of 57 years, has been a calming influence in the storm that is the life of a Congressman. She has made it possible for JOE to continue to be a ranching Representative, running the family ranch while JOE has served in Washington.

JOE has decided that it is time to return to that ranch to spend time with the family and the land that he loves so much. I know that Washington will go on without the Skeens but there is no way that it will be as a good a place.

It is only a small token of the appreciation New Mexico and this country have for his many years of service, but I believe that renaming the Federal Courthouse in Roswell, New Mexico is a fitting tribute to this exceptional public servant.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2973

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

SECTION 1. DESIGNATION.

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the ''Joe Skeen Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Joe Skeen Federal Building.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 1, 2003.

By Mr. BOND (for himself, Mr. DODD, Mr. FRIST, and Mr. KENNEDY):

S. 2980. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Madam President, I rise today to introduce the Birth Defects and Developmental Disabilities Prevention Act of 2002. It is a pleasure to work, once again, on this important issue with Senators DODD, KENNEDY and FRIST.

My interest in birth defects prevention began while I was Governor. As Governor I had secured dollars to fund the neonate care units at our hospitals in Missouri. These remarkable institutions and the dedicated men and women who serve there do a tremendous job of saving low birth weight babies and babies with severe birth defects.

As I visited those hospitals and held those tiny babies, the doctors and nurses who staffed these units asked me, ''Why don't we do something to reduce the incidents of birth defects and the problems that bring the tiniest of infants to these very high-tech, specialized care units.''

Since I became a Senator I have been working with colleagues on both sides of the aisle and with the March of Dimes to deal with this serious and compelling health problem facing America. Many people are not aware that birth defects affect over 3 percent of all births in America, and they are the leading cause of infant death.

This year alone, an estimated 150,000 babies will be born with a birth defect. Among the babies who survive, birth defects often result in lifelong disability. Medical care, special education, and many other services are often required into adulthood, costing families thousands of dollars each year.

In 1992, due to a terrible tradegy in Texas when at least 30 infants were born without or with little brain tissue over a short period of time, I introduced the Birth Defects Prevention Act.

Because at the time Texas did not have a birth defects surveillance system, and because our country did not have a comprehensive birth defects prevention and surveillance strategy, the severity of the problem was not

recognized until the incidence of birth defects was so high that it was difficult to miss.

In 1998, we passed the Birth Defects Prevention Act, which created a federal birth defects prevention and surveillance strategy. That was followed by the Children's Health Act of 2000, which established the National Center on Birth Defects and Developmental Disabilities at CDC. With these two important pieces of legislation Congress for the first time recognized that birth defect and developmental disabilities are major threats to children's health.

As a result, CDC, through eight regional Centers for Birth Defects Research and Prevention are collaborating on the largest study on the causes of birth defects ever undertaken, the National Birth Defects Prevention Study. CDC is also assisting 28 States by providing 3-year grants to improve their surveillance systems. We have come a long way in the past 5 years toward preventing certain birth defects, but we face many challenges ahead.

There is still much work to be done to improve the health of all Americans by preventing birth defects and developmental disabilities in children, promoting optimal child development and ensuring health and wellness among child and adults living with disabilities.

Today, with the introduction of this bill we have the opportunity to renew our commitment to birth defects prevention and to improve the quality of life of those living with disabilities. I look forward to working with my colleagues to ensure and enhance the well-being of our Nation's children.

Mr. FRIST. Madam President, I am pleased to join Senators BOND and DODD in re-introducing the ''Birth Defects and Developmental Disabilities Prevention Act of 2002''. This bill reauthorizes the National Center on Birth Defects and Developmental Disabilities (NCBDD) at the Centers for Disease Control and Prevention to promote optimal fetal, infant, and child development and prevent birth defects and childhood developmental disabilities.

Birth defects are the leading cause of infant mortality in the United States, accounting for more than 20% of all infant deaths. Of the 150,000 babies born with a birth defect in the United States each year, 8000 will die during their first year of life. In addition, birth defects are the fifth-leading cause of years of potential life lost and contribute substantially to childhood morbidity and long-term disability.

Congress passed the ''Birth Defects Prevention Act in 1998''—a bill to assist States in developing, implementing, or expanding community-based birth defects tracking systems, programs to prevent birth defects, and activities to improve access to health services for children with birth defects. The authorization for this important legislation for this important legislation expires at the end of this year, and the legislation we are introducing today will strengthen those important programs.

In order to educate health professionals and the general public, this legislation requires NCBDD to provide information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities, experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals. The Clearinghouse will also contain a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida.

This legislation also clarifies advisory committees, already in existence, that have expertise in birth defects, developmental disabilities, and disabilities and health will be transferred to the National Center for Birth Defects.

This piece of legislation also supports a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabiling birth defect.

I ask that this piece of important legislation be reauthorized. I want to thank my colleagues, Senators BOND, DODD, and others, for the introduction of this initial piece of legislation in 1998 and for their continued initiatives on birth defects and developmental disabilities.

By Mr. VOINOVICH:

S. 2981. A bill to exclude certain wire rods from the scope of any anti-dumping or countervailing duty order issued as a result of certain investigations relating to carbon and certain alloy steel rods; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2981

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

SECTION 1. EXCLUSION OF CERTAIN WIRE RODS FROM ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any antidumping or countervailing duty order that is issued as a result of antidumping investigations A–351–832, A–122–840, A–428–832, A–560–815, A–201–830, A–841–805, A–274–804, and A–823–812, or countervailing duty investigations C–351–833, C–122–841, C–428–833, C–274–805, and C–489–809, relating to carbon and certain alloy steel rods, shall not include wire rods that meet the American Welding Society ER70S–6 classification and are used to produce Mig Wire.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. CORZINE (for himself, Mr. FITZTGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 2982. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today with my colleagues, Senators FITZGERALD, SARBANES, and AKAKA to introduce the Education for Retirement Security Act of 2002. This bill will provide access to badly needed financial and retirement education for millions of mid-life and older Americans whose retirement security is at stake.

Improving financial literacy has been a top priority for me in Congress. I believe it is a critical and complex task for Americans of all ages, but it is especially crucial for Americans as they approach retirement. In fact, low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement. Although today's older Americans are generally thought to be doing well, nearly one-out-of five, 18 percent, were living below 125 percent of the poverty line in 1995, which was a year of tremendous economic prosperity in our nation. And, only 53 percent of working Americans have any form of pension coverage. In addition, financial exploitation is the largest single category of abuse against older individuals, and this population comprises more than one-half of all telemarketing victims in the United States.

While education alone cannot solve our Nation's retirement woes, financial education is vital to enabling individuals to avoid scams and bad investment, mortgage, and pension decisions, and to ensuring that they have access to the tools they need to make sound financial decisions and prepare appropriately for a secure future. Indeed, the more limited time frame that mid-life and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and to benefit from more informed financial practices make this education all the more critical. Financial literacy is also particularly important for older women, who are more likely to live in poverty and be dependent upon Social Security.

The Education for Retirement Security Act would create a competitive grant program that would provide resources to State and area agencies on aging and nonprofit community based organizations to provide financial education programs to mid-life and older Americans. The goal of these programs is to enhance these individuals' financial and retirement knowledge and reduce their vulnerability to financial abuse and fraud, including telemarketing, mortgage, and pension fraud.

My legislation also authorizes the creation of a national technical assistance program that would designate at least one national nonprofit organization that has substantial experience in

the field of financial education to provide training and make available instructional materials and information that promotes financial education.

Over the next thirty years, the percentage of Americans aged 65 and older is expected to double, from 35 million to nearly 75 million. Ensuring that these individuals are better prepared for retirement and are more informed about the economic decisions they face during retirement will have an important impact on the long term economic and social well-being of our nation.

I hope that as the Senate moves to address pension reform, my colleagues will work to address the issues outlined in this legislation. The recent rash of corporate and accounting scandals and the declining stock market have jeopardized the retirement savings of millions of Americans, making the need for financial literacy even more clear.

In closing, I would like to acknowledge the expertise and assistance that AARP, the Older Women's League, OWL, and the Women's Institute for a Secure Economic Retirement, WISER, offered to me in drafting this legislation.

I also ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 2982

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Education for Retirement Security Act of 2002''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Only 53 percent of working Americans have any form of pension coverage. Three out of four women aged 65 or over receive no income from employer-provided pensions.

(4) The more limited timeframe that mid-life and older individuals and families have to assess the realities of their individual circumstances, to recover from counter-productive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near term consequences for Americans nearing or of retirement age.

(5) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's ''retirement'' years.

(6) The $5,000,000,000,000 loss in stock market equity values since 2000 has had a significantly negative effect on mid-life and older individuals and on their pension plans and retirement accounts, affecting both individuals with plans to retire and those who are already in retirement.

(7) Although today's older individuals are generally thought to be doing well, nearly ⅕ (18 percent) of such individuals were living below 125 percent of the poverty line during a year of national prosperity, 1995.

(8) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(9) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(10) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals over the age of 60 increased from 1,821 victims in 2000 to 5,802 victims in 2001, a threefold increase.

SEC. 3. GRANT PROGRAM TO ENHANCE FINANCIAL AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MID-LIFE AND OLDER AMERICANS.

(a) AUTHORITY.—The Secretary is authorized to award grants to eligible entities to provide financial education programs to mid-life and older individuals who reside in local communities in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, among such individuals.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is—

(1) a State agency or area agency on aging; or

(2) a nonprofit organization with a proven record of providing—

(A) services to mid-life and older individuals;

(B) consumer awareness programs; or

(C) supportive services to low-income families.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require, including a plan for continuing the programs provided with grant funds under this section after the grant expires.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out the programs provided with grant funds under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the programs provided with grant funds under this section.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), the Secretary shall evaluate the programs provided with grant funds under this section in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for mid-life and older individuals; and

(C) identify which programs may be replicated.

(3) ANNUAL REPORTS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the status of the grant program under this section, a description of the programs provided with grant funds under this section, and the results of the evaluation of such programs under paragraph (2).

SEC. 4. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote financial education; and

(2) provide training and other related assistance regarding the establishment of financial education programs to eligible entities awarded a grant under section 3.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is a national nonprofit organization with substantial experience in the field of financial education.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(d) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 5 years.

SEC. 5. DEFINITIONS.

In this Act:

(1) FINANCIAL EDUCATION.—The term ''financial education'' means education that promotes an understanding of consumer, economic, and personal finance concepts, including saving for retirement, long-term care, and estate planning and education on predatory lending and financial abuse schemes.

(2) MID-LIFE INDIVIDUAL.—The term ''mid-life individual'' means an individual aged 45 to 64 years.

(3) OLDER INDIVIDUAL.—The term ''older individual'' means an individual aged 65 or older.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, $100,000,000 for each of the fiscal years 2003 through 2007.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than $200,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 3(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 328—DESIGNATING THE WEEK ON SEPTEMBER 22 THROUGH SEPTEMBER 28, 2002, AS ''NATIONAL PARENTS WEEK''

Mr. DEWINE (for himself and Mr. VOINOVICH) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 328

Whereas parents play an indispensable role in the rearing of their children;

Whereas good parenting is a time consuming, emotionally demanding task that is essential not only to the health of a household but to the well-being of our Nation;

Whereas without question, the future of our Nation depends largely upon the willingness of mothers and fathers, however busy or

distracted, to embrace their parental responsibilities and to vigilantly watch over and guide the lives of their children;

Whereas mothers and fathers must strive tirelessly to raise children in an atmosphere of decency, discipline, and devotion, where encouragement abounds and where kindness, affection, and cooperation are in plentiful supply;

Whereas the journey into adulthood can be perilous and lonely for a child without stability, direction, and emotional support;

Whereas children benefit enormously from parents with whom they feel safe, secure, and valued, and in an environment where parent and child alike can help one another achieve joy and fulfillment on a variety of levels; and

Whereas a safe and secure domestic climate contributes significantly to a child's development into a healthy, well-adjusted adult, and it is imperative that the general population not underestimate the favorable impact that positive parenting can have on society as a whole: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 22 through September 28, 2002, as ''National Parents Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. DEWINE. Madam President, I rise today to join my friend and colleague from Ohio, Senator VOINOVICH, to submit a resolution designating September 22 through September 28, as ''National Parents Week.''

As proud parents of eight children and now seven grandchildren, my wife, Fran, and I know that our Nation's future is in the hands of all children. To safeguard this future, parents must fulfill many demanding responsibilities. They must teach their children values, participate in their education, encourage their dreams, and comfort them in times of need. As any parent knows, this is not easy. It takes dedication, constant attention, and unconditional love. This resolution serves as a ''thank you'' to all parents across the nation working hard, day after day, to provide for their children emotionally, physically, spiritually, and materially.

It is very common today for a single parent to be solely tasked with the responsibility for raising his or her children. This month we have all remembered the over 100 babies who were born to widowed mothers after the tragic events of September 11, babies who will never know their fathers. We've also remembered the countless children who have been left fatherless or motherless due these events. Indeed, these single parents have an extremely challenging job ahead.

Studies indicate that children in families maintained by one parent face more challenges and are more likely than children raised in two-parent homes to do poorly in school, have emotional and behavioral problems, become teenage parents, and have poverty-level incomes as adults. These frightening facts, once again, show us that strong parental involvement is vital to children's development and long-term success.

Knowing the many risks kids face today, parents are increasingly getting involved in their children's lives from talking with them about drugs to making sure their homework is done to getting to know their child's friends and teachers. This resolution is important to let parents know that we are grateful to them and support them in their tasks. Parenthood is, at minimum, an eighteen-year full-time job, and takes unending commitment to ensure a bright and promising future for our country's children. And so today, I thank parents on behalf of a grateful Nation.

SENATE CONCURRENT RESOLUTION 142—EXPRESSING SUPPORT FOR THE GOALS AND IDEAS OF A DAY OF TRIBUTE TO ALL FIREFIGHTERS WHO HAVE DIED IN THE LINE OF DUTY AND RECOGNIZING THE IMPORTANT MISSION OF THE FALLEN FIREFIGHTERS FOUNDATION IN ASSISTING FAMILY MEMBERS TO OVERCOME THE LOSS OF THE FALLEN HEROES

Mr. SMITH of Oregon submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 142

Whereas for over 350 years the Nation's firefighters have dedicated their lives to the safety of their fellow Americans;

Whereas throughout the Nation's history many firefighters have fallen in the line of duty, leaving behind family members and friends who have grieved their untimely losses;

Whereas these individuals served with pride and honor as volunteer and career firefighters;

Whereas until 1980 there was not a tribute to honor these heroes for their acts of valor or a support system to help the families of these heroes rebuild their lives;

Whereas in 1992 Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember the Nation's fallen firefighters through a variety of activities;

Whereas each year the National Fallen Firefighters Foundation hosts an annual memorial service to honor the memory of all firefighters who die in the line of duty and to bring support and counseling to their families;

Whereas in 2002 the memorial service will take place on October 5 and 6;

Whereas 445 fallen firefighters, including firefighters from nearly every State, will be honored in 2002; and

Whereas many of the family members of these firefighters are expected to attend the memorial service: Now, therefore, be it.

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizes the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

SENATE CONCURRENT RESOLUTION 143—DESIGNATING OCTOBER 6, 2002, THROUGH OCTOBER 12, 2002, AS ''NATIONAL 4–H YOUTH DEVELOPMENT PROGRAM WEEK''

Mr. INHOFE (for himself, Mrs. CARNAHAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. BREAUX, Mrs. LINCOLN, Mr. LIEBERMAN, Ms. STABENOW, Mr. BIDEN, Mr. CLELAND, Mr. JOHNSON, Mr. MILLER, Mr. NELSON of Nebraska, Mr. EDWARDS, Mr. BAUCUS, Mr. REED, Mrs. MURRAY, Mr. BAYH, Mr. BOND, Mr. HAGEL, Mr. THURMOND, Mr. HELMS, Mr. BROWNBACK, Mr. ALLEN, Ms. COLLINS, Mr. STEVENS, Mr. ALLARD, Mr. THOMAS, Mr. CRAIG, Mr. MURKOWSKI, Mr. LUGAR, Mr. FRIST, Mr. NICKLES, Mr. BUNNING, Mrs. HUTCHISON, Mr. FITZGERALD, Mr. WARNER, Mr. ROBERTS, Mr. SHELBY, Mr. LOTT, Mr. CRAPO, Mr. GRASSLEY, Mr. SESSIONS, Mr. DEWINE, and Mr. COCHRAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 143

Whereas the 4–H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas members of the 4–H Youth Development Program pledge their **H**eads to clearer thinking, their **H**earts to greater loyalty, their **H**ands to larger service, and their **H**ealth to better living for the club, the community, the country, and the world;

Whereas the 4–H Youth Development Program sponsors clubs in rural and urban areas throughout the world;

Whereas 4–H Clubs have grown to over 5,600,000 annual participants ranging from 5 to 19 years of age;

Whereas 4–H Clubs strengthen families and communities;

Whereas 4–H Clubs foster leadership and volunteerism for youth and adults;

Whereas 4–H Clubs build internal and external partnerships for programming and resource development;

Whereas today's 4–H Clubs are very diverse, offering projects relating to citizenship and civic education, communications and expressive arts, consumer and family sciences, environmental education and earth sciences, healthy lifestyle education, personal development and leadership, plants, animals, and science and technology; and

Whereas the 4–H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

Resolved, By the Senate (the House of Representatives concurring),

(1) recognizes the 100th anniversary of the 4–H Youth Development Program;

(2) commends such program for service to the youth of the world;

(3) designates October 6, 2002, through October 12, 2002, as ''National 4–H Youth Development Program Week''; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe ''National 4–H Youth Development Program Week'' with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4679. Mr. INOUYE (for himself, Mr. FEINGOLD, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4565 submitted by Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. CARPER) and intended to be proposed to the amendment SA 4471 proposed by

Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4680. Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. AKAKA, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4681. Mr. LEVIN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4682. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4683. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4684. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4685. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4686. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4687. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4688. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4689. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4690. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4691. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4692. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4693. Mr. HATCH proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4694. Mr. LIEBERMAN (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

TEXT OF AMENDMENTS

SA 4679. Mr. INOUYE (for himself, Mr. FEINGOLD, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4565 submitted by Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. CARPER) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, insert ''**TRIBAL,**'' after ''**STATE**''.

On page 1, line 6, insert '', Tribal,'' after ''State''.

On page 1, line 9, insert '', tribal,'' after ''State''.

On page 2, line 4, strike ''State and local government'' and insert ''State, tribal, and local governments''.

On page 2, line 6, strike ''State and local government'' and insert ''State, tribal, and local governments''.

On page 2, line 8, strike ''State and local government'' and insert ''State, tribal, and local governments''.

On page 2, line 12, strike ''State and local government'' and insert ''State, tribal, and local governments''.

On page 2, line 16, insert '', tribal,'' after ''State''.

On page 2, line 17, insert ''and in each regional office of the Bureau of Indian Affairs'' after ''States''.

On page 2, line 24, insert '', tribal,'' after ''State''.

On page 3, line 2, insert '', tribal,'' after ''State''.

On page 3, line 5, insert '', tribal,'' after ''State''.

On page 3, strike lines 9 and 10 and insert the following:

of Department priorities—

(i) within each State and Indian tribe;

(ii) between States;

(iii) between Indian tribes; and

(iv) between States and Indian tribes.

On page 3, line 13, insert ''and for each regional office of the Bureau of Indian Affairs'' after ''Columbia''.

On page 3, line 16, insert '', or for Indian tribes covered by that regional office of the Bureau of Indian Affairs, as the case may be'' after ''District''.

On page 3, line 19, insert '', tribal,'' after ''State''.

On page 3, line 24, insert '', tribal,'' after ''State''.

On page 4, line 6, insert '', tribal,'' after ''State''.

On page 4, line 10, insert '', tribal,'' after ''State''.

On page 4, line 14, insert '', tribal,'' after ''State''.

On page 4, line 16, insert '', tribal,'' after ''State''.

On page 4, line 23, insert '', tribal,'' after ''State''.

On page 5, line 2, insert '', tribal,'' after ''State''.

On page 5, line 4, insert '', tribal,'' after ''State''.

On page 5, line 8, insert ''and Indian tribes'' after ''States''.

On page 5, line 13, insert '', TRIBAL,'' after ''STATE,''.

On page 5, line 17, insert '', Tribal,'' after ''State''.

On page 5, line 23, insert '', tribal,'' after ''State''.

On page 6, line 1, insert '', tribal,'' after ''State''.

On page 6, line 21, insert '', Tribal,'' after ''State''.

On page 9, line 14, insert '', tribal,'' after ''State''.

SA 4680. Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. AKAKA, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment insert the following:

TITLE VI—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 601. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation'';

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(3) by adding at the end the following:

''(C) a disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

''(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

''(III) an employee of the executive branch or Congress who has the appropriate security

clearance for access to the information disclosed.''.

(b) COVERED DISCLOSURES.—Section 2302(b) of title 5, United States Code, is amended—

(1) in the matter following paragraph (12), by striking ''This subsection'' and inserting the following:

''This subsection''; and

(2) by adding at the end the following:

''In this subsection, the term 'disclosure' means a formal or informal communication or transmission.''.

(c) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by adding after the matter following paragraph (12) (as amended by subsection (b) of this section) the following:

''For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence.''.

(d) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or determination relating to a security clearance;

''(xiii) an investigation of an employee or applicant for employment because of any activity protected under this section; and''.

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

'' 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.'; or

''(14) conduct, or cause to be conducted, an investigation of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance, the Merit Systems Protection Board or a court—

''(1) shall determine whether section 2302 was violated;

''(2) may not order the President to restore a security clearance; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance was made in violation of section 2302, the affected agency shall conduct a review of that suspension, revocation, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, or other determination was made in violation of section 2302, the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, or other determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance.

''(c) An allegation that a security clearance was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(e) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

''(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(f) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(g) COMPENSATORY DAMAGES.—Section 1214(g)(2) of title 5, United States Code, is amended by inserting ''compensatory or'' after ''forseeable''.

(h) DISCIPLINARY ACTION.—Section 1215 of title 5, United States Code, is amended in subsection (a), by striking paragraph (3) and inserting the following:

''(3)(A) A final order of the Board may impose disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $1000.

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under section 2303(b)(8) or (9), the Board shall impose disciplinary action if the Board finds that protected activity was a significant motivating factor in the decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

(i) DISCLOSURES TO CONGRESS.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f) Each agency shall establish a process that provides confidential advice to employees on making a lawful disclosure to Congress of information that is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.''.

(j) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.''.

(2) JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

''(e)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on February 1, 2003, this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition

is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.''.

(k) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking paragraph (1) and inserting the following:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on February 1, 2003, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit or the United States Court of Appeals for the circuit in which the petitioner resides. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703 of title 5, United States Code, is amended by striking subsection (d) and inserting the following:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on February 1, 2003, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in any appellate court of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(l) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SA 4681. Mr. LEVIN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRIVATE SECURITY OFFICERS RECORD REVIEWS.

(a) FINDINGS.—Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

(b) DEFINITIONS.—In this section:

(1) EMPLOYEE.—The term ''employee'' includes both a current employee and an applicant for employment as a private security officer.

(2) AUTHORIZED EMPLOYER.—The term ''authorized employer'' means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) PRIVATE SECURITY OFFICER.— The term ''private security officer''—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes; but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term ''security services'' means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term ''State identification bureau'' means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

(c) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

(1) IN GENERAL.—

(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this section.

(B) EMPLOYEE RIGHTS.—

(i) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this section.

(ii) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this section.

(C) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this section, submitted through the State identification bureau of a participating State, the Attorney General shall—

(i) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(ii) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(D) USE OF INFORMATION.—

(i) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in clause (ii).

(ii) TERMS.—In the case of—

(I) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(II) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this section in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(E) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this section, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, and destruction of information and audits, and recordkeeping;

(B) standards for qualification as an authorized employer; and

(C) the imposition of reasonable fees necessary for conducting the background checks.

(3) CRIMINAL PENALTY.—Whoever falsely certifies that he meets the applicable standards for an authorized employer or who knowingly and intentionally uses any information obtained pursuant to this section other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(4) USER FEES.—

(A) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(i) collect fees pursuant to regulations promulgated under paragraph (2) to process background checks provided for by this section;

(ii) notwithstanding the provisions of section 3302 of title 31, United States Code, retain and use such fees for salaries and other expenses incurred in providing such processing; and

(iii) establish such fees at a level to include an additional amount to remain available until expended to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(B) STATE COSTS.—Nothing in this section shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this section.

(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this section by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this paragraph.

SA 4682. Mr. GREGG (for himself and Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SEC. ___. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Emergency Preparedness and Response shall be responsible for the following:

(1) Carrying out all nonterrorism emergency preparedness activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(2) Carrying out all terrorism and other hazard response activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(3) Creating a National Crisis Action Center to act as the focal point for—

(A) monitoring emergencies;

(B) notifying affected agencies and State and local governments; and

(C) coordinating Federal support for State and local governments and the private sector in crises.

(4) Managing and updating the Federal response plan to ensure the appropriate integration of operational activities of the Department of Defense, the National Guard, and other agencies, to respond to acts of terrorism and other disasters.

(5) Coordinating activities among private sector entities, including entities within the medical community, and animal health and plant disease communities, with respect to recovery, consequence management, and planning for continuity of services.

(6) Developing and managing a single response system for national incidents in coordination with all appropriate agencies.

(7) Coordinating with other agencies necessary to carry out the functions of the Office of Emergency Preparedness.

(8) Collaborating with, and transferring funds to, the Centers for Disease Control and Prevention or other agencies for administration of the Strategic National Stockpile transferred under subsection (c)(6).

(9) Consulting with the Under Secretary for Science and Technology, Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention in establishing and updating the list of potential threat agents or toxins relating to the functions of the Select Agent Registration Program transferred under subsection (c)(7).

(10) Developing a plan to address the interface of medical informatics and the medical response to terrorism that address—

(A) standards for interoperability;

(B) real-time data collection;

(C) ease of use for health care providers;

(D) epidemiological surveillance of disease outbreaks in human health and agriculture;

(E) integration of telemedicine networks and standards;

(F) patient confidentiality; and

(G) other topics pertinent to the mission of the Department.

(11) Activate and coordinate the operations of the National Disaster Medical System as defined under section 102 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(12) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be maintained and strengthened by the Department, which shall be maintained as a distinct entity within the Department, except that those elements of the Office of National Preparedness of the Federal Emergency Management Agency that relate to terrorism shall be transferred to the Office of Domestic Preparedness established under this section.

(2) The National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice.

(3) The Office of Domestic Preparedness of the Department of Justice.

(4) Those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(5) The Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services, including—

(A) the Noble Training Center;

(B) the Metropolitan Medical Response System;

(C) the Department of Health and Human Services component of the National Disaster Medical System;

(D) the Disaster Medical Assistance Teams, the Veterinary Medical Assistance Teams, and the Disaster Mortuary Operational Response Teams;

(E) the special events response; and

(F) the citizen preparedness programs.

(6) The Strategic National Stockpile of the Department of Health and Human Services including all functions and assets under sections 121 and 127 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(7) The functions of the Select Agent Registration Program of the Department of Health and Human Services and the United States Department of Agriculture, including all functions of the Secretary of Health and Human Services and the Secretary of Agriculture under sections 201 through 221 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(d) OFFICE FOR DOMESTIC PREPAREDNESS.—

(1) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(2) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(3) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(A) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(B) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(C) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(D) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(E) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(F) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(G) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States; and

(H) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(4) FISCAL YEARS 2003 AND 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(5) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress on the status of a national medical informatics system and an agricultural disease surveillance system, and the capacity of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

(f) PREEMPTED PROVISIONS.—Notwithstanding any other provision of this Act, including any effective date provision, section 134 shall not take effect.

SA 4683. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. ___. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Emergency Preparedness and Response shall be responsible for the following:

(1) Carrying out all nonterrorism emergency preparedness activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(2) Carrying out all terrorism and other hazard response activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(3) Creating a National Crisis Action Center to act as the focal point for—

(A) monitoring emergencies;

(B) notifying affected agencies and State and local governments; and

(C) coordinating Federal support for State and local governments and the private sector in crises.

(4) Managing and updating the Federal response plan to ensure the appropriate integration of operational activities of the Department of Defense, the National Guard, and other agencies, to respond to acts of terrorism and other disasters.

(5) Coordinating activities among private sector entities, including entities within the medical community, and animal health and plant disease communities, with respect to recovery, consequence management, and planning for continuity of services.

(6) Developing and managing a single response system for national incidents in coordination with all appropriate agencies.

(7) Coordinating with other agencies necessary to carry out the functions of the Office of Emergency Preparedness.

(8) Collaborating with, and transferring funds to, the Centers for Disease Control and Prevention or other agencies for administration of the Strategic National Stockpile transferred under subsection (c)(6).

(9) Consulting with the Under Secretary for Science and Technology, Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention in establishing and updating the list of potential threat agents or toxins relating to the functions of the Select Agent Registration Program transferred under subsection (c)(7).

(10) Developing a plan to address the interface of medical informatics and the medical response to terrorism that address—

(A) standards for interoperability;

(B) real-time data collection;

(C) ease of use for health care providers;

(D) epidemiological surveillance of disease outbreaks in human health and agriculture;

(E) integration of telemedicine networks and standards;

(F) patient confidentiality; and

(G) other topics pertinent to the mission of the Department.

(11) Activate and coordinate the operations of the National Disaster Medical System as defined under section 102 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(12) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be maintained and strengthened by the Department, which shall be maintained as a distinct entity within the Department, except that those elements of the Office of National Preparedness of the Federal Emergency Management Agency that relate to terrorism shall be transferred to the Office of Domestic Preparedness established under this section.

(2) The National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice.

(3) The Office of Domestic Preparedness of the Department of Justice.

(4) Those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(5) The Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services, including—

(A) the Noble Training Center;

(B) the Metropolitan Medical Response System;

(C) the Department of Health and Human Services component of the National Disaster Medical System;

(D) the Disaster Medical Assistance Teams, the Veterinary Medical Assistance Teams, and the Disaster Mortuary Operational Response Teams;

(E) the special events response; and

(F) the citizen preparedness programs.

(6) The Strategic National Stockpile of the Department of Health and Human Services including all functions and assets under sections 121 and 127 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(7) The functions of the Select Agent Registration Program of the Department of Health and Human Services and the United States Department of Agriculture, including

all functions of the Secretary of Health and Human Services and the Secretary of Agriculture under sections 201 through 221 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(d) OFFICE FOR DOMESTIC PREPAREDNESS.—

(1) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(2) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(3) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(A) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(B) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(C) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(D) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(E) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(F) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(G) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States; and

(H) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(4) FISCAL YEARS 2003 AND 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(5) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress on the status of a national medical informatics system and an agricultural disease surveillance system, and the capacity of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

(f) PREEMPTED PROVISIONS.—Notwithstanding any other provision of this Act, including any effective date provision, section 134 shall not take effect.

SA 4684. Mr. GREGG (for himself, Mr. HOLLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUYE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Emergency Preparedness and Response shall be responsible for the following:

(1) Carrying out all nonterrorism emergency preparedness activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(2) Carrying out all terrorism and other hazard response activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(3) Creating a National Crisis Action Center to act as the focal point for—

(A) monitoring emergencies;

(B) notifying affected agencies and State and local governments; and

(C) coordinating Federal support for State and local governments and the private sector in crises.

(4) Managing and updating the Federal response plan to ensure the appropriate integration of operational activities of the Department of Defense, the National Guard, and other agencies, to respond to acts of terrorism and other disasters.

(5) Coordinating activities among private sector entities, including entities within the medical community, and animal health and plant disease communities, with respect to recovery, consequence management, and planning for continuity of services.

(6) Developing and managing a single response system for national incidents in coordination with all appropriate agencies.

(7) Coordinating with other agencies necessary to carry out the functions of the Office of Emergency Preparedness.

(8) Collaborating with, and transferring funds to, the Centers for Disease Control and Prevention or other agencies for administration of the Strategic National Stockpile transferred under subsection (c)(6).

(9) Consulting with the Under Secretary for Science and Technology, Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention in establishing and updating the list of potential threat agents or toxins relating to the functions of the Select Agent Registration Program transferred under subsection (c)(7).

(10) Developing a plan to address the interface of medical informatics and the medical response to terrorism that address—

(A) standards for interoperability;

(B) real-time data collection;

(C) ease of use for health care providers;

(D) epidemiological surveillance of disease outbreaks in human health and agriculture;

(E) integration of telemedicine networks and standards;

(F) patient confidentiality; and

(G) other topics pertinent to the mission of the Department.

(11) Activate and coordinate the operations of the National Disaster Medical System as defined under section 102 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(12) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be maintained and strengthened by the Department, which shall be maintained as a distinct entity within the Department, except that those elements of the Office of National Preparedness of the Federal Emergency Management Agency that relate to terrorism shall be transferred to the Office of Domestic Preparedness established under this section.

(2) The National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice.

(3) The Office of Domestic Preparedness of the Department of Justice.

(4) Those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section.

(5) The Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services, including—

(A) the Noble Training Center;

(B) the Metropolitan Medical Response System;

(C) the Department of Health and Human Services component of the National Disaster Medical System;

(D) the Disaster Medical Assistance Teams, the Veterinary Medical Assistance Teams, and the Disaster Mortuary Operational Response Teams;

(E) the special events response; and

(F) the citizen preparedness programs.

(6) The Strategic National Stockpile of the Department of Health and Human Services including all functions and assets under sections 121 and 127 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(7) The functions of the Select Agent Registration Program of the Department of Health and Human Services and the United States Department of Agriculture, including all functions of the Secretary of Health and Human Services and the Secretary of Agriculture under sections 201 through 221 of the Public Health Security and Bioterrorism

Preparedness and Response Act of 2002 (Public Law 107–188).

(d) OFFICE FOR DOMESTIC PREPAREDNESS.—

(1) ESTABLISHMENT.—There is established within the Directorate of Emergency Preparedness and Response the Office for Domestic Preparedness.

(2) DIRECTOR.—There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Emergency Preparedness and Response.

(3) RESPONSIBILITIES.—The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(A) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(B) in keeping with intelligence estimates, working to ensure adequate strategic and operational planning, equipment, training, and exercise activities at all levels of government;

(C) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(D) directing and supervising terrorism preparedness grant programs of the Federal Government for all emergency response providers;

(E) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(F) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(G) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States; and

(H) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(4) FISCAL YEARS 2003 AND 2004.—During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(5) REPORT.—Not later than the submission of the fiscal year 2005 budget request, the Secretary shall submit to Congress a detailed report containing a comprehensive, independent analysis, and recommendations addressing whether there should be a single office within the Department responsible for the domestic preparedness of the United States for all hazards, including terrorism and natural disasters. The analysis shall include an examination of the advantages, disadvantages, costs, and benefits of creating a single office for all hazards preparedness within the Department.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress on the status of a national medical informatics system and an agricultural disease surveillance system, and the capacity of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

(f) PREEMPTED PROVISIONS.—Notwithstanding any other provision of this Act, including any effective date provision, section 134 shall not take effect.

SA 4685. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. ___

(a) FINDINGS.—Congress finds that:

(1) In 2002 approximately six and one half million acres of forest lands in the United States have burned, 21 people have lost their lives, and 3,079 structures have been destroyed. The Forest Service and the Bureau of Land Management have spent more than $1 billion fighting these fires.

(2) 73 million acres of public lands are classified as class 3 fire risks. This includes 23 million acres that are in strategic areas designated by the Forest Service and the Department of the Interior for emergency treatment to withstand catastrophic fire.

(3) The forest management policy of fire suppression has resulted in an accumulation of fuel loads, dead and dying trees, and nonnative species that creates fuel ladders which allow fires to reach the crowns of large old trees and cause catastrophic fire.

(4) The Forest Service and the Department of Interior should immediately undertake an emergency forest grooming program to reduce the risk of catastrophic fire.

(b) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior shall conduct immediately and to completion projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, FY 2001 (H. Rept. 106–646) to reduce hazardous fuels. Any project carried out pursuant to this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(c) PRIORITY.—In implementing projects under this section, the Secretary of Agriculture and the Secretary of the Interior shall give highest priority to—

(1) wildland urban interface areas;

(2) municipal watersheds; or

(3) forested or rangeland areas affected by disease, insect activity, wind throw, or areas subject to catastrophic reburn

(d) ACREAGE LIMITATION.—In implementing this section, the Secretary of Agriculture and the Secretary of the Interior shall treat an aggregate area of not more than 2.5 million acres of federal land. This amount is in addition to the existing hazardous fueled reduction program that treats approximately 2.5 million acres each year.

(e) PROCESS.—The Secretary of Agriculture and the Secretary of the Interior shall jointly develop a collaborative process with interested parties consistent with the Implementation Plan described in subsection (b) for the selection of projects carried out under this section consistent with subsection (c). Such collaborative process may be the process set forth in title II of the Secure Rural Schools and Community Self-Determination Act, Public Law 106–393.

(f) ADMINISTRATIVE PROCESS.—

(1) REVIEW.—Projects implemented pursuant to subsection (h) shall not be subject to the appeal requirements of the Appeals Reform Act (section 322 of Public Law 102–381) or review by the Department of the Interior Board of Lands Appeals. Nothing in this section affects projects for which scoping has begun prior to enactment of this Act.

(2) REGULATIONS.—The Secretary of Agriculture and the Secretary of the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

(g) CONCLUSIVE PRESUMPTION.—Within—

(1) one-half mile of any community; or

(2) key municipal watersheds identified in forest plans in which National Environmental Policy Act documentation and analysis has been completed and no new road construction is allowed, no timber sales are allowed, and no log skidding machines are allowed, unless there are extraordinary circumstances, hazardous fuels reduction actions authorized by subsection (h) are conclusively determined to be categorically excluded from further analysis under the National Environmental Policy Act, and the Secretary of Agriculture or the Secretary of the Interior, as appropriate, need not make any findings as to whether the projects individually or cumulatively have a significant effect on the human environment. This conclusive determination shall apply in any judicial proceeding brought to enforce the National Environmental Policy Act pursuant to this section.

(h) CATEGORICAL EXCLUSIONS.—(1) Subject to paragraph (2), until September 30, 2003, the Secretary of Agriculture and the Secretary of the Interior may categorically exclude a proposed hazardous fuels reduction action, including prescribed fire, from documentation in an environmental impact statement or environmental assessment if the proposed hazardous fuels reduction action is located on lands identified as condition class 3 as determined by the Secretary of Agriculture and the Secretary of the Interior and pursuant to scientific mapping surveys and removes no more than 250,000 board feet of merchantable wood products or removes as salvage 1,000,000 board feet or less of merchantable wood products and assures regeneration of harvested or salvaged areas.

(2) Scoping is required on all actions proposed pursuant to this subsection.

(i) EXTRAORDINARY CIRCUMSTANCES.—For all projects implemented pursuant to this section, if there are extraordinary circumstances, the Secretary of Agriculture and the Secretary of the Interior shall follow agency procedures related to categorical exclusions and extraordinary circumstances.

(j) REDUCE FIRE RISK.—In order to ensure that the agencies are implementing projects that reduce the risk of unnaturally intense wildfires, the Secretary of Agriculture and the Secretary of the Interior—

(1) shall not construct new roads in any inventoried roadless areas part of any project implemented pursuant to this section;

(2) shall, at their discretion, maintain an ecologically sufficient number of old and large trees appropriate for each ecosystem type and shall focus on thinning from below

for all projects implemented pursuant to this section;

(3) for projects involving key municipal watersheds, must protect or enhance water quality or water quantity available in the area; and

(4) must deposit in the Treasury of the United States all revenues and receipts generated from projects implemented pursuant to this section.

(k) HAZARDOUS FUELS REDUCTION FUNDING FOCUS.—In order to focus hazardous fuels reduction activities on the highest priority areas where critical issues of human safety and property loss are the most serious and within key municipal watersheds identified in forest plans, the Secretary of Agriculture and the Secretary of the Interior shall expend all of the hazardous fuels operations funds provided in this Act only on projects in areas identified as condition class 3 as defined in subsection (h) and at least seventy percent of the hazardous fuels operations funds provided in this Act only on projects within one-half mile of any community or within key municipal watersheds identified in forest plans. Nothing in this subsection will affect projects for which scoping has begun prior to enactment of this Act.

(l) COMMUNITIES.—At least ten percent of the hazardous fuels operations funds provided in this Act shall be spent on projects that benefit small businesses that uses hazardous fuels and are located in small, economically disadvantaged communities.

(m) MONITORING.—(1) The Secretary of Agriculture and the Secretary of the Interior shall establish a multiparty monitoring process in order to assess a representative sampling of the projects implemented pursuant to this section.

(2) Funds to implement this subsection shall be derived from hazardous fuels reduction funds.

SA 4686. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) RULES FOR APPLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term ''expanded affiliated group'' means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting ''more than 50 percent'' for ''at least 80 percent'' each place it appears.

(3) FOREIGN INCORPORATED ENTITY.—The term ''foreign incorporated entity'' means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms ''person'', ''domestic'', and ''foreign'' have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

SA 4687. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(c) INSPECTIONS.—The Under Secretary for Immigration Affairs shall assign officers with expertise and training in immigration and nationality law to all high volume ports of entry in the United States to assist in the inspection of applicants for entry to the United States. For other ports of entry, the Under Secretary shall take steps to ensure that such officers participate in the inspections process. Such officers shall ensure that the inspections policies and procedures regarding applicants for entry to the United States are consistent with the immigration and nationality laws of the United States.

(d) TRAINING FOR BORDER PATROL AND INSPECTORS.—The Under Secretary for Immigration Affairs, in consultation with the Under Secretary for Border and Transportation Protection, will provide timely and ongoing training in immigration and nationality law to personnel performing the border patrol and inspections functions in the Border and Transportation Protection Directorate.

SA 4688. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XIII and insert the following:

TITLE XIII—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

SEC. 1301. ESTABLISHMENT.

(a) IN GENERAL.—There is within the Department of Justice the Executive Office for Immigration Review.

(b) STATUTORY CONSTRUCTION.—Nothing in title XI, or any amendment made by that title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by, the Executive Office for Immigration Review of the Department of Justice, or any officer, employee, or component thereof, immediately prior to the effective date of title XI.

SEC. 1302. DIRECTOR OF THE AGENCY.

(a) APPOINTMENT.—There shall be at the head of the Executive Office for Immigration Review a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) OFFICES.—The Director shall appoint a Deputy Director, General Counsel, Pro Bono Coordinator, and other offices as may be necessary to carry out this title.

(c) RESPONSIBILITIES.—The Director shall—

(1) administer the Executive Office for Immigration Review and be responsible for the promulgation of rules and regulations affecting the agency; and

(2) appoint and fix the compensation of attorneys, clerks, administrative assistants, and other personnel as may be necessary.

SEC. 1303. BOARD OF IMMIGRATION APPEALS.

(a) IN GENERAL.—The Board of Immigration Appeals (in this title referred to as the ''Board'') shall perform the appellate functions of the Executive Office for Immigration Review. The Board shall consist of a Chair and not less than 14 other immigration appeals judges.

(b) APPOINTMENT.—Members of the Board shall be appointed by the Attorney General, in consultation with the Director and the Chair of the Board of Immigration Appeals.

(c) QUALIFICATIONS.—The Chair and each other Member of the Board shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of pertinent legal expertise.

(d) JURISDICTION.—

(1) IN GENERAL.—The Board shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the Board of Immigration Appeals (as in effect under the Executive Office of Immigration Review).

(2) DE NOVO REVIEW.—The Board shall have de novo review of any decision by an immigration judge, including any final order of removal.

(e) INDEPENDENCE OF BOARD MEMBERS.—The Members of the Board shall exercise their independent judgment and discretion in the cases coming before the Board.

(f) REFERRAL OF CASES TO THE ATTORNEY GENERAL.—

(1) IN GENERAL.—The Board shall refer to the Attorney General for review of any case that—

(A) the Attorney General directs the Board to refer to the Attorney General;

(B) the Chairman or a majority of the Board believes should be referred to the Attorney General for review; or

(C) the Under Secretary of Homeland Security for Immigration Affairs requests be referred to the Attorney General for review.

(2) DECISION OF THE ATTORNEY GENERAL.—In any case in which the Attorney General reviews the decision of the Board, the decision of the Attorney General shall be stated in writing and shall be transmitted to the Board for transmittal and service as provided by regulations.

SEC. 1304. CHIEF IMMIGRATION JUDGE.

(a) ESTABLISHMENT OF OFFICE.—There shall be within the Executive Office for Immigration Review the position of Chief Immigration Judge, who shall administer the immigration courts.

(b) DUTIES OF THE CHIEF IMMIGRATION JUDGE.—The Chief Immigration Judge shall be responsible for the general supervision, direction, and procurement of resource and facilities and for the general management of immigration court dockets.

(c) APPOINTMENT OF IMMIGRATION JUDGES.—Immigration judges shall be appointed by the Attorney General, in consultation with the Director and the Chief Immigration Judge.

(d) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of pertinent legal expertise.

(e) JURISDICTION AND AUTHORITY OF IMMIGRATION COURTS.—The immigration courts shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the immigration courts within the Executive Office for Immigration Review of the Department of Justice.

(f) INDEPENDENCE OF IMMIGRATION JUDGES.—The immigration judges shall exercise their independent judgment and discretion in the cases coming before the Immigration Court.

SEC. 1305. CHIEF ADMINISTRATIVE HEARING OFFICER.

(a) ESTABLISHMENT OF POSITION.—There shall be within the Executive Office for Immigration Review the position of Chief Administrative Hearing Officer.

(b) DUTIES OF THE CHIEF ADMINISTRATIVE HEARING OFFICER.—The Chief Administrative Hearing Officer shall hear cases brought under sections 274A, 274B, and 274C of the Immigration and Nationality Act.

SEC. 1306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Executive Office for Immigration Review such sums as may be necessary to carry out this title.

SA 4689. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In section 301, subsection h, by striking ''(2) The'' and replacing it with ''(2) Except as provided in paragraph (3), the'' and by adding a new paragraph, following the paragraph numbered (2), to read as follows: ''(3) Notwithstanding any other provision of law, the Secretary of the Department of Treasury shall be responsible for all of the activities related to the collection of tax and revenue, promulgation of regulations, and assessment of penalties related to alcohol and tobacco. The authorities, functions, personnel and assets of Department of Treasury employees engaged in the collection of tax and revenue, promulgation of regulations, and assessment of penalties related to alcohol and tobacco at the time of enactment of this legislation shall be retained within the Department of Treasury, but employees engaged in the criminal investigation of violations of laws related to alcohol and tobacco shall be transferred to the Department of Justice in accordance with sections 201 and 301 of this act.''

SA 4690. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE ____—DISASTER RELIEF AND EMERGENCY ASSISTANCE

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Homeland Security Block Grant Act of 2002''.

SEC. ____02. FINDINGS.

Congress makes the following findings:

(1) In the wake of the September 11, 2001, terrorist attacks on our country, communities all across American now find themselves on the front lines in the war against terrorism on United States soil.

(2) We recognize that these communities will be forced to shoulder a significant portion of the burden that goes along with that responsibility. We believe that local governments should not have to bear that responsibility alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

SEC. ____03. DEFINITIONS.

(a) DEFINITIONS.—In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Federal Emergency Management Agency (FEMA).

(2) CITY.—The term ''city'' means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Director—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(3) FEDERAL GRANT-IN-AID PROGRAM.—The term ''Federal grant-in-aid program'' means a program of Federal financial assistance other than loans and other than the assistance provided by this title.

(4) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(5) METROPOLITAN AREA.—The term ''metropolitan area'' means a standard metropolitan statistical area as established by the Office of Management and Budget.

(6) METROPOLITAN CITY.—

(A) IN GENERAL.—The term ''metropolitan city'' means—

(i) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(ii) any other city, within a metropolitan area, which has a population of fifty thousand or more.

(B) PERIOD OF CLASSIFICATION.—Any city that was classified as a metropolitan city for at least 2 years pursuant to subparagraph (A) shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Director, defer its classification as a metropolitan city for all purposes under this title, if it elects to have its population included in an urban county under subsection (d).

(C) ELECTION BY A CITY.—Notwithstanding subparagraph (B), a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Director, relinquish such classification for all purposes under this title if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section ____05(e) as an urban county.

(7) NONQUALIFYING COMMUNITY.—The term ''nonqualifying community'' means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(8) POPULATION.—The term ''population'' means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(9) STATE.—The term ''State'' means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(10) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Director; and the District of Columbia.

(11) URBAN COUNTY.—The term ''urban county'' means any county within a metropolitan area.

(b) BASIS AND MODIFICATION OF DEFINITIONS.—Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Director may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) DESIGNATION OF PUBLIC AGENCIES.—One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of general local government to undertake activities assisted under this title.

(d) LOCAL GOVERNMENTS, INCLUSION IN URBAN COUNTY POPULATION.—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2002 under section ____04, the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(11) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such three-year period.

(e) URBAN COUNTY.—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county, of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Director, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Director, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).

SEC. ____04. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

The Director, working in consultation with the Attorney General is authorized to make grants to States, units of general local government, and Indian tribes to carry out activities in accordance with the provisions of this title. For purposes of assistance under section ____07, there is authorized to be appropriated $3,000,000,000 for each of fiscal years 2003 through 2006, and such additional sums as are authorized thereafter. For purposes of assistance under section ____08, there is authorized to be appropriated $500,000,000 in fiscal year 2003, and such sums as are authorized thereafter.

SEC. ____05. STATEMENT OF ACTIVITIES AND REVIEW.

(a) APPLICATION.—Prior to the receipt in any fiscal year of a grant under section ____07(b) by any metropolitan city or urban county, under section ____07(d) by any State, or under section ____07(d)(2) by any unit of general local government, the grantee shall have indicated its interest in receiving funds by preparing a statement of homeland security objectives and projected use of funds and shall have provided the Director with the certifications required in subsection (b) and, where appropriate, subsection (c). In the case of metropolitan cities and urban counties receiving grants pursuant to section ____07(b) and in the case of units of general local government receiving grants pursuant to section ____07(d)(2), the statement of projected use of funds shall consist of proposed homeland security activities. In the case of States receiving grants pursuant to section ____07(d), the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government. In preparing the statement, the grantee shall consider any view of appropriate law enforcement, and emergency response authorities and may, if deemed appropriate by the grantee, modify the proposed statement. A copy of the final statement shall be furnished to the Director, the Attorney General, and the Office of Homeland Security together with the certifications required under subsection (b) and, where appropriate, subsection (c). Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required in this paragraph for the preparation and submission of such statement.

(b) CERTIFICATION OF ENUMERATED CRITERIA BY GRANTEE TO SECRETARY.—Any grant under section ____07 shall be made only if the grantee certifies to the satisfaction of the Director that—

(1) it has developed a homeland security plan pursuant to section ____05 that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this title; and

(2) the grantee will comply with the other provisions of this title and with other applicable laws.

(c) SUBMISSION OF ANNUAL PERFORMANCE REPORTS, AUDITS AND ADJUSTMENTS.—

(1) IN GENERAL.—Each grantee shall submit to the Director, at a time determined by the Director, a performance and evaluation report concerning the use of funds made available under section ____07, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a). The Director shall encourage and assist national associations of grantees eligible under section ____07, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Director, within 1 year after the effective date of this sentence, uniform recordkeeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively. Based on the Director's approval of these recommendations, the Director shall establish such requirements for use by such grantees, States, and units of general local government.

(2) REVIEWS AND AUDITS.—The Director shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants made under section ____07(b), whether the grantee has carried out its activities and, where applicable, whether the grantee has carried out those activities and its certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws, and whether the grantee has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section ____07(d), whether the State has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement, whether the State has carried out its certifications in compliance with the requirements of this title and other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(3) ADJUSTMENTS.—The Director may make appropriate adjustments in the amount of the annual grants in accordance with the Director's findings under this subsection. With respect to assistance made available to units of general local government under section ____07(d), the Director may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Director's reviews and audits under this subsection, except that funds already expended on eligible activities under this title shall not be recaptured or deducted from future assistance to such units of general local government.

(d) AUDITS.—Insofar as they relate to funds provided under this title, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(e) METROPOLITAN CITY AS PART OF URBAN COUNTY.—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Director may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of submitting a statement under section ____05 and carrying out activities under this title.

SEC. ____06. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

(a) IN GENERAL.—Activities assisted under this title may include only—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, and other water infrastructure; nuclear power plants and other power infrastructure;

(B) security for tunnels and bridges;

(C) security for oil and gas pipelines and storage facilities; and

(D) security for chemical plants and transportation of hazardous substances;

(4) assisting Local Emergency Planning Committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to communicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

SEC. ___07. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) ALLOCATION AND DISTRIBUTION OF FUNDS; SET-ASIDE FOR INDIAN TRIBES.—

(1) ALLOCATION.—For each fiscal year, of the amount approved in an appropriation Act under section ___04 for grants in a year (excluding the amounts provided for use in accordance with section ___06), the Director shall reserve for grants to Indian tribes 1 percent of the amount appropriated under such section. The Director shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Director after notice and public comment.

(2) REMAINING ALLOCATION.—Of the amount remaining after allocations pursuant to paragraph (1), 70 percent shall be allocated by the Director to metropolitan cities and urban counties. Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2002, from such allocation in an amount not exceeding its basic amount computed pursuant to paragraph (1) or (2) of subsection (b).

(b) COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES AND URBAN COUNTIES.—

(1) IN GENERAL.—The Director shall determine the amount to be allocated to each metropolitan city based on the population of that metropolitan city.

(2) URBAN COUNTIES.—The Director shall determine the amount to be allocated to each urban county based on the population of that urban county.

(3) EXCLUSIONS.—In computing amounts or exclusions under this section with respect to any urban county, there shall be excluded units of general local government located in the county the populations that are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

(A) is not part of any county;

(B) is not eligible for a grant pursuant to subsection (b)(1);

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (d) with respect to such fiscal year.

(4) INCLUSIONS.—In computing amounts under this section with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if the part of such unit of local government which is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section, and if the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section. Any amount received by such urban county under this section may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(5) POPULATION.—(A) Where data are available, the amount determined under paragraph (1) for a metropolitan city that has been formed by the consolidation of one or more metropolitan cities with an urban county shall be equal to the sum of the amounts that would have been determined under paragraph (1) for the metropolitan city or cities and the balance of the consolidated government, if such consolidation had not occurred. This paragraph shall apply only to any consolidation that—

(i) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(ii) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(iii) took place on or after January 1, 2002.

(B) The population growth rate of all metropolitan cities referred to in section ___03 shall be based on the population of—

(i) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(ii) cities that were metropolitan cities before their incorporation into consolidated governments. For purposes of calculating the entitlement share for the balance of the consolidated government under this paragraph, the entire balance shall be considered to have been an urban county.

(c) REALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), any amounts allocated to a metropolitan city or an urban county pursuant to the preceding provisions of this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsections (a) and (b) of section ___05, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in the same metropolitan area that certify to the satisfaction of the Director that they would be adversely affected by the loss of such amounts from the metropolitan area. The amount of the share of funds reallocated under this paragraph for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(2) TRANSFER.—Notwithstanding the provisions of paragraph (1), the Director may upon request transfer responsibility to any metropolitan city for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(d) ALLOCATION TO STATES ON BEHALF OF NON-QUALIFYING COMMUNITIES.—

(1) IN GENERAL.—Of the amount approved in an appropriation Act under section ___04 that remains after allocations pursuant to paragraphs (1) and (2) of subsection (a), 30 percent shall be allocated among the States for use in nonqualifying areas. The allocation for each State shall be based on the population of that State, relative to the populations of all States, excluding the population of qualifying communities. The Director shall, in order to compensate for the discrepancy between the total of the amounts to be allocated under this paragraph and the total of the amounts available under such paragraph, make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under such paragraph so that the nonqualifying communities in each State will receive an amount that represents the same percentage of the total amount available under such paragraph as the percentage which the nonqualifying areas of the same State would have received under such paragraph if the total amount available under such paragraph had equaled the total amount which was allocated under such paragraph.

(2) DISTRIBUTION.—(A) Amounts allocated under paragraph (1) shall be distributed to units of general local government located in nonqualifying areas of the State to carry out activities in accordance with the provisions of this title—

(i) by a State that has elected, in such manner and at such time as the Director shall prescribe, to distribute such amounts consistent with the statement submitted under section ___05(a); or

(ii) by the Director, in any case described in subparagraph (B), for use by units of general local government in accordance with paragraph (3)(B).

(B) The Director shall distribute amounts allocated under paragraph (1) if the State has not elected to distribute such amounts.

(C) To receive and distribute amounts allocated under paragraph (1), the State must certify that it, with respect to units of general local government in nonqualifying areas—

(i) provides or will provide technical assistance to units of general local government in connection with homeland security initiatives;

(ii) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(iii) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A).

(D) To receive and distribute amounts allocated under paragraph (1), the State shall certify that each unit of general local government to be distributed funds will be required to identify its homeland security objectives, and the activities to be undertaken to meet such objectives.

(3) MINIMUM AMOUNT.—

(A) IN GENERAL.—Each State (other than the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) shall receive for each fiscal year a

base amount of $18,000,000 of the total amount appropriated for each fiscal year for grants made available to States under this section.

(B) DISTRICT OF COLUMBIA AND TERRITORIES.—The District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall each receive for each fiscal year $3,000,000 of the total amount appropriated for each fiscal year for grants made available to States under this section.

(4) ADMINISTRATION.—(A) If the State receives and distributes such amounts, it shall be responsible for the administration of funds so distributed. The State shall pay from its own resources all administrative expenses incurred by the State in carrying out its responsibilities under this title, except that from the amounts received for distribution in nonqualifying areas, the State may deduct an amount to cover such expenses and its administrative expenses not to exceed the sum of $150,000 plus 50 percent of any such expenses under this title in excess of $150,000. Amounts deducted in excess of $150,000 shall not exceed 2 percent of the amount so received.

(B) If the Director distributes such amounts, the distribution shall be made in accordance with determinations of the Director pursuant to statements submitted and the other requirements of section ____05 (other than subsection (c)) and in accordance with regulations and procedures prescribed by the Director.

(C) Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section ____05 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(D) Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Director under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which the amounts become so available.

(5) SINGLE UNIT.—Any combination of units of general local governments may not be required to obtain recognition by the Director pursuant to section ____03(2) to be treated as a single unit of general local government for purposes of this subsection.

(6) DEDUCTION.—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may deduct an amount, not to exceed 1 percent of the amount so received, to provide technical assistance to local governments.

(7) APPLICABILITY.—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this title and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

(e) QUALIFICATIONS AND DETERMINATIONS.—The Director may fix such qualification or submission dates as he determines are necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(f) PRO RATA REDUCTION AND INCREASE.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), and funds are not otherwise appropriated to meet the deficiency, the Director shall meet the deficiency through a pro rata reduction of all amounts determined under subsection (b). If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), the Director shall distribute the excess through a pro rata increase of all amounts determined under subsection (b).

SEC. ____08. STATE AND REGIONAL PLANNING; COMMUNICATIONS SYSTEMS.

(a) IN GENERAL.—Pursuant to section ____04, $500,000,000 shall be used for homeland defense planning within the States by the States, for interstate, multistate or regional authorities, and within regions through regional cooperations; the development and maintenance of Statewide training facilities and homeland best-practices clearinghouses; and the development and maintenance of communications systems that can be used between and among first responders, including law enforcement, fire, and emergency medical personnel as follows:

(1) $325,000,000 to the States, and interstate, multistate or regional authorities: for homeland defense planning, coordination and implementation;

(2) $50,000,000 to regional cooperations for homeland defense planning and coordination;

(3) $50,000,000 to the States for the development and maintenance of Statewide training facilities and best-practices clearinghouses; and

(4) $75,000,000 to the States for the States and for local communities for the development and maintenance of communications systems that can be used between and among first responders at the State and local level, including law enforcement, fire, and emergency personnel.

(b) ALLOCATIONS.—Funds under this section to be awarded to States shall be allocated among the States based upon the population for each State relative to the populations of all States. The ''minimum amount'' provision set forth in section ____07(d)(3) shall apply to funds awarded under this section to States. With respect to subsection (a)(4), at least 30 percent of the funds awarded must be used for the development and maintenance of local communications systems.

(c) REGIONAL COOPERATIONS.—Funds under this section to be awarded to regional cooperations shall be allocated among the regional cooperations based upon the population of the areas covered by the cooperations.

SEC. ____09. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. ____10. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Director finds after reasonable notice and opportunity for hearing that a recipient of assistance under this title has failed to comply substantially with any provision of this title, the Director, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to the recipient under this title;

(2) reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title; or

(3) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

SEC. ____11. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the close of each fiscal year in which assistance under this title is furnished, the Director shall submit to Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this title;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section ____07.

(b) REPORTS TO THE DIRECTOR.—The Director is authorized to require recipients of assistance under this title to submit to him such reports and other information as may be necessary in order for the Director to make the report required by subsection (a).

SEC. ____12. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this title including the issuance of regulations, the Director shall consult with the Attorney General especially as to any issues of concern to the law enforcement community, the Office of Homeland Security, and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. ____13. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this title as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

SEC. ____14. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) REQUIREMENT.—Grant recipients shall contribute from funds, other than those received under this title, 10 percent of the total funds received under this title. Such funds shall be used in accordance with the grantee's statement of homeland security objectives.

(b) ECONOMIC DISTRESS.—Grant recipients that are deemed economically distressed shall be waived from the matching requirement set forth in this section.

SA 4691. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Amendment intended to be proposed by Mrs. CLINTON to the amendment (No. 4619) proposed by Mr. JEFFORDS strike section 630(c)(2) and insert the following:

SEC. 173. FIRST RESPONDER PERSONNEL COSTS.

Local governments receiving Federal homeland security funding under this Act,

whether directly or as a pass-through from the States, may use up to 20 percent of Federal funds received for first time responder personnel costs, including overtime costs.

SA 4692. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D—FBI REFORMS

SEC. 3001. SHORT TITLE.

This division may be cited as the ''Federal Bureau of Investigation Reform Act of 2002''.

TITLE XXXI—IMPROVING FBI OVERSIGHT

SEC. 3101. AUTHORITY OF THE DEPARTMENT OF JUSTICE INSPECTOR GENERAL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking paragraphs (2) and (3) and inserting the following:

''(2) except as specified in subsection (a) and paragraph (3), may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, or may, in the discretion of the Inspector General, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice;

''(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility;

''(4) may investigate allegations of criminal wrongdoing or administrative misconduct, including a failure to properly discipline employees, by a person who is the head of any agency or component of the Department of Justice; and

''(5) shall forward the results of any investigation conducted under paragraph (4), along with any appropriate recommendation for disciplinary action, to the Attorney General, who is authorized to take appropriate disciplinary action.''; and

(2) by adding at the end the following:

''(d) If the Attorney General does not follow any recommendation of the Inspector General made under subsection (b)(5), the Attorney General shall submit a report to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives that sets forth the recommendation of the Inspector General and the reasons of the Attorney General for not following that recommendation.

''(e) The Attorney General shall ensure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice shall report that information to the Inspector General.''.

SEC. 3102. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) APPOINTMENT OF OVERSIGHT OFFICIAL WITHIN THE OFFICE OF INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Justice shall direct that 1 official from the office of the Inspector General be responsible for supervising and coordinating independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2003.

(2) CONTINUATION OF OVERSIGHT.—The Inspector General may continue individual oversight in accordance with paragraph (1) after September 30, 2003, at the discretion of the Inspector General.

(b) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE FEDERAL BUREAU OF INVESTIGATION.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives, a plan for oversight of the Federal Bureau of Investigation, which plan may include—

(1) an audit of the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation;

(2) an audit and evaluation of programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action;

(3) a review of the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility;

(4) an investigation of allegations of serious misconduct by personnel of the Federal Bureau of Investigation;

(5) a review of matters relating to any other program or operation of the Federal Bureau of Investigation that the Inspector General determines requires review; and

(6) an identification of resources needed by the Inspector General to implement a plan for oversight of the Federal Bureau of Investigation.

(c) REPORT ON INSPECTOR GENERAL FOR FEDERAL BUREAU OF INVESTIGATION.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report and recommendation to the Chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives concerning—

(1) whether there should be established, within the Department of Justice, a separate office of theInspector General for the Federal Bureau of Investigation that shall be responsible for supervising independent oversight of programs and operations of the Federal Bureau of Investigation;

(2) what changes have been or should be made to the rules, regulations, policies, or practices governing the Federal Bureau of Investigation in order to assist the Office of the Inspector General in effectively exercising its authority to investigate the conduct of employees of the Federal Bureau of Investigation;

(3) what differences exist between the methods and practices used by different Department of Justice components in the investigation and adjudication of alleged misconduct by Department of Justice personnel;

(4) what steps should be or are being taken to make the methods and practices described in paragraph (3) uniform throughout the Department of Justice; and

(5) whether a set of recommended guidelines relating to the discipline of Department of Justice personnel for misconduct should be developed, and what factors, such as the nature and seriousness of the misconduct, the prior history of the employee, and the rank and seniority of the employee at the time of the misconduct, should be taken into account in establishing such recommended disciplinary guidelines.

SEC. 3103. AUTHORIZATION OF APPROPRIATIONS.

(a) DEPARTMENT OF JUSTICE.—There is authorized to be appropriated $2,000,000 to the Department of Justice for fiscal year 2003—

(1) for salary, pay, retirement, and other costs associated with increasing the staffing level of the Office of Inspector General by 25 full-time special agents who shall conduct an increased number of audits, inspections, and investigations of alleged misconduct by employees of the Federal Bureau of Investigation;

(2) to fund expanded audit coverage of the grant programs administered by the Office of Justice Programs of the Department of Justice; and

(3) to conduct special reviews of efforts by the Federal Bureau of Investigation to implement recommendations made by the Office of Inspector General in reports on alleged misconduct by the Bureau.

(b) FEDERAL BUREAU OF INVESTIGATION.—There is authorized to be appropriated $1,700,000 to the Federal Bureau of Investigation for fiscal year 2003 for salary, pay, retirement, and other costs associated with increasing the staffing level of the Office of Professional Responsibility by 10 full-time special agents and 4 full-time support employees.

TITLE XXXII—WHISTLEBLOWER PROTECTION

SEC. 3201. INCREASING PROTECTIONS FOR FBI WHISTLEBLOWERS.

Section 2303 of title 5, United States Code, is amended to read as follows:

''§ 2303. Prohibited personnel practices in the Federal Bureau of Investigation

''(a) DEFINITION.—In this section, the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A).

''(b) PROHIBITED PRACTICES.—Any employee of the Federal Bureau of Investigation who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau or because of—

''(1) any disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose), a supervisor of the employee, the Inspector General for the Department of Justice, or a Member of Congress that the employee reasonably believes evidences—

''(A) a violation of any law, rule, or regulation; or

''(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(2) any disclosure of information by the employee to the Special Counsel of information that the employee reasonably believes evidences—

''(A) a violation of any law, rule, or regulation; or

''(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

''(c) INDIVIDUAL RIGHT OF ACTION.—Chapter 12 of this title shall apply to an employee of the Federal Bureau of Investigation who claims that a personnel action has been taken under this section against the employee as a reprisal for any disclosure of information described in subsection (b)(2).

''(d) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action under this section shall not be taken against an employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subsection (b)(1), and shall provide for the enforcement of such regulations in a manner

consistent with applicable provisions of sections 1214 and 1221, and in accordance with the procedures set forth in sections 554 through 557 and 701 through 706.''.

TITLE XXXIII—FBI SECURITY CAREER PROGRAM

SEC. 3301. SECURITY MANAGEMENT POLICIES.

The Attorney General shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in security positions in the Federal Bureau of Investigation.

SEC. 3302. DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Attorney General, the Director of the Federal Bureau of Investigation (referred to in this title as the ''Director'') shall carry out all powers, functions, and duties of the Attorney General with respect to the security workforce in the Federal Bureau of Investigation.

(b) POLICY IMPLEMENTATION.—The Director shall ensure that the policies of the Attorney General established in accordance with this Act are implemented throughout the Federal Bureau of Investigation at both the headquarters and field office levels.

SEC. 3303. DIRECTOR OF SECURITY.

The Director shall appoint a Director of Security, or such other title as the Director may determine, to assist the Director in the performance of the duties of the Director under this Act.

SEC. 3304. SECURITY CAREER PROGRAM BOARDS.

(a) ESTABLISHMENT.—The Director acting through the Director of Security shall establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the security workforce of the Federal Bureau of Investigation.

(b) COMPOSITION OF BOARD.—The security career program board shall include—

(1) the Director of Security (or a representative of the Director of Security);

(2) the senior officials, as designated by the Director, with responsibility for personnel management;

(3) the senior officials, as designated by the Director, with responsibility for information management;

(4) the senior officials, as designated by the Director, with responsibility for training and career development in the various security disciplines; and

(5) such other senior officials for the intelligence community as the Director may designate.

(c) CHAIRPERSON.—The Director of Security (or a representative of the Director of Security) shall be the chairperson of the board.

(d) SUBORDINATE BOARDS.—The Director of Security may establish a subordinate board structure to which functions of the security career program board may be delegated.

SEC. 3305. DESIGNATION OF SECURITY POSITIONS.

(a) DESIGNATION.—The Director shall designate, by regulation, those positions in the Federal Bureau of Investigation that are security positions for purposes of this Act.

(b) REQUIRED POSITIONS.—In designating security positions under subsection (a), the Director shall include, at a minimum, all security-related positions in the areas of—

(1) personnel security and access control;

(2) information systems security and information assurance;

(3) physical security and technical surveillance countermeasures;

(4) operational, program, and industrial security; and

(5) information security and classification management.

SEC. 3306. CAREER DEVELOPMENT.

(a) CAREER PATHS.—The Director shall ensure that appropriate career paths for personnel who wish to pursue careers in security are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions and shall make available published information on those career paths.

(b) LIMITATION ON PREFERENCE FOR SPECIAL AGENTS.—

(1) IN GENERAL.—Except as provided in the policy established under paragraph (2), the Attorney General shall ensure that no requirement or preference for a Special Agent of the Federal Bureau of Investigation (referred to in this title as a ''Special Agent'') is used in the consideration of persons for security positions.

(2) POLICY.—The Attorney General shall establish a policy that permits a particular security position to be specified as available only to Special Agents, if a determination is made, under criteria specified in the policy, that a Special Agent—

(A) is required for that position by law;

(B) is essential for performance of the duties of the position; or

(C) is necessary for another compelling reason.

(3) REPORT.—Not later than December 15 of each year, the Director shall submit to the Attorney General a report that lists—

(A) each security position that is restricted to Special Agents under the policy established under paragraph (2); and

(B) the recommendation of the Director as to whether each restricted security position should remain restricted.

(c) OPPORTUNITIES TO QUALIFY.—The Attorney General shall ensure that all personnel, including Special Agents, are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior security positions.

(d) BEST QUALIFIED.—The Attorney General shall ensure that the policies established under this Act are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) ASSIGNMENTS POLICY.—The Attorney General shall establish a policy for assigning Special Agents to security positions that provides for a balance between—

(1) the need for personnel to serve in career enhancing positions; and

(2) the need for requiring service in each such position for sufficient time to provide the stability necessary to carry out effectively the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(f) LENGTH OF ASSIGNMENT.—In implementing the policy established under subsection (b)(2), the Director shall provide, as appropriate, for longer lengths of assignments to security positions than assignments to other positions.

(g) PERFORMANCE APPRAISALS.—The Director shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in a security position by a person serving in a security position in the same security career field.

(h) BALANCED WORKFORCE POLICY.—In the development of security workforce policies under this Act with respect to any employees or applicants for employment, the Attorney General shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

SEC. 3307. GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.

(a) IN GENERAL.—The Director shall establish education, training, and experience requirements for each security position, based on the level of complexity of duties carried out in the position.

(b) QUALIFICATION REQUIREMENTS.—Before being assigned to a position as a program manager or deputy program manager of a significant security program, a person—

(1) must have completed a security program management course that is accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or is determined to be comparable by the Director; and

(2) must have not less than 6 years experience in security, of which not less than 2 years were performed in a similar program office or organization.

SEC. 3308. EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—The Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and implement education and training programs for persons serving in security positions in the Federal Bureau of Investigation.

(b) OTHER PROGRAMS.—The Director shall ensure that programs established under subsection (a) are established and implemented, to the maximum extent practicable, uniformly with the programs of the Intelligence Community and the Department of Defense.

SEC. 3309. OFFICE OF PERSONNEL MANAGEMENT APPROVAL.

(a) IN GENERAL.—The Attorney General shall submit any requirement that is established under section 3307 to the Director of the Office of Personnel Management for approval.

(b) FINAL APPROVAL.—If the Director does not disapprove the requirements established under section 3307 within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director of the Office of Personnel Management.

TITLE XXXIV—FBI COUNTERINTELLIGENCE POLYGRAPH PROGRAM

SEC. 3401. DEFINITIONS.

In this title:

(1) POLYGRAPH PROGRAM.—The term ''polygraph program'' means the counterintelligence screening polygraph program established under section 3402.

(2) POLYGRAPH REVIEW.—The term ''Polygraph Review'' means the review of the scientific validity of the polygraph for counterintelligence screening purposes conducted by the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 3402. ESTABLISHMENT OF PROGRAM.

Not later than 6 months after publication of the results of the Polygraph Review, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Director of Security of the Federal Bureau of Investigation, shall establish a counterintelligence screening polygraph program for the Federal Bureau of Investigation that consists of periodic polygraph examinations of employees, or contractor employees of the Federal Bureau of Investigation who are in positions specified by the Director of the Federal Bureau of Investigation as exceptionally sensitive in order to minimize the potential for unauthorized release or disclosure of exceptionally sensitive information.

SEC. 3403. REGULATIONS.

(a) IN GENERAL.—The Attorney General shall prescribe regulations for the polygraph

program in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(b) CONSIDERATIONS.—In prescribing regulations under subsection (a), the Attorney General shall—

(1) take into account the results of the Polygraph Review; and

(2) include procedures for—

(A) identifying and addressing false positive results of polygraph examinations;

(B) ensuring that adverse personnel actions are not taken against an individual solely by reason of the physiological reaction of the individual to a question in a polygraph examination, unless—

(i) reasonable efforts are first made independently to determine through alternative means, the veracity of the response of the individual to the question; and

(ii) the Director of the Federal Bureau of Investigation determines personally that the personnel action is justified;

(C) ensuring quality assurance and quality control in accordance with any guidance provided by the Department of Defense Polygraph Institute and the Director of Central Intelligence; and

(D) allowing any employee or contractor who is the subject of a counterintelligence screening polygraph examination under the polygraph program, upon written request, to have prompt access to any unclassified reports regarding an examination that relates to any adverse personnel action taken with respect to the individual.

SEC. 3404. REPORT ON FURTHER ENHANCEMENT OF FBI PERSONNEL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report setting forth recommendations for any legislative action that the Director considers appropriate in order to enhance the personnel security program of the Federal Bureau of Investigation.

(b) POLYGRAPH REVIEW RESULTS.—Any recommendation under subsection (a) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

SEC. 3405. WEBSTER COMMISSION IMPLEMENTATION REPORT.

(a) IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the appropriate Committees of Congress a plan for implementation of the recommendations of the Commission for Review of FBI Security Programs, dated March 31, 2002, including the costs of such implementation.

(b) ANNUAL REPORTS.—On the date that is 1 year after the submission of the plan described in subsection (a), and for 2 years thereafter, the Director of the Federal Bureau of Investigation shall submit to the appropriate Committees of Congress a report on the implementation of such plan.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—For purposes of this section, the term ''appropriate Committees of Congress'' means—

(1) the Committees on the Judiciary of the Senate and the House of Representatives;

(2) the Committees on Appropriations of the Senate and the House of Representatives;

(3) the Select Committee on Intelligence of the Senate; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.s

TITLE XXXV—FBI POLICE

SEC. 3501. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Federal Bureau of Investigation.

(2) FBI BUILDINGS AND GROUNDS.—

(A) IN GENERAL.—The term ''FBI buildings and grounds'' means—

(i) the whole or any part of any building or structure which is occupied under a lease or otherwise by the Federal Bureau of Investigation and is subject to supervision and control by the Federal Bureau of Investigation;

(ii) the land upon which there is situated any building or structure which is occupied wholly by the Federal Bureau of Investigation; and

(iii) any enclosed passageway connecting 2 or more buildings or structures occupied in whole or in part by the Federal Bureau of Investigation.

(B) INCLUSION.—The term ''FBI buildings and grounds'' includes adjacent streets and sidewalks not to exceed 500 feet from such property.

(3) FBI POLICE.—The term ''FBI police'' means the permanent police force established under section 3502.

SEC. 3502. ESTABLISHMENT OF FBI POLICE; DUTIES.

(a) IN GENERAL.—Subject to the supervision of the Attorney General, the Director may establish a permanent police force, to be known as the FBI police.

(b) DUTIES.—The FBI police shall perform such duties as the Director may prescribe in connection with the protection of persons and property within FBI buildings and grounds.

(c) UNIFORMED REPRESENTATIVE.—The Director, or designated representative duly authorized by the Attorney General, may appoint uniformed representatives of the Federal Bureau of Investigation as FBI police for duty in connection with the policing of all FBI buildings and grounds.

(d) AUTHORITY.—

(1) IN GENERAL.—In accordance with regulations prescribed by the Director and approved by the Attorney General, the FBI police may—

(A) police the FBI buildings and grounds for the purpose of protecting persons and property;

(B) in the performance of duties necessary for carrying out subparagraph (A), make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia;

(C) carry firearms as may be required for the performance of duties;

(D) prevent breaches of the peace and suppress affrays and unlawful assemblies; and

(E) hold the same powers as sheriffs and constables when policing FBI buildings and grounds.

(2) EXCEPTION.—The authority and policing powers of FBI police under this subsection shall not include the service of civil process.

(e) PAY AND BENEFITS.—

(1) IN GENERAL.—The rates of basic pay, salary schedule, pay provisions, and benefits for members of the FBI police shall be equivalent to the rates of basic pay, salary schedule, pay provisions, and benefits applicable to members of the United States Secret Service Uniformed Division.

(2) APPLICATION.—Pay and benefits for the FBI police under paragraph (1)—

(A) shall be established by regulation;

(B) shall apply with respect to pay periods beginning after January 1, 2003; and

(C) shall not result in any decrease in the rates of pay or benefits of any individual.

SEC. 3503. AUTHORITY OF METROPOLITAN POLICE FORCE.

This title does not affect the authority of the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds.

TITLE XXXVI—REPORTS

SEC. 3601. REPORT ON LEGAL AUTHORITY FOR FBI PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report describing the statutory and other legal authority for all programs and activities of the Federal Bureau of Investigation.

(b) CONTENTS.—The report submitted under subsection (a) shall describe—

(1) the titles within the United States Code and the statutes for which the Federal Bureau of Investigation exercises investigative responsibility;

(2) each program or activity of the Federal Bureau of Investigation that has express statutory authority and the statute which provides that authority; and

(3) each program or activity of the Federal Bureau of Investigation that does not have express statutory authority, and the source of the legal authority for that program or activity.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall recommend whether—

(1) the Federal Bureau of Investigation should continue to have investigative responsibility for each statute for which the Federal Bureau of Investigation currently has investigative responsibility;

(2) the legal authority for any program or activity of the Federal Bureau of Investigation should be modified or repealed;

(3) the Federal Bureau of Investigation should have express statutory authority for any program or activity of the Federal Bureau of Investigation for which the Federal Bureau of Investigation does not currently have express statutory authority; and

(4) the Federal Bureau of Investigation should—

(A) have authority for any new program or activity; and

(B) express statutory authority with respect to any new programs or activities.

SEC. 3602. REPORT ON FBI INFORMATION MANAGEMENT AND TECHNOLOGY.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, with appropriate comments from other components of the Department of Justice, shall submit to Congress a report on the information management and technology programs of the Federal Bureau of Investigation including recommendations for any legislation that may be necessary to enhance the effectiveness of those programs.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall provide—

(1) an analysis and evaluation of whether authority for waiver of any provision of procurement law (including any regulation implementing such a law) is necessary to expeditiously and cost-effectively acquire information technology to meet the unique need of the Federal Bureau of Investigation to improve its investigative operations in order to respond better to national law enforcement, intelligence, and counterintelligence requirements;

(2) the results of the studies and audits conducted by the Strategic Management Council and the Inspector General of the Department of Justice to evaluate the information management and technology programs of the Federal Bureau of Investigation, including systems, policies, procedures, practices, and operations; and

(3) a plan for improving the information management and technology programs of the Federal Bureau of Investigation.

(c) RESULTS.—The results provided under subsection (b)(2) shall include an evaluation of—

(1) information technology procedures and practices regarding procurement, training, and systems maintenance;

(2) record keeping policies, procedures, and practices of the Federal Bureau of Investigation, focusing particularly on how information is inputted, stored, managed, utilized, and shared within the Federal Bureau of Investigation;

(3) how information in a given database is related or compared to, or integrated with, information in other technology databases within the Federal Bureau of Investigation;

(4) the effectiveness of the existing information technology infrastructure of the Federal Bureau of Investigation in supporting and accomplishing the overall mission of the Federal Bureau of Investigation;

(5) the management of information technology projects of the Federal Bureau of Investigation, focusing on how the Federal Bureau of Investigation—

(A) selects its information technology projects;

(B) ensures that projects under development deliver benefits; and

(C) ensures that completed projects deliver the expected results; and

(6) the security and access control techniques for classified and sensitive but unclassified information systems in the Federal Bureau of Investigation.

(d) CONTENTS OF PLAN.—The plan provided under subsection (b)(3) shall ensure that—

(1) appropriate key technology management positions in the Federal Bureau of Investigation are filled by personnel with experience in the commercial sector;

(2) access to the most sensitive information is audited in such a manner that suspicious activity is subject to near contemporaneous security review;

(3) critical information systems employ a public key infrastructure to validate both users and recipients of messages or records;

(4) security features are tested by the National Security Agency to meet national information systems security standards;

(5) all employees in the Federal Bureau of Investigation receive annual instruction in records and information management policies and procedures relevant to their positions;

(6) a reserve is established for research and development to guide strategic information management and technology investment decisions;

(7) unnecessary administrative requirements for software purchases under $2,000,000 are eliminated;

(8) full consideration is given to contacting with an expert technology partner to provide technical support for the information technology procurement for the Federal Bureau of Investigation;

(9) procedures are instituted to procure products and services through contracts of other agencies, as necessary; and

(10) a systems integration and test center, with the participation of field personnel, tests each series of information systems upgrades or application changes before their operational deployment to confirm that they meet proper requirements.

SEC. 3603. GAO REPORT ON CRIME STATISTICS REPORTING.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the issue of how statistics are reported and used by Federal law enforcement agencies.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) identify the current regulations, procedures, internal policies, or other conditions that allow the investigation or arrest of an individual to be claimed or reported by more than 1 Federal or State agency charged with law enforcement responsibility;

(2) identify and examine the conditions that allow the investigation or arrest of an individual to be claimed or reported by the Offices of Inspectors General and any other Federal agency charged with law enforcement responsibility;

(3) examine the statistics reported by Federal law enforcement agencies, and document those instances in which more than 1 agency, bureau, or office claimed or reported the same investigation or arrest during the years 1998 through 2001;

(4) examine the issue of Federal agencies simultaneously claiming arrest credit for in-custody situations that have already occurred pursuant to a State or local agency arrest situation during the years 1998 through 2001;

(5) examine the issue of how such statistics are used for administrative and management purposes;

(6) set forth a comprehensive definition of the terms ''investigation'' and ''arrest'' as those terms apply to Federal agencies charged with law enforcement responsibilities; and

(7) include recommendations, that when implemented, would eliminate unwarranted and duplicative reporting of investigation and arrest statistics by all Federal agencies charged with law enforcement responsibilities.

(c) FEDERAL AGENCY COMPLIANCE.—Federal law enforcement agencies shall comply with requests made by the General Accounting Office for information that is necessary to assist in preparing the report required by this section.

TITLE XXXVII—ENDING THE DOUBLE STANDARD

SEC. 3701. ALLOWING DISCIPLINARY SUSPENSIONS OF MEMBERS OF THE SENIOR EXECUTIVE SERVICE FOR 14 DAYS OR LESS.

Section 7542 of title 5, United States Code, is amended by striking ''for more than 14 days''.

SEC. 3702. SUBMITTING OFFICE OF PROFESSIONAL RESPONSIBILITY REPORTS TO CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—For each of the 5 years following the date of enactment of this Act, the Office of the Inspector General shall submit to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives an annual report to be completed by the Federal Bureau of Investigation, Office of Professional Responsibility and provided to the Inspector General, which sets forth—

(1) basic information on each investigation completed by that Office;

(2) the findings and recommendations of that Office for disciplinary action; and

(3) what, if any, action was taken by the Director of the Federal Bureau of Investigation or the designee of the Director based on any such recommendation.

(b) CONTENTS.—In addition to all matters already included in the annual report described in subsection (a), the report shall also include an analysis of—

(1) whether senior Federal Bureau of Investigation employees and lower level Federal Bureau of Investigation personnel are being disciplined and investigated similarly; and

(2) whether any double standard is being employed to more senior employees with respect to allegations of misconduct.

TITLE XXXVIII—ENHANCING SECURITY AT THE DEPARTMENT OF JUSTICE

SEC. 3801. REPORT ON THE PROTECTION OF SECURITY AND INFORMATION AT THE DEPARTMENT OF JUSTICE.

Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the manner in which the Security and Emergency Planning Staff, the Office of Intelligence Policy and Review, and the Chief Information Officer of the Department of Justice plan to improve the protection of security and information at the Department of Justice, including a plan to establish secure electronic communications between the Federal Bureau of Investigation and the Office of Intelligence Policy and Review for processing information related to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 3802. AUTHORIZATION FOR INCREASED RESOURCES TO PROTECT SECURITY AND INFORMATION.

There are authorized to be appropriated to the Department of Justice for the activities of the Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department of Justice, to prepare for terrorist threats and other emergencies, and to review security compliance by components of the Department of Justice—

(1) $13,000,000 for fiscal year 2003;

(2) $17,000,000 for fiscal year 2004; and

(3) $22,000,000 for fiscal year 2005.

SEC. 3803. AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.

There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2003;

(2) $7,500,000 for fiscal year 2004; and

(3) $8,000,000 for fiscal year 2005.

SA 4693. Mr. HATCH proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

At the appropriate place, insert the following new title:

TITLE ____—CYBER SECURITY ENHANCEMENT ACT OF 2002

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Cyber Security Enhancement Act of 2002''.

Subtitle A—Computer Crime

SEC. ___11. AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER CRIMES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of an offense under section 1030 of title 18, United States Code.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the growing incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the following factors and the extent to which the guidelines may or may not account for them—

(A) the potential and actual loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with malicious intent to cause harm in committing the offense;

(E) the extent to which the offense violated the privacy rights of individuals harmed;

(F) whether the offense involved a computer used by the government in furtherance of national defense, national security, or the administration of justice;

(G) whether the violation was intended to or had the effect of significantly interfering with or disrupting a critical infrastructure; and

(H) whether the violation was intended to or had the effect of creating a threat to public health or safety, or injury to any person;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. ____12. STUDY AND REPORT ON COMPUTER CRIMES.

Not later than May 1, 2003, the United States Sentencing Commission shall submit a brief report to Congress that explains any actions taken by the Sentencing Commission in response to this title and includes any recommendations the Commission may have regarding statutory penalties for offenses under section 1030 of title 18, United States Code.

SEC. ____13. EMERGENCY DISCLOSURE EXCEPTION.

(a) IN GENERAL.—Section 2702(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (5);

(2) by striking subparagraph (C) of paragraph (6);

(3) in paragraph (6), by inserting ''or'' at the end of subparagraph (A); and

(4) by inserting after paragraph (6) the following:

''(7) to a Federal, State, or local governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of communications relating to the emergency.''.

(b) REPORTING OF DISCLOSURES.—A government entity that receives a disclosure under this section shall file, no later than 90 days after such disclosure, a report to the Attorney General stating the subparagraph under which the disclosure was made, the date of the disclosure, the entity to which the disclosure was made, the number of customers or subscribers to whom the information disclosed pertained, and the number of communications, if any, that were disclosed. The Attorney General shall publish all such reports into a single report to be submitted to Congress one year after enactment of the bill.

SEC. ____14. GOOD FAITH EXCEPTION.

Section 2520(d)(3) of title 18, United States Code, is amended by inserting ''or 2511(2)(i)'' after ''2511(3)''.

SEC. ____15. INTERNET ADVERTISING OF ILLEGAL DEVICES.

Section 2512(1)(c) of title 18, United States Code, is amended—

(1) by inserting ''or disseminates by electronic means'' after ''or other publication''; and

(2) by inserting ''knowing the content of the advertisement and'' before ''knowing or having reason to know''.

SEC. ____16. STRENGTHENING PENALTIES.

Section 1030(c) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) in each of subparagraphs (A) and (C) of paragraph (4), by inserting ''except as provided in paragraph (5),'' before ''a fine under this title'';

(3) by striking the period at the end of paragraph (4)(C) and inserting ''; and''; and

(4) by adding at the end the following:

''(5)(A) if the offender knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of subsection (a)(5)(A)(i), a fine under this title or imprisonment for not more than 20 years, or both; and

''(B) if the offender knowingly or recklessly causes or attempts to cause death from conduct in violation of subsection (a)(5)(A)(i), a fine under this title or imprisonment for any term of years or for life, or both.''.

SEC. ____17. PROVIDER ASSISTANCE.

(a) SECTION 2703.—Section 2703(e) of title 18, United States Code, is amended by inserting '', statutory authorization'' after ''subpoena''.

(b) SECTION 2511.—Section 2511(2)(a)(ii) of title 18, United States Code, is amended by inserting '', statutory authorization,'' after ''court order'' the last place it appears.

SEC. ____18. EMERGENCIES.

Section 3125(a)(1) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by striking the comma at the end of subparagraph (B) and inserting a semicolon; and

(3) by adding at the end the following:

''(C) an immediate threat to a national security interest; or

''(D) an ongoing attack on a protected computer (as defined in section 1030) that constitutes a crime punishable by a term of imprisonment greater than one year;''.

SEC. ____19. PROTECTING PRIVACY.

(a) SECTION 2511.—Section 2511(4) of title 18, United States Code, is amended—

(1) by striking paragraph (b); and

(2) by redesignating paragraph (c) as paragraph (b).

(b) SECTION 2701.—Section 2701(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting '', or in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or any State'' after ''commercial gain'';

(2) in paragraph (1)(A), by striking ''one year'' and inserting ''5 years'';

(3) in paragraph (1)(B), by striking ''two years'' and inserting ''10 years''; and

(4) so that paragraph (2) reads as follows:

''(2) in any other case—

''(A) a fine under this title or imprisonment for not more than one year or both, in the case of a first offense under this paragraph; and

''(B) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under this subparagraph that occurs after a conviction of another offense under this section.''.

(c) PRESENCE OF OFFICER AT SERVICE AND EXECUTION OF WARRANTS FOR COMMUNICATIONS AND CUSTOMER RECORDS.—Section 3105 of title 18, United States Code, is amended by adding at the end the following: ''The presence of an officer is not required for service or execution of a search warrant directed to a provider of electronic communication service or remote computing service for records or other information pertaining to a subscriber to or customer of such service.''.

Subtitle B—Office of Science and Technology

SEC. ____21. ESTABLISHMENT OF OFFICE; DIRECTOR.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established within the Department of Justice an Office of Science and Technology (hereinafter in this subtitle referred to as the ''Office'').

(2) AUTHORITY.—The Office shall be under the general authority of the Assistant Attorney General, Office of Justice Programs, and shall be independent of the National Institute of Justice.

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be an individual appointed based on approval by the Office of Personnel Management of the executive qualifications of the individual.

SEC. ____22. MISSION OF OFFICE; DUTIES.

(a) MISSION.—The mission of the Office shall be—

(1) to serve as the national focal point for work on law enforcement technology; and

(2) to carry out programs that, through the provision of equipment, training, and technical assistance, improve the safety and effectiveness of law enforcement technology and improve access to such technology by Federal, State, and local law enforcement agencies.

(b) DUTIES.—In carrying out its mission, the Office shall have the following duties:

(1) To provide recommendations and advice to the Attorney General.

(2) To establish and maintain advisory groups (which shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.)) to assess the law enforcement technology needs of Federal, State, and local law enforcement agencies.

(3) To establish and maintain performance standards in accordance with the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) for, and test and evaluate law enforcement technologies that may be used by, Federal, State, and local law enforcement agencies.

(4) To establish and maintain a program to certify, validate, and mark or otherwise recognize law enforcement technology products that conform to standards established and maintained by the Office in accordance with the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113). The program may, at the discretion of the Office, allow for supplier's declaration of conformity with such standards.

(5) To work with other entities within the Department of Justice, other Federal agencies, and the executive office of the President to establish a coordinated Federal approach on issues related to law enforcement technology.

(6) To carry out research, development, testing, and evaluation in fields that would improve the safety, effectiveness, and efficiency of law enforcement technologies used by Federal, State, and local law enforcement agencies, including, but not limited to—

(A) weapons capable of preventing use by unauthorized persons, including personalized guns;

(B) protective apparel;

(C) bullet-resistant and explosion-resistant glass;

(D) monitoring systems and alarm systems capable of providing precise location information;

(E) wire and wireless interoperable communication technologies;

(F) tools and techniques that facilitate investigative and forensic work, including computer forensics;

(G) equipment for particular use in counterterrorism, including devices and technologies to disable terrorist devices;

(H) guides to assist State and local law enforcement agencies;

(I) DNA identification technologies; and

(J) tools and techniques that facilitate investigations of computer crime.

(7) To administer a program of research, development, testing, and demonstration to improve the interoperability of voice and data public safety communications.

(8) To serve on the Technical Support Working Group of the Department of Defense, and on other relevant interagency panels, as requested.

(9) To develop, and disseminate to State and local law enforcement agencies, technical assistance and training materials for law enforcement personnel, including prosecutors.

(10) To operate the regional National Law Enforcement and Corrections Technology Centers and, to the extent necessary, establish additional centers through a competitive process.

(11) To administer a program of acquisition, research, development, and dissemination of advanced investigative analysis and forensic tools to assist State and local law enforcement agencies in combating cybercrime.

(12) To support research fellowships in support of its mission.

(13) To serve as a clearinghouse for information on law enforcement technologies.

(14) To represent the United States and State and local law enforcement agencies, as requested, in international activities concerning law enforcement technology.

(15) To enter into contracts and cooperative agreements and provide grants, which may require in-kind or cash matches from the recipient, as necessary to carry out its mission.

(16) To carry out other duties assigned by the Attorney General to accomplish the mission of the Office.

(c) COMPETITION REQUIRED.—Except as otherwise expressly provided by law, all research and development carried out by or through the Office shall be carried out on a competitive basis.

(d) INFORMATION FROM FEDERAL AGENCIES.—Federal agencies shall, upon request from the Office and in accordance with Federal law, provide the Office with any data, reports, or other information requested, unless compliance with such request is otherwise prohibited by law.

(e) PUBLICATIONS.—Decisions concerning publications issued by the Office shall rest solely with the Director of the Office.

(f) TRANSFER OF FUNDS.—The Office may transfer funds to other Federal agencies or provide funding to non-Federal entities through grants, cooperative agreements, or contracts to carry out its duties under this section.

(g) ANNUAL REPORT.—The Director of the Office shall include with the budget justification materials submitted to Congress in support of the Department of Justice budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the activities of the Office. Each such report shall include the following:

(1) For the period of 5 fiscal years beginning with the fiscal year for which the budget is submitted—

(A) the Director's assessment of the needs of Federal, State, and local law enforcement agencies for assistance with respect to law enforcement technology and other matters consistent with the mission of the Office; and

(B) a strategic plan for meeting such needs of such law enforcement agencies.

(2) For the fiscal year preceding the fiscal year for which such budget is submitted, a description of the activities carried out by the Office and an evaluation of the extent to which those activities successfully meet the needs assessed under paragraph (1)(A) in previous reports.

SEC. ___23. DEFINITION OF LAW ENFORCEMENT TECHNOLOGY.

For the purposes of this subtitle, the term ''law enforcement technology'' includes investigative and forensic technologies, corrections technologies, and technologies that support the judicial process.

SEC. ___24. ABOLISHMENT OF OFFICE OF SCIENCE AND TECHNOLOGY OF NATIONAL INSTITUTE OF JUSTICE; TRANSFER OF FUNCTIONS.

(a) TRANSFERS FROM OFFICE WITHIN NIJ.—The Office of Science and Technology of the National Institute of Justice is hereby abolished, and all functions and activities performed immediately before the date of the enactment of this Act by the Office of Science and Technology of the National Institute of Justice are hereby transferred to the Office.

(b) AUTHORITY TO TRANSFER ADDITIONAL FUNCTIONS.—The Attorney General may transfer to the Office any other program or activity of the Department of Justice that the Attorney General, in consultation with the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, determines to be consistent with the mission of the Office.

(c) TRANSFER OF FUNDS.—

(1) IN GENERAL.—Any balance of appropriations that the Attorney General determines is available and needed to finance or discharge a function, power, or duty of the Office or a program or activity that is transferred to the Office shall be transferred to the Office and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

(A) be credited to any applicable appropriation account of the Office; or

(B) be credited to a new account that may be established on the books of the Department of the Treasury;

and shall be merged with the funds already credited to that account and accounted for as one fund.

(2) LIMITATIONS.—Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

(d) TRANSFER OF PERSONNEL AND ASSETS.—With respect to any function, power, or duty, or any program or activity, that is transferred to the Office, those employees and assets of the element of the Department of Justice from which the transfer is made that the Attorney General determines are needed to perform that function, power, or duty, or for that program or activity, as the case may be, shall be transferred to the Office.

(e) REPORT ON IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this subtitle. The report shall—

(1) identify each transfer carried out pursuant to subsection (b);

(2) provide an accounting of the amounts and sources of funding available to the Office to carry out its mission under existing authorizations and appropriations, and set forth the future funding needs of the Office;

(3) include such other information and recommendations as the Attorney General considers appropriate.

SEC. ___25. NATIONAL LAW ENFORCEMENT AND CORRECTIONS TECHNOLOGY CENTERS.

(a) IN GENERAL.—The Director of the Office shall operate and support National Law Enforcement and Corrections Technology Centers (hereinafter in this section referred to as ''Centers'') and, to the extent necessary, establish new centers through a merit-based, competitive process.

(b) PURPOSE OF CENTERS.—The purpose of the Centers shall be to—

(1) support research and development of law enforcement technology;

(2) support the transfer and implementation of technology;

(3) assist in the development and dissemination of guidelines and technological standards; and

(4) provide technology assistance, information, and support for law enforcement, corrections, and criminal justice purposes.

(c) ANNUAL MEETING.—Each year, the Director shall convene a meeting of the Centers in order to foster collaboration and communication between Center participants.

(d) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Director shall transmit to the Congress a report assessing the effectiveness of the existing system of Centers and identify the number of Centers necessary to meet the technology needs of Federal, State, and local law enforcement in the United States.

SEC. ___26. COORDINATION WITH OTHER ENTITIES WITHIN DEPARTMENT OF JUSTICE.

Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting ''coordinate and'' before ''provide''.

SA 4694. Mr. LIEBERMAN (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

On page 211, insert between lines 9 and 10 the following:

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SEC. 601. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the ''Commission'').

SEC. 602. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the facts and causes relating to the terrorist attacks of September 11, 2001, occurring at the World Trade Center in New York, New York and at the Pentagon in Virginia;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks of September 11, 2001;

(B) other executive branch, congressional, or independent commission investigations into the terrorist attacks of September 11, 2001, other terrorist attacks, and terrorism generally;

(4) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and response to, the attacks; and

(5) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

SEC. 603. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, legal practice, public administration, intelligence gathering, commerce, including aviation matters, and foreign affairs.

(4) INITIAL MEETING.—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 604. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(B) may include relevant facts and circumstances relating to—

(i) intelligence agencies;

(ii) law enforcement agencies;

(iii) diplomacy;

(iv) immigration, nonimmigrant visas, and border control;

(v) the flow of assets to terrorist organizations;

(vi) commercial aviation; and

(vii) other areas of the public and private sectors determined relevant by the Commission for its inquiry;

(2) identify, review, and evaluate the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorist attacks; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. 605. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CLOSED MEETINGS.—

(1) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) ADDITIONAL AUTHORITY.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 606. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 607. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 608. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 609. REPORTS OF THE COMMISSION; TERMINATION.

(a) INITIAL REPORT.—Not later than 6 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADDITIONAL REPORTS.—Not later than 1 year after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a second report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the second report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $3,000,000, to remain available until expended.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the Session of the Senate on Thursday, September 19, 2002, at 2:30 p.m., in both open and closed session to receive testimony on U.S. policy on Iraq.

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. 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 Thursday, September 19, 2002, at 10 a.m., to conduct an oversight hearing on ''Financial Privacy and Consumer Protection.''

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 19, 2002, at 10 a.m. on pending committee business.

Agenda

1. S. 2949, Aviation Security Improvement Act (Sam Whitehorn/Gael Sullivan, Rob Chamberlin/Michael Reynolds).
2. S. 2946, Federal Trade Commission Reauthorization Act of 2002 (David Strickland/Kim Vandecar, Carlos Fierro/Ken Nahigian).
3. S. 2817, National Science Foundation Doubling Act (Jean Toal Eisen/Chan Lieu, Floyd DesChamps/Ken LaSala).
4. S. 2950, National Transportation Safety Board Reauthorization Act of 2002 (Sam Whitehorn/Gael Sullivan/Carl Bentzel, Rob Chamberlin/Michael Reynolds/Rob Freeman/Mary Phillips).
5. S. 2951, Federal Aviation Administration Research, Engineering, and Development Act of 2002 (Gael Sullivan/Sam Whitehorn, Rob Chamberlin/Michael Reynolds).
6. S. 2550, Professional Boxing Amendments Act of 2002 (David Strickland/Matthew Morrissey, Carlos Fierro/Ken Nahigian).
7. S. 2608, Coastal and Estuarine Land Protection Act (Margaret Spring/Peter Fippinger, Drew Minkiewicz).
8. H.R. 1989, Fisheries Conservation Act of 2002 (Margaret Spring/Cindy Smith, Drew Minkiewicz).
9. H.R. 2486, Inland Flood Forecasting and Warning System Act of 2002 (Margaret Spring/Cindy Smith, Floyd DesChamps/Ken LaSala).
10. S. 2862, Firefighting Research and Coordination Act (Jean Toal Eisen/Chan Lieu, Floyd DesChamps/Ken LaSala).
11. S. 2945, the 21st Century Nanotechnology Research and Development Act (Jean Toal Eisen/Chan Lieu, Floyd DesChamps/Ken LaSala).
12. H.R. 2733, Enterprise Integration Act of 2002 (Jean Toal Eisen/Chan Lieu, Floyd DesChamps/Ken LaSala).
13. S.J. Res. 42, a joint resolution commending Sail Boston for the continuing advancement of the maritime heritage of nations, its commemoration of the nautical history of the United States, and its promotion, encouragement, and support of young cadets through training (Carl Bentzel/Marvin Nixon, Rob Freeman).
14. Nomination of David McQueen Laney (PN 1731), of Texas, to be a Member of the Reform Board (Amtrak) (Carl Bentzel/David Matsuda/Vanessa Jones, Rob Freeman/Mary Phillips/Virginia Pounds).
15. Nomination of Rebecca Dye (PN 1870), of North Carolina, to be a Federal Maritime Commissioner (Carl Bentzel/Marvin Nixon/Vanessa Jones, Rob Freeman/Virginia Pounds).
16. Nomination of Roger Nober (PN 1979), of Maryland, to be a Member of the Surface Transportation Board (Carl Bentzel/David Matsuda/Vanessa Jones, Rob Freeman/Mary Philips/Virginia Pounds).
17. Nominations for Promotion in the United States Coast Guard (PNs 2146, 2160, 2161, 2162) (Vanessa Jones, Virginia Pounds).

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, September 19, 2002, at 9:30 a.m., to conduct a hearing entitled, ''Project Delivery and Environmental Stewardship'' to examine progress on environmental streamlining under the Transportation Equity Act for the 21st century, TEA–21. The hearing will be held in SD–406.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 19, 2002, at 11 a.m., to hold a hearing on law enforcement treaties.

Agenda

Treaties

1. Treaty Doc. 107–13; Treaty Between the Government of the United States of America and the Government of Belize on Mutual Legal Assistance in Criminal Matters.
2. Treaty Doc. 107–12; Treaty Between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters.
3. Treaty Doc. 107–9; Treaty Between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters.

4. Treaty Doc. 107–3; Treaty Between the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters.

5. Treaty Doc. 107–16; Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters.

6. Treaty Doc. 107–6; Extradition Treaty Between the United States of America and the Republic of Peru.

7. Treaty Doc. 107–4; Extradition Treaty Between the United States of America and the Government of the Republic of Lithuania.

8. Treaty Doc. 107–11: Second Protocol Amending Treaty on Extradition Between the Government of the United States of America and the Government of Canada, as amended.

9. Treaty Doc. 107–15: Treaty Between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes.

Witnesses: Mr. Sam Witten, Deputy Legal Adviser, Department of State, Washington, DC and Mr. Bruce Swartz, Deputy Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 19, 2002, at 10 a.m., in Dirksen Room 226.

Tentative Agenda

I. Nominations

Dennis Shedd to be a U.S. Circuit Court Judge for the Fourth Circuit; Ronald H. Clark to be a U.S. District Court Judge for the Eastern District of Texas; Lawrence J. Block to be a Judge for U.S. Court of Federal Claims; and to be a U.S. Marshal: Antonio Candia Amador for the Eastern District of California.

II. Bills

S. 2480, Law Enforcement Officers Safety Act of 2002 [Leahy/Hatch/Feinstein/Thurmond/Cantwell/Grassley/Edwards/Kyl/DeWine/Sessions/McConnell/Brownback].

S. 2798, Employee Abuse Prevention Act of 2002 [Durbin/Leahy/Kennedy].

S. 2820, To increase the priority for employee wages and benefits in bankruptcy [Carnahan/Leahy/Kennedy].

S. 2901, Corporate Accountability in Bankruptcy Act [Grassley/Leahy].

S. 1655, Captive Exotic Animal Protection Act of 2001 [Biden/Feinstein/Durbin/Kohl/Cantwell].

S. 2742, Border Commuter Student Act of 2002 [Hutchison/Schumer/Cantwell].

S. 2934, To Amend the charter of the American Legion [Johnson].

H.R. 3988, To Amend the charter of the American Legion [Gekas].

S. Con. Res. 139, ''National Minority Health and Health Disparities Month'' [Torricelli].

H. Con. Res. 388, ''National Minority Health and Health Disparities Month'' [Christensen].

S. Res. 326, ''National Mammography Day'' October 18, 2002 [Biden/Leahy/Hatch/Kennedy/Thurmond/Grassley/Specter/Durbin/DeWine/Cantwell/Brownback].

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 19, 2002, at 2 p.m., to hold a nomination hearing.

Agenda

Nominees

Panel 1: Mr. C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation; Mr. Ned Siegel, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation; Mrs. Diane Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation; and Mr. Samuel Ebbesen, of the Virgin Islands, to be a Member of the Board of Directors of the Overseas Private Investment Corporation.

Panel 2: The Honorable Wendy Chamberlin, of Virginia, to be Assistant Administrator of the Agency for International Development for Asia and the Near East and Ms. Nancy Jacklin, of New York, to be United States Executive Director of the International Monetary Fund.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 19, 2002, at 10 a.m. and 2:30 p.m., to hold a joint open hearing with the House Permanent Select Committee on Intelligence regarding the joint inquiry into the events of September 11, 2001.

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

COMMITTEE ON AGING

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 19, 2002, from 9:30 a.m.–12 p.m., in Dirksen 628 for the purpose of conducting a hearing regarding Disease Management.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on ''Oversight of Enforcement of the Antitrust Laws'' on Thursday, September 19, 2002, at 1:30 p.m., in room 226 of the Dirksen Senate Office Building.

Tentative Witness List: The Honorable Charles James, Assistant Attorney General, Antitrust Division, U.S. Department of Justice, Washington, DC and the Honorable Timothy J. Muris, Chairman, Federal Trade Commission, Washington, DC.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 19, 2002, at 2:15 p.m., in SD–366. The purpose of this hearing is to receive testimony on the following bills:

S. 2623, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes;

S. 2640 and H.R. 3421, to provide for adequate school facilities in Yosemite National Park, and for other purposes;

S. 2776, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes;

S. 2788, to revise the boundary of the Wind Cave National Park in the State of South Dakota;

S. 2880, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes;

H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; and

H.R. 3858, to modify the boundaries of the New River Gorge National River, West Virginia.

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

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF BUSINESS

Mr. REID. Madam President, we are going to talk about Monday's schedule, Tuesday's schedule, and then tomorrow's schedule.

ORDERS FOR MONDAY, SEPTEMBER 23, 2002

Mr. REID. Madam President, I ask unanimous consent that at 3:30 p.m., Monday, September 23, the Senate resume consideration of H.R. 5093, the Interior appropriations bill and resume consideration of the Dodd amendment No. 4522; that there be 60 minutes of debate with respect to the Dodd amendment prior to a vote in relation to the

amendment, with the time until 4:30 p.m. equally divided and controlled between Senators DODD, INOUYE, and CAMPBELL or their designees; that no amendment be in order to the Dodd amendment prior to a vote in relation to the amendment; that at 4:30 p.m., the amendment be temporarily set aside and the Senate then proceed to the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the Byrd amendment No. 4480; that the motion to proceed be agreed to and the motion to reconsider be agreed to, and there then be 60 minutes for debate prior to a vote on cloture with respect to the Byrd amendment No. 4480, with the time equally divided and controlled between the two leaders or their designees; that at 5:30 p.m., without further intervening action or debate, the Senate resume consideration of the Dodd amendment No. 4522 and vote in relation to the amendment; that immediately following the vote with respect to the Dodd amendment, regardless of the outcome of the vote, the Senate vote on the motion to invoke cloture on the Byrd amendment No. 4480; that if cloture is not invoked and the Dodd amendment has not been disposed of, then the Senate resume consideration of the amendment, and it remain debatable and amendable; and that on Monday the Senate resume consideration of H.R. 5005, the homeland security bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR TUESDAY, SEPTEMBER 24, 2002

Mr. REID. Madam President, I ask unanimous consent that at 9:30 a.m., Tuesday, September 24, the Senate resume consideration of H.R. 5005, the homeland defense legislation, and resume consideration of the Byrd amendment No. 4644; that the second-degree amendment be withdrawn once this agreement is entered; that there be a total of 60 minutes for debate with respect to the amendment; with the time divided as follows: 45 minutes under the control of Senator BYRD or his designee, and 15 minutes equally divided and controlled between Senators LIEBERMAN and THOMPSON or their designees; that upon the use or yielding back of time, without any further intervening action or debate, the Senate proceed to vote on the Byrd first-degree amendment; that upon disposition of the Byrd amendment, the Senate proceed to a period of morning business until 12:30 p.m., for the purpose of tributes to Senator STROM THURMOND, with Senators permitted to speak for up to 10 minutes each; that the Senate stand in recess from 12:30 p.m. until 2 p.m., for the regular party conferences; that at 2 p.m., the Senate resume consideration of the Lieberman-McCain amendment No. 4694 and there be 15 minutes remaining for debate prior to a vote in relation to the amendment, with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate vote in relation to the amendment, with no second-degree amendment in order prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, after consultation with the Chairman of the Senate Committee on Finance, pursuant to Public Law 106–170, announces the appointment of Jack L. Hillyard, of Iowa, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel.

ORDERS FOR FRIDAY, SEPTEMBER 20, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 10 a.m., Friday, September 20; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Republican leader or his designee; that at 10:30 a.m., the Senate proceed to executive session to consider Calendar No. 1006, and vote on the nomination, with no intervening action or debate; further, that it be in order to request the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. REID. Madam President, I ask unanimous consent that following the disposition of the nomination, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session, and there be a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

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

PROGRAM

Mr. REID. Madam President, the next rollcall vote will occur on Friday at 10:30 a.m. on the confirmation of Reena Raggi, to be United States Circuit Judge for the Second Circuit.

EXTENDING THE SENATE'S APPRECIATION TO THE STAFF

Mr. REID. Madam President, I would like to—we do not do this nearly often enough—extend our appreciation, that of the Senate, to the staff. This reading that I have done in the last few minutes has taken hours to accomplish. This is probably the 15th time they have typed this. We thought we had it done on a number of different occasions, and because of people's schedules and other things Senators wanted, they had to retype it again and again and again.

So I appreciate their patience. And I am sorry it took so long. I really wish we were accomplishing more with all of this work because, as a body, we have not accomplished too much, but we are moving on the best we can.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, it appears there is nothing further to come before the Senate. I therefore ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Friday, September 20, 2002, at 10 a.m.

EXTENSIONS OF REMARKS

RICHARD KOOB ASCENDS TO PRESIDENT OF NATIONAL FINANCIAL ADVISORS GROUP

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. KLECZKA. Mr. Speaker, today I wish to congratulate my good friend Richard A. Koob on his installation in Charlotte, North Carolina as President of the National Association of Insurance and Financial Advisors (NAIFA). My best wishes go out to him as he takes the reins of leadership for this prestigious organization.

Mr. Koob has been a Financial Representative for the Northwestern Financial Network since 1967, having become a member while he was still in college. Over the course of his distinguished career, Dick has received numerous awards, including the Wisconsin State Association of Life Underwriters Distinguished Service Award. He is a two-time honoree of the Waukesha Association of Life Underwriters Distinguished Service Award, and has been recipient of the National Association of Life Underwriters National Quality Award for 26 years, and its National Sales Achievement Award for 18 years. He is also a 26-year member of the Million Dollar Round Table.

In addition to his involvement in NAIFA, Richard Koob has played key roles in numerous professional organizations throughout his career, including director of the Wisconsin State Association of Life Underwriters Committee on Political Action. Despite his busy schedule, he has also found time to be active in his community, being involved with a number of groups, such as the Lions International Foundation, the Knights of Columbus, and the Waukesha Chamber of Commerce. Dick has also served as vice-president of his Parish Council and as chair of Catholic Memorial High School's Crusader Auctions. A U.S. Army veteran, he was a recipient of the Governors Award for Outstanding Service.

Dick Koob has dedicated his life to service; to his clients, to his community, and to his country. I have no doubt that he will provide outstanding leadership to NAIFA as its new president, and I join with his wife Judy, his children Kimberly, Melissa and Christopher, his colleagues and his many friends in offering my warm congratulations, and my best wishes as he takes on this new challenge.

HONORING CHANDLER ELEMENTARY SCHOOL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in honor of Chandler Elementary School in recognition of their outstanding work in the production of ''Jason McDaniel Is a Mean Little Boy!'' Mark Scarpelli and Dan Kehde wrote this play.

The ''Talk Back Staff'' provided an opportunity for students to promote respect and self-esteem in a creative way. Their dedication to the children of Chandler Elementary is to be commended.

The cast members, composed of kindergarten through fifth grade students, should be proud of their outstanding performance. They used their skills and talents to show how they may be able to influence others to solve problems without using violence.

Kanawha County Schools, faculty, and staff upheld the goal of this play to help equip the children with proper attitudes and understanding in the efforts to stop harmful effects of the negative images in our media.

Mr. Speaker, I urge my colleagues to join me in congratulating Chandler Elementary School on a job well done.

HONORING THE PEOPLE OF OUTBACK STEAKHOUSE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize the people of Outback Steakhouse for their strong support of our brave troops fighting the war on terrorism. Fifteen employees from Outback restaurants flew more than 7,000 miles to Afghanistan to prepare 6,700 steaks, 30,000 shrimp, and 3,000 giant onions for our courageous men and women. The members of ''Mission Outback'' as it was called, arrived in a C–17 at the Kandahar Airport with one objective: to deliver a message of appreciation from back home in the form of deep-fried onions, Rib-Eye steaks, grilled shrimp, french fries, mixed vegetables, and cheesecake. The thousands of military men and women could not have been more excited and thankful for the delicious taste of home.

This philanthropic concept was born by the CEO of Outback, Chris Sullivan, whose compassion and generosity made the steak dinner possible. Together with Central Command at MacDill Air Force Base, Outback had to coordinate the transport of thousands of pounds of food and the military clearance of fifteen people to cook in a war zone across the globe.

Similar to our military missions in Afghanistan, ''Mission Outback'' was brief and on-target. The employees were in Kandahar for three days, preparing food almost the entire time.

Outback Steakhouse has had a long history of providing assistance to our great nation. Most recently, the chain of Outback restaurants raised over $8.5 million for Dine-Out for America, a nation-wide fundraising event for victims of the September 11th terrorist attacks. The money went directly to the American Red Cross and its Liberty Disaster Relief Fund.

Mr. Speaker, there is no question that I speak for the thousands of troops in Afghanistan in thanking the people of Outback Steakhouse for their service to the United States and I ask that Congress join me in recognizing their exceptional contributions to our men and women in uniform.

BIG-TIME OOPS!

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. FRANK. Mr. Speaker, when I became the representative of a district with significant commercial fishing activity after the 1992 redistricting, I became aware of a strong view among many who fish for a living that the quality of scientific knowledge on which fishing regulation was based left a great deal to be desired. In particular, fishermen have from time to time argued that their experience has demonstrated that there were in fact more fish than the regulators were counting. No one has greater interest in the sustainability of our fisheries than the fishermen themselves, and I was therefore impressed with the force of their arguments. My willingness to listen to their arguments was not based simply on this predisposition, but rather on the very convincing factual cases they made. Because of their persuasive arguments, I have in two instances, worked with people in the fishing industry to secure funds for independent research, and in both of these cases the results were to confirm that the fishermen were right and that there were in fact far more fish available—in part as a result of sensible conservation practices—than previous science had indicated.

Most recently, fishermen were hit with a very restrictive decision by Judge Gladys Kessler which threatens the ability of many in this industry to make a living, and which threatens also very importantly to drive up the price of this important protein rich commodity for consumers by severely restricting the catch. Once again many fishermen expressed some skepticism about the science on which these restrictions were based.

Recently, that skepticism has been dramatically confirmed. The National Marine Fisheries Service announced last week that the data about the amount of fish in New England waters on which recent decisions have been based was flawed, which argues strongly that there is in fact a greater stock available than previously maintained by NMFS. Specifically, as the New Bedford Standard Times summarized in its recent editorial, ''The NMFS scientist did not properly calibrate the trawl they use for annual fall and spring surveys in New England waters. One side of the trawl had a cable much longer than the other side, making it impossible for the gear to efficiently gather groundfish.''

Mr. Speaker, I ask that this very thoughtful editorial by the New Bedford Standard Times be inserted here, because I know it strikes this important point, and argues thoughtfully and persuasively for NMFS to follow its admission of error with corrective action. Further, Mr. Speaker, when this House debates the renewal of the sustainable fisheries act, known as the Magnuson Act, this admission by NMFS that it had seriously undercounted the amount of fish in New England waters will be relevant as I and others talk about the need to revise fishing regulation in a manner that will make it less likely that unnecessary restrictions will be imposed on hardworking people based on faulty data.

[lsqb]From the Sunday Standard Times, Sept. 15, 2002[rsqb]

NMFS HAS YET ANOTHER REASON FOR COOPERATION

What a relief it must have been for hundreds of commercial fishermen in New Bedford and throughout New England this week when scientists at the National Marine Fisheries Service in Woods Hole announced that their data for the last two years was flawed.

Big-time oops!

There's nothing as satisfying as learning that you aren't crazy after wondering whether you are.

Many of our region's fishermen must have thought they were going crazy, as they pulled up increasing numbers of groundfish in the last two years, but were told by scientists that many groundfish species were not recovering from decades of overfishing.

The NMFS scientists did not properly calibrate the trawl they use for annual fall and spring surveys in New England waters. One side of the trawl had a cable much longer than the other side, making it impossible for the gear to efficiently gather groundfish. It also made it impossible for the data from these two years to be compared with data from previous years.

The NMFS admission is particularly important because this region's fishermen are now under some of the strictest regulations they have ever experienced. How this mistake will affect those regulations remains an open question.

But the National Marine Fisheries Service should take this as a strong sign that more fishermen need to be involved with scientific research for the sake of the fishermen, the scientists, and overall accuracy in reporting fish numbers.

Just as there have been federal science observers on fishing boats, there should be fishermen observing the scientific methods used aboard federal trawl survey boats. Environmental advocates also should be part of the review as another check and balance.

NMFS would be wise to quickly establish a review panel consisting of fishermen, gear experts, environmental observers and scientists to examine the data in question and determine the changes that are needed in current fishing regulations based on these errors. Do we allow more fishing of some species, less, or wait for new data?

And it wouldn't hurt for scientists from the Northeast Fisheries Science Center to make a humble and public apology to fishermen for the error that could have a significant effect on their lives, their families and the port communities where they live.

TIME FOR REGIME CHANGE IN BURMA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate September 18th, 2002, the 14 year anniversary of one of freedom's great tragedies. On this day in 1988, a military regime assumed power in the country of Burma during a brutal crackdown, slaughtering approximately 10,000 nonviolent demonstrators in the streets of Rangoon and throughout the nation over a period of months. Were these demonstrators committing some crime? Had they broken the law of the land? Were they planning some heinous act of treason?

The answer is no on all three counts—they did not, had not, and were not.

The people of Burma are guilty only of sacrificing for the same dreams that have summoned greatness in men and women alike throughout history: freedom, democracy, and human rights. As Burma's 1991 Nobel Peace Prize recipient Daw Aung San Suu Kyi has said, ''. . . even under the most crushing state machinery courage rises up again and again, for fear is not the natural state of civilized man.''

September 18th, 1988 was not only a tragedy, however. It was also a day of great hope. Since 1988, the Burmese people's courage has never for one instant waned or even cooled. In 1990, despite harassment, arrest, and intimidation, the National League for Democracy was voted into power with an astounding 82% of the seats in parliament. We members of Congress, as elected officials, in particular should understand the uniqueness of this victory. I know most of my colleagues in this building would do anything for that kind of mandate. In 1991, 1996, and 1998, the people of Burma and the National League for Democracy demanded recognition of this election with demonstrations and party gatherings that resulted in widespread arrests and subsequent torture. And, in August of this year, Burmese students again took to the streets in Rangoon, calling for the release of all of Burma's political prisoners.

We know from our own history that the struggle for freedom is not easy nor is it without sacrifice. The sudden rush of change might come at any time, whether through the crumbling of a wall or a crowd's deafening cry for democracy in the streets. We do know, however, that the United States of America has always stood for the principles that our nation was founded upon, and we will continue to support those that share our dreams.

Burma's military regime should be put on notice that the United States will neither forget September 18th, and what it represents for the Burmese people, nor tire in our belief in freedom. Most importantly, the regime should also know that many of us in the United States Congress are growing weary of the constant stalling and delaying of a full-scale political dialogue that includes Burma's ethnic nationalities. Now is the time for change in Burma and I urge my colleagues to join me in calling for that change.

TRIBUTE TO ALLEN LEFKO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that a longtime community and business leader in Jackson County, MO, will be receiving the Humanitarian of the Year Award at the Truman Heartland Community Foundation annual gala dinner, ''A Salute to Hometown Heroes.'' Mr. Allen Lefko has demonstrated a strong commitment to the area and its economic development and has helped to ensure a brighter future for all residents and businesses.

Mr. Lefko has developed and maintained an excellent reputation through the years by his many achievements. He is the founder, President, and CEO of Noland Road Bank; Chairman of the Board and CEO of the Bank of Grain Valley and Grain Valley Bancshares, Incorporated; President of the Independence Chamber of Commerce Board of Directors; President of the Independence Rotary Club; member of the Independence Regional Health Center Board of Trustees; founder, President, and Treasurer of the Association for Industrial Development for Independence; President of the Suburban Banker Association and the Kansas City Clearing House Association; President of the Grain Valley Economic Development Council; and Choices program sponsor and instructor.

Mr. Lefko has volunteered much of his time to the communities of eastern Jackson County. He has served on many YMCA and Boy Scout committees and has been engaged in such important committees and boards as the Grain Valley Arts and Beautification Council Fund, Grain Valley Senior Citizens Nutrition Program Fund, and the Association for Industrial Development for Independence Scholarship Fund. Mr. Lefko has also participated in the I-Share Campaign, the selection of Rotary/City of Independence Teacher's Truman Scholarship Fund recipients, Independence and Grain Valley Chambers of Commerce, the Board of Directors of the Grain Valley Assistance Council, and he was an auctioneer for the Grain Valley Assistance Council annual fund drive.

Mr. Speaker, I am certain that my colleagues will join me in wishing Allen Lefko all the best. We thank him for over 40 years of dedicated service to eastern Jackson County.

AMENDING LEGAL DEFINITION OF LEWIS AND CLARK NATIONAL HISTORIC TRAIL

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. HILL. Mr. Speaker, today, I have introduced legislation that will amend the legal definition of the Lewis and Clark National Historic Trail to include the expedition's route between Wood River, Illinois and the Falls of the Ohio, which rests between Clarksville, Indiana and Louisville, Kentucky.

I am grateful that representatives ANNE NORTHUP and MARK SOUDER have joined me

as original cosponsors of the Bill. Senator EVAN BAYH of Indiana is also introducing companion legislation in the Senate.

In October 1803, Meriwether Lewis and William Clark first met at the Falls of the Ohio, recruited the first members of the Corps of Discovery and departed for the west from Clarksville, Indiana on October 26, 1803.

Our country will begin commemorating the bicentennial of the Lewis and Clark expedition next year. Southern Indiana and Louisville, Kentucky will host a ''National Signature Event'' to mark the important events that happened at the Falls of the Ohio.

Mr. Speaker, the upcoming bicentennial has caused many of us to more carefully examine the history of the Lewis and Clark Expedition. We discovered that many important sites like the Falls of the Ohio have not been properly recognized in the past. The Falls of the Ohio State Park in Indiana and historic Locust Grove in Louisville, Kentucky have now been certified by the National Park Service as official sites associated with the Lewis and Clark National Historic Trail.

However, there is now a disconnect between the legal definition of the Lewis and Clark National Historic Trail passed by Congress in 1978 and the sites that have been certified by the National Park Service as significant to the Lewis and Clark story. This bill will extend the Trail corridor to include important sites between Wood River and the Falls of the Ohio.

It will also do more than correct current law to include sites that both the Park Service and Lewis and Clark scholars have noted as significant. By extending the official Trail to include more Eastern sites, a larger portion of the U.S. Population will be within driving distance of the Trail. This means more people in the east will learn about the Lewis and Clark story and be more likely to make a point of exploring Western segments of the Trail. this will significantly boost tourism all along the Lewis and Clark Trail.

Mr. Speaker, this amendment to the National Trails System Act is long overdue. With the upcoming Lewis and Clark bicentennial only months away, this is the perfect time to ensure the Lewis and Clark Trail properly reflects the expedition's history. I hope the House will soon consider this legislation and pass it into law.

FOURTEENTH ANNIVERSARY OF BLOODY END OF DEMOCRACY IN BURMA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. LANTOS. Mr. Speaker, I rise today to invite my colleagues to commemorate a very sad day in Burma. Today, September 18th, marks the 14-year anniversary of the Burmese military regime's bloody takeover of Burma, after gunning down an estimated 10,000 nonviolent demonstrators throughout the country. Since that awful day, the Burmese people, led by the courageous 1991 Nobel Peace Prize recipient Daw Aung San Suu Kyi, have against great odds never given up their hope, their belief, and their struggle for the kind of freedom we have enjoyed in this country. This struggle was enshrined into political reality when Daw Aung San Suu Kyi and the National League for Democracy won a democratic election in 1990 with 82% of the seats in parliament—a landslide election the regime has never recognized.

Today, I commend the 50 million people of Burma on their struggle, and call on them to never give up their passionate belief that freedom and democracy should not be reserved for a small number of western nations, but extended to all men and women. Freedom and democracy are your rights. You struggle on the side of truth, and sooner or later, truth always triumphs over darkness.

Recently, our hopes for change in Burma were raised. In May of this year, just as my colleagues and I in the U.S. Congress were strongly considering to greatly expand international pressure on the regime, Daw Aung San Suu Kyi was released from 19 months of house arrest. At the time, we hoped that her release signaled the start of a tripartite political dialogue in Burma that would include the regime, ethnic nationalities, and the National League for Democracy. My distinguished colleague and chair of the House International Relations Committee, Henry Hyde, and I stated, ''It is our hope that Daw Aung San Suu Kyi's release represents the dawn of a new era in Burmese history. However, first the junta must demonstrate through concrete actions a serious and consistent commitment to national reconciliation.''

However, we were proven right to be cautious. The junta has yet to show a serious commitment to these discussions, which still must yield tangible reforms and changes toward democracy. It would be a tragedy if the release of Daw Aung San Suu Kyi ended up mere window dressing for an ongoing litany of abuse. The regime has stonewalled the NLD in its efforts to commence a political dialogue and refused to release all political prisoners while factual reports of an intensified campaign of systematic rapes, massacres, and arrests have increased. The regime terrorizes its own population with particular brutality in the country's ethnic areas, where its soldiers continue to facilitate the drug trade.

I am especially frustrated by the regime's refusal to extradite Khun Sa and other drug lords and end its complicity in production of the methamphetamines and heroin that are destroying the lives of people around the world. Those who have watched this regime's untrustworthy leaders over years know that we must rely on actions rather than words. The regime has not complied with our efforts to stop the global flow of drugs. As long as this narco-regime stays in power, it can expect to receive no assistance from the United States.

Fourteen years is far too long for freedom, and we absolutely must lend our vocal public support to the Burmese people's struggle for freedom. It is time the United States and the international community see through the regime's smoke and mirrors and again move to increase concrete political and economic pressure.

OBSERVING NATIONAL POW/MIA RECOGNITION DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. HOYER. Mr. Speaker, I rise today in observance of National POW/MIA Recognition Day.

Many of the ideals and beliefs that form the backbone of our nation continue to flourish in large part because of the great perseverance and dedication of our nation's armed forces. Unfortunately, as we all know, during war and even smaller armed conflicts there inevitably are troops killed, as well as troops captured by enemy forces or who become missing in action.

It is important that communities regularly honor not only those brave soldiers who risked their lives and were killed, but also remember those who became either missing or prisoners of war. We must show them and their families the appropriate appreciation for their willingness to make the ultimate sacrifice to defend and preserve the democratic principles held so close to the hearts of all Americans.

About one year ago, on September 21st, President G.W. Bush declared that day as National POW/MIA Recognition Day. By establishing a national day of recognition, we have ensured that this country will formally honor every year those soldiers who were captured by the enemy or fallen missing in battle while serving their country.

The establishment and observance of a day of recognition for our prisoners of war and those missing in action is of great importance for the estimated 43,000 retired servicemen who were previously missing or held prisoner and who fortunately were able to return to the United States. It is just as important for the families and loved ones of those who remain unaccounted for or possibly are still in captivity.

Throughout our nation's history the men and women of the armed services have courageously risen to the call of duty ignoring whatever trepidation they may have for their own safety and security. While the numbers who have perished in the line of duty is a tremendous loss, there are also astounding numbers of those who continue to be listed MIA or as POWs.

Our friends and our neighbors, and even some of our elected officials, are former POWs or were listed MIA during their service. More than one-forth of the American soldiers held prisoner in the past five US conflicts were released by the enemy and returned to the United States again.

World War I, World War II, the Korean War, the Vietnam War, the Cold War era, Operation Desert Storm, and the Kosovo campaign all resulted in soldiers listed as MIA or POW.

Records show that approximately 143,000 Americans were captured and interned during those conflicts. This number includes 81 women seized on Guam or in the Philippines during World War II, and 2 during the Gulf War. Of these 143,000 American soldiers approximately 125,200 have since been returned to United States military control. That leaves almost 20,000 souls unaccounted for from America's 20th century wars and armed conflicts.

As our country wages the war on terrorism and we debate whether to go to war against Iraq, it is more important than ever to remember past sacrifices made by the men and women of America's armed forces. It is crucial to the continued high morale of our military and the peace of mind of missing soldiers' families that we offer our support—we must be clear that their loved ones' efforts were not in vain.

Mr. Speaker, I urge my colleagues, the people of Maryland and citizens around the country to celebrate and honor those who have selflessly dedicated their lives to serving their country and have, as a result, been either imprisoned or remain missing. This country owes a debt of gratitude to the current and former POW and MIA soldiers of the United States armed forces.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday September 11, 2001

Mr. CRANE. Mr. Speaker, Last week it was my high honor and privilege to join my colleagues in the House and Senate for a Commemorative Joint Session of Congress in New York City to honor the victims and heroes of September 11th.

While we Members of Congress are often engaged in abrasive confrontation, today I look around and see total unity, total recognition that whether Republican or Democrat, we are first and foremost Americans, and the common values we share far outweigh those we do not.

This is the same expression of unity demonstrated by Americans across the country on the days following the terrorist attacks on September 11th. I find comfort in the knowledge that it represents a promise that we will not back down from preserving our freedoms and protecting our homeland from those who wish to destroy our way of life.

And as we revisit some of the darkest moments in our nation's history, we must remember that our Nation has always been one that has triumphed over adversity. Indeed, I think it is fair to say that at times of great despair, America has consistently risen to its greatest hours.

So in remembrance of those lives lost on September 11th, I would like to conclude with some words from President Lincoln's Gettysburg Address:

> ''that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion * * * that we here highly resolve that these dead shall not have died in vain * * * that this nation, under God, shall have a new birth of freedom * * * and that government of the people * * *by the people * * * for the people * * * shall not perish from the earth.''

HONORING GEORGE GODDARD

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my constituent George Goddard who died on August 15, 2002, from injuries sustained in an automobile accident.

Mr. Goddard was born in Chicago in 1923. After graduating from Yale with a commission as Lt. (jg) in the U.S. Navy, he served on board the communications ship USS *Panamint,* which, during World War II, took the Japanese surrender of the island of Hokkaido.

After moving to Massachusetts in 1948, Mr. Goddard studied architecture at the Harvard School of Design where he was influenced by Walter Gropius and Mies van der Rohe. He moved to Belvedere in Marin County, CA, with his growing family and started his architectural career with Skidmore, Owens and Merrill. He later practiced independently and as a planning consultant designing teaching hospitals and medical and dental schools.

As a lifelong activist in social, political, and conservation causes, George stayed involved. He served on the Belvedere Planning Committee and played an integral role in acquiring Richardson Bay tidelands to save them from development. He also served as supervising architect during the move by barge of Lyford House, an 1870s dairy residence about to fall under the wrecker's ball, to its current home at the Richardson Bay Audubon Sanctuary.

George Goddard loved hiking, backpacking, sailing, and politics. In the 1990s, he organized a group of fellow navy officers into what became known as the Liars Club. Calling themselves Admirals, they met periodically to embellish their war experiences. As no one paid any attention to anyone else, they could go on for years retelling the same enhanced stories. He is survived by his wife Sheret, six children, two grandsons, and six stepchildren.

Mr. Speaker, Mr. Goddard was a valued member of the Marin community who will be missed by all who had the opportunity to know him.

EXPERIENCE WORKS

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to acknowledge Experience Works, a nonprofit organization that provides training, employment, and community service opportunities for mature workers.

Experience Works provides a valuable service to seniors thru various programs designed to help them enter the workforce, secure a more challenging position, move into a new career, or supplement their income. These services are provided to more than 125,000 people each year thru their offices located in 44 states nationwide and in Puerto Rico. Experience Works programs are funded by more than 75 public and private sources, and are the largest grantee of the federal government's Senior Community Service Employment Program (SCSEP). Through their work, they provide seniors the tools to use their many talents to help others in various settings.

Mr. Speaker, I would also like to give special recognition to the 2002 Blair County Outstanding Older Worker, Romaine Fleming, and Martin's Food Store, the 2002 Blair County Outstanding Employer of Older Workers. Ms. Fleming was selected for her long-standing contributions to the community. Her most notable contribution is her 34 years of dedicated service to Child Advocates of Blair County, Inc. Ms. Fleming is an inspiration to all those she works with and those she helps in her day to day activities. I congratulate her on this well deserved recognition and thank her for her service to the community of Blair County. I would also like to extend my congratulations for their recognition and my thanks to Martin's Food Store for their outstanding contributions to the community as well. They are an organization that displays a strong respect for mature workers and recognizes all the benefits this workforce can bring to an institution and a community. Their desire to secure older workers demonstrates their belief that the experience and reliability of these workers can add incredible strength to any organization.

I would like to again extend my thanks to Experience Works for all their hard work and contributions they provide the older workers in this country and congratulate Romaine Fleming and Martin's Food Store for their recognition as the 2002 Blair County Outstanding Older Worker and Outstanding Employer of Older Workers, respectively. I wish them all the best of luck as they continue to enrich the lives of others, as well as their own, through their many contributions.

ECOSYSTEM RESTORATION IN THE APPALACHIAN AND NORTHEAST REGIONS

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. SHERWOOD. Mr. Speaker, I rise to introduce legislation to authorize the Army Corps of Engineers to execute thousands of required small aquatic ecosystem restoration projects in the Appalachian region and the Northeastern United States. Currently, the region is estimated to have over 54,000 miles of impaired streams, rivers and coastline. In the Commonwealth of Pennsylvania alone 7,261 miles of streams and rivers out of 54,000 miles are classified as impaired. Of this amount 2,711 miles (37 percent) are impaired due to abandoned mine drainage. Contaminated water emanating from abandoned coal mines is one of the most severe and long lasting water pollution and habitat degradation problems in the Appalachian region. Pennsylvania has estimated cost to restore habitat and remediate water quality problems caused by Abandoned Mine Drainage (AMD) is in excess of $3.8 billion. The Pennsylvania Fish and Boat Commission estimates the economic loss to fisheries and recreation of the 2,711 miles impacted by mine drainage is approximately $67 million annually.

Moreover, using data from the Environmental Protection Agency, it is apparent the extent of just the aquatic ecosystem problems is enormous; the extent of degraded contributing land resources is likewise of tremendous

scope. For example, West Virginia has 6,213 miles of impaired waters, 69 percent of which, are caused by mine drainage. In both Maryland and New Jersey greater than 25 percent of all surface waters are considered impaired. In New Jersey 76 percent of the impaired waters have impaired aquatic life. New York State has 3,324 miles of impaired waters. Connecticut has 4,119 miles of impaired streams and coastline. Vermont has 757 miles of impaired streams and 21,376 acres of impaired lakes, 43 percent of these have impaired aquatic life. New Hampshire and Maine combined have 3,588 miles of impaired streams/coastline and over 290,000 acres of impaired lakes. Correcting these problems will require both innovative solutions and a broad ecosystem based approach that considers both the waterways, and the land issues contributing to water degradation.

The intent of this legislative proposal is to establish a pilot program, with broad authority for comprehensive restoration in the Appalachian, New England, and Mid-Atlantic Regions of the United States. This authority will begin to address the longstanding problems of abandoned mine drainage and other non-point sources of pollution currently impairing water quality and species diversity on the region. The program is intended to provide seamless authority for the Corps of Engineers to plan, design and implement small ecosystem restoration projects in cooperation with non-Federal partners including States, local Governments and non-profit organizations. The cost sharing provisions of this authority are consistent with other Corps of Engineers continuing authorities and include innovative provisions to allow pilot testing of innovative technologies, allow non-Federal sponsorship by non-profit organizations, and allow non-Federal sponsors credit for in-kind services performed during the feasibility study phase of a project.

The total cost of the proposed legislation over the authorized six year term is $200,000,000. This amount will not solve the regions' total ecosystem restoration needs but it will contribute substantially to meeting these needs and add to the overall non-Federal efforts currently in process. The estimated benefits of this program include improved water quality, restored ecosystem habitat and increased species diversity, both aquatic and terrestrial, economic benefits associated with restoration of stream and river fisheries, and other intangible benefits to communities associated with the visual improvement of environmental surroundings. This program will also provide much needed technical assistance to States and local communities in the assessment of environmental problems and the development of restoration strategies using the Corps' state of the art watershed modeling techniques and experience gained in environmental restoration.

EXPRESSING THE SENSE OF CONGRESS ON THE ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 2002

Ms. McCOLLUM. Mr. Speaker, I rise today in memory of the events of September 11th.

One year ago America suffered a horrible act of terrorism in New York, at the Pentagon and in Pennsylvania. Four planes, filled with innocent Americans, were turned into weapons at the hands of men filled with anger and hate, intent on bringing death and destruction to our great country. It is a day none of us will ever forget.

As the United States moves forward, we must remember those who died on September 11th, as well as the acts of heroism, valor and courage displayed on that day and the weeks and months to follow. I continue to find inspiration in the efforts of all Americans who risked their lives to save and heal their neighbors, co-workers, and strangers in need.

Let us also not forget the men and women in our armed forces who today are engaged in a campaign against terrorism, fighting to protect our freedom and seeking justice against those who attacked us. Their continued valor is a testament to the will and resolve of our great nation.

We will continue to pray for the victims and their families as we re-build the communities affected by those terrible acts of violence. Today, one year after this horrific act of terrorism, we, as Americans, re-affirm our highest beliefs in freedom, democracy and justice.

MARKING THE 14TH ANNIVERSARY OF BLOODY RISE TO POWER OF MILITARY DICTATORSHIP IN BURMA

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. EVANS. Mr. Speaker, today marks the fourteenth anniversary of the bloody rise to power of the military dictatorship in Burma. This despotic regime has denied its people basic liberties and freedoms including democratic representation, free speech, and an independent press. Allegations have also come to light that this regime has used the mass rape of women and children to instill fear. They have imprisoned and murdered thousands of their political opponents and closed thirty universities since 1995 to suppress popular student opposition.

I would like to speak specifically to the issue of labor rights in Burma. It is an undisputed fact that the Government of Burma has forced thousands of its citizens into forced labor. Bonded servitude is woven into the social fabric of many nations, but in Burma it is even more contemptuous because it is nothing more than slavery at its core and it is sanctioned by the government and employed by its military.

For many years, international organizations including the International Labor Organization, the International Confederation of Free Trade Unions, and the United Nations Commission on Human Rights have attempted to get the regime to emancipate it's slaves. Burma has flaunted international sanctions and continues to be uncooperative and deny access to human rights organizations investigating these and many other human rights abuses.

Burma's military regime emphatically rejects core labor rights including prohibitions on child labor, forced labor, and freedom of association. This is even more disconcerting because the military elite prop up a system of sweatshops producing textile products for western markets. Even under strict quotas, Burmese textile exports have exploded into the U.S. market creating a direct source of hard currency for the military dictatorship. And there are credible allegations being investigated that many goods skirt sanctions by masking their country of origin.

Textile exports are the life support for the Burmese regime and we need a complete ban on Burmese exports until we see freedom and an end to slavery. I commend my colleagues and the Administration that have stood up for human rights in Burma and kept the pressure on the regime. Now is not the time to relax sanctions, but instead tighten the noose on one of the world's worst totalitarian governments.

SBA 504 AND 7(A) LOAN PROGRAM SUBSIDY RATE CALCULATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. ISSA. Mr. Speaker, I rise today because I am concerned about the effects of an unjust tax on borrowers. Every time the Small Business Administration makes a 504 or 7(a) loan, the borrower pays an arbitrary and unnecessary fee.

The subsidy rates for the 504 and 7(a) have not reflected the actual performance of these loan portfolios over the past 11 years since the passage of the Credit Reform Act in 1990. The House Small Business Committee has repeatedly raised this issue with the Office of Management and Budget. OMB continues to use a flawed methodology to determine the cost of these loan programs to the government and SBA borrowers are forced to pay excessive fees that, since 1999, have totaled nearly $2 billion.

Today, the typical SBA 504 borrower pays more than $10,000 in excess fees and the typical 7(a) borrower pays more than $2000 in excess fees to the government because OMB fails to accurately determine the subsidy rates of these loans. Congress never gave OMB the right to impose a $10,000 tax on every 504 borrower or a $2000 tax on every 7(a) borrower. Yet that is what OMB is doing by continually overstating these subsidy rates.

The SBA is responsible for more than 40 percent of all long-term lending to small businesses. The inability of OMB to accurately estimate the cost of subsidizing small business loans draws needed resources from the very businesses these programs are intended to assist.

Mr. Speaker, this problem is not a partisan problem. It has existed throughout the previous administration and the current administration. It requires immediate action. It is time to require OMB to recalculate the 7(a) and 504 program subsidy rates for FY 2003.

RECOGNITION TO NORMA BRITO TODD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend and constituent of the Sixth District of New Jersey. Mrs. Norma Brito Todd, who at 82 years of age, works as the director and coordinator of Lunch Break Inc. in Red Bank, New Jersey is being honored as New Jersey's Outstanding Older Worker.

Mrs. Todd was born in Long Branch, New Jersey on October 6, 1920. She was one of five children born to Joseph Brito, a real estate broker, and Lucy Brito, a homemaker. She grew up in Red Bank and attended River Street School and Red Bank High School. Norma began her college education at North Carolina State College in Durham, NC. She completed her studies at Cortez Peters Business School in Washington, DC. She graduated in 1944.

In Washington, Norma met and shortly thereafter married James Richard Todd. Together they embarked on a thirty-five year career and never-ending adventure in the U.S. Foreign Service, which took them all over the world. Some of their stops over the course of these thirty-five years included:

Cairo, Egypt, where Norma helped administer anti-cholera injections and taught hygiene to local townspeople. Norma had ample time to evacuate, but she chose to remain at her husband's side and assist during this epidemic. The Todd's older daughter, Cynthia, was born in Cairo.

Tel Aviv, Israel, Norma helped her husband distribute Social Security checks to retired Americans living in remote places in Israel. The Todd's second daughter, Coralle, was born during their stay in Israel.

Now at 81 years of age, Mrs. Norma Todd is the Director and Coordinator of the Lunch Break Program in Red Bank. She has held this position since 1983. She arrives at the center each morning at seven, stating that she needs a little peaceful time to herself before the hustle and bustle of the day begins.

Norma's colleagues describe her as: a mother, a teacher, a friend, or just a shoulder to cry on to those in the community who find themselves in need. She has a sparkle in her eye, and a bounce in her gait. Norma's life mission has always been to help those in need, both young and old. She has always devoted her time to her family and to public service. She has never measured her success by money but rather by her accomplishments throughout the world.

It is with great satisfaction and appreciation that I ask my colleagues to join with me and commend the extraordinary contributions of Mrs. Norma Brito Todd.

SUPPORT DEMOCRACY IN BURMA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. PITTS. Mr. Speaker, today news reports reveal that over 300 Karen villagers fled their homes because State Peace and Development Council soldiers, known to the rest of the world as the government military dictatorship, burned their villages to the ground. Once again, villagers in Burma are living homeless in the jungle.

On September 18, 1988, the military forced its rule on the people of Burma, a rule that has been dominated by severe violence and oppression including rape, the enslavement of children, attacks on ethnic minorities, imprisonment and torture of democratic political opposition groups, and the destruction of homes and villages. The people of Burma have struggled to survive under this brutal regime. On this day of tragic remembrance, the United States and the entire international community must come together to support and assist the Karen, Karenni, Chin, Shan and other people of Burma.

The Burmese regime does not limit its attacks to ethnic minorities, but also brutally oppresses religious minorities. The military invades villages, divides families through forced relocation, and uses rape and murder to subjugate the people. The Karen community in southern Burma has been under severe attack by the Burmese military, particularly this year. Earlier this summer, I shared in a floor speech that I had photographic evidence of a massacre in the Karen State in Burma. The regime's troops brutally killed innocent civilians as they attempted to flee to refugee camps in neighboring Thailand. Despite promises to the international community that it will cease such blatant human rights violations, the regime refuses to take action against those responsible for the massacre. As usual, no investigation into the incident has occurred.

The SPDC regime deceives the international community again and again by saying one thing and then doing another. Recently, the SPDC freed democracy leader and 1991 Nobel Peace Prize recipient Daw Aung San Suu Kyi and promised to permit free political expression in Burma. Since that promise, however, the regime refuses to open a political dialogue with the National League for Democracy and Burma's ethnic communities.

The international community, on behalf of the people of Burma, should make it clear that the oppressive dictators of Burma will no longer be tolerated—we do not want to remember another anniversary of the human rights violations against Burma's people. Instead, next year on this day, we should be celebrating the return of democracy and freedom to the people of Burma.

I urge our Administration and my colleagues in Congress to act to support democracy in Burma and help provide aid to the suffering ethnic minorities. In addition, I urge the international community to press Burma's regime to cease the violence and murder perpetrated against the people and allow the legitimately elected leaders of the country to govern.

FOR BURMESE FREEDOM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. GILMAN. Mr. Speaker, fourteen years ago today the Burmese people rose up and protested, non-violently, against the military regime ruling their country. They marched—students, farmers, monks, academics, journalists and professionals alike—in front of the U.S. Embassy, in Rangoon, to tell the world that they wanted democracy. Our embassy heard their pleas, their shouts for freedom. In a nationwide uprising, that predated that of Tiannamen Square, thousands of brave souls lost their lives, in Rangoon alone. CNN did not record the event—TV coverage then, and today, is not allowed in Burma, unless stage-managed by the regime.

How fortunate the Burmese people are to have a leader, Nobel Peace Prize recipient, Daw Aung San Suu Kyi, who has willingly sacrificed her own freedom for that of her 50 million countrymen and women. Her party, the National League for Democracy, (NLD) won a free and fair election despite her being under house arrest, in 1990. The people of Burma voted for all which we hold sacred. Fourteen years is a long time to wait to honor the election results and the aspirations of the Burmese people.

The Congress and all administrations since that time, have supported the NLD and Burma's democracy movement. But we have done enough. The regime tells us, through their DC-based lobbyist, that they are willing to cooperate with the U.S. on counter narcotic measures. Evidence points to the contrary. Where is Khun Sa, the infamous drug lord? Although he has been under indictment in the Eastern District of New York for Federal drug violations that include conspiracy, importation of, and possession with intent to distribute heroin in the United States, he is believed to be residing in a military safe house in Rangoon, under a cease fire and amnesty agreement with the military junta. He is free; the Burmese people are not. He joins the generals in living without fear; while the Burmese people do not.

Accordingly, on this day fourteen years after the Burmese people gave their lives for democracy, we ask the world and this Congress for support to continue to pressure the regime until the aspirations of the Burmese people are fulfilled. I urge my colleagues not to forget that, in Burma, a parliamentary chamber has not been filled with an electorate.

Aung San Suu Kyl has said: ''What we are concerned about is the freedom of political parties and the freedom of all the people of Burma.'' If we turn our backs on Burma, if we don't speak out, and act, in support of those who chose democracy, we will be undermining all duly elected public officials, including ourselves.

RECOGNITION OF ROXBOROUGH MEMORIAL HOSPITAL REHABILITATION UNIT DURING NATIONAL REHABILITATION WEEK

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Mr. FATTAH. Mr. Speaker, I rise today to recognize the importance of National Rehabilitation Week, as well as congratulating the accomplishments of the Rehabilitation Unit at Roxborough Memorial Hospital.

Each year, thousands of rehabilitation providers and health and human services agencies join together during the third week in September to celebrate the powers of rehabilitation and share the message that through rehabilitation there is hope, achievement, and success. To answer the need to educate people throughout the United States, Allied Services healthcare system first celebrated National Rehabilitation Week in 1976. What began as a small scale local awareness campaign 26 years ago has steadily grown in scope over the years.

The Rehabilitation Unit at Roxborough Memorial Hospital is dedicated to serving the rehabilitative needs of the Roxborough community. Rehabilitative therapy allows many victims of injury and illness to achieve independence and improved quality of life. Individuals with disabilities have found hope, spirit, and dignity through the service of rehabilitation medicine.

Mr. Speaker, I commend the Rehabilitation Unit at Roxborough Memorial Hospital for their tireless dedication to help patients work to regain strength, confidence, and daily living skills after a disabling injury or illness.

PRESCRIPTION DRUGS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Ms. MILLENDER-McDONALD. Mr. Speaker, our Nation and its seniors are experiencing a crisis regarding Medicare benefits and specifically prescription drugs. This issue is of vital concern to them. Furthermore, in my Congressional District, my constituents consistently raise questions to me about what looms on the horizon as it relates to them obtaining a prescription drug benefit, because the cost of prescription drugs is so high.

At the current time, seniors on fixed incomes are confronted with escalating prices for medication and private companies are offering benefits that are grossly inadequate. Meanwhile, the majority's proposal will force seniors to shop for and buy a private insurance plan.

The truth is, seniors are pawns in the corporate and political game of prescription drugs. They are being forced to choose between buying food or their medication. No matter what choice they make, their health is still imperiled. It is unfair and unconscionable that our seniors are being treated in this manner. They deserve far better treatment.

Democrats support a Medicare prescription drug benefit that covers all seniors under Medicare, a benefit that would be voluntary and universal. I fully support the Democratic proposal, and I also support the proposals put forward by AARP.

If we look at the facts and put aside the rhetoric, the facts are clear. Soaring prices for prescription drugs are putting medicine out of reach for millions of seniors.

We Democrats support a Medicare prescription drug benefit that covers all seniors. Every senior would have access, regardless of where he or she lives and the amount of their income.

However, the House Republican prescription drug plan is a sham proposal that provides no real guarantee at all. Their plan will not cover all seniors. In fact, the benefit will be so limited that it won't be worthwhile for many middle-income seniors to enroll. Moreover, the Republican plan forces seniors to shop for and buy a private insurance plan, making it a hassle for older Americans who will have to contend with insurance plans that come and go.

Democrats know that this model doesn't work. The model didn't work in 1965, and that's why we created Medicare. Even the insurance companies say it won't work—the Health Insurance Association of America has said that they will not offer drug-only policies. Simply put, the Republican plan is guaranteed to fail.

Let me also emphasize that the Republican prescription drug plan does absolutely nothing to slow prescription drug prices from continuing their upward spiral.

It is time for my majority colleagues to come clean. Now is the time to pass a meaningful prescription drug plan that uses Medicare to make drugs affordable and which provides a universal, voluntary benefit for all seniors. If we closely examine the proposals put forward by the majority, it is abundantly clear what they are doing. They say ''Lower the cost of prescription drugs now,'' but that really only translates to ''take credit for minimal discounts that are already available.''

The facts are crystal clear, the so-called discounts will be nothing more than minimal discounts from programs that are readily available in the marketplace today. Furthermore, these programs advertise far better savings than what they actually offer.

Another mantra being repeated constantly is ''guarantee all senior citizens prescription drug coverage,'' but the translation is ''promise seniors an inadequate drug benefit offered by private insurance companies.''

At the end of the day, when seniors have to check their bank balances, there is no getting around the reality that an inadequate drug benefit offered by private insurance companies is really no guarantee whatsoever.

Early reports indicate that the Republican plan has major gaps and their prescription drug plan will leave Medicare beneficiaries 100% financially liable for thousands of dollars in drug costs. At the same time insurers can charge whatever they want and discriminate against the most vulnerable, including those with disabilities.

What we must do as Democrats is improve Medicare by providing more choices and savings, not by shifting costs to seniors and limiting the choice of providers.

My seniors are telling me that they think the Republican proposals will not result in more health care providers or more savings. They express deeply held fears that the end result will be a negative shift in costs to seniors, and a conversion of Medicare into a voucher program in which seniors would get a fixed government contribution and in turn would be told to choose a health plan they can afford.

For all the talk about strengthening Medicare for the future, seniors around this great nation are concluding that the ultimate goal is to undermine Medicare by forcing seniors into private insurance and HMOs for drug coverage.

Now is the time to provide a Medicare prescription drug benefit. Democrats are ready, willing and able to provide seniors with a benefit they desperately need. Our colleagues on the opposite of the aisle need to roll up their sleeves and work with us. We owe a debt of gratitude to seniors who have helped to make America great and strong. The least we can do is deliver on our commitment to help keep them healthy by providing a prescription drug benefit.

PAYING TRIBUTE TO: JIM AND HELEN BERNAL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, I would like to take the time to honor Jim and Helen Bernal of Fruita, Colorado for the unrelenting service they have given to their community. The Bernal family resided in Colorado long before the state had been admitted into the Union, part of a proud legacy spanning eight generations. For their part, Mr. and Mrs. Bernal have been committed to making the town of Fruita a better place to live. –Married 48 years ago in Antonito, Colorado, Jim and Helen have displayed great teamwork, working together and accomplishing tasks that many would deem impossible. Jim and Helen Bernal have raised eight children, and have 29 grandchildren, and two great-grandchildren. Although they may have an eventful home life on their 600-acre farm just outside of Fruita, the couple remains busy with a variety of different projects.

Jim and Helen Bernal are part of a fourteen member board that is working to finance and build a community center in Fruita, Colorado. Working diligently to utilize any resources that might further their cause, the couple has placed recycling barrels around the community to help raise money for the project. They have also organized and participated in a variety of fundraising events that have raised a total of $57,000. Jim Bernal is also an avid drummer, and his band performs several times a month for senior citizens in nearby communities. Always ready to lend a helping hand, Helen serves as the coordinator and booking agent for the band.

Mr. Speaker, it is with great privilege that I recognize Jim and Helen Bernal before this body Congress and this nation today. The Bernals have been widely praised throughout the community for their optimism and determination and I am proud to join in that admiration for such an inspirational couple. Thank you, Jim and Helen, and please keep up your good work.

DEVELOPING NEW TREATMENTS FOR PEOPLE LIVING WITH HIV/AIDS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to share with my colleagues news of an important development in medicine that is taking place in my district—the manufacturer of a new generation of HIV therapy. This complex, breakthrough therapy, called Fuzeon, generic name enfurvitide, is the drug formerly known as ''T–20'' Fuzeon is a new drug that attacks HIV in a new way, promising new hope for patients who have exhausted other therapies. Fuzeon is the product of groundbreaking medical research and cutting edge engineering and is an example of how the private sector is contributing to dramatic advances in healthcare and specifically in helping to manage the most devastating infectious epidemic in the recorded history of mankind.

In July, Fuzeon clinical trial results were presented at the International AIDS Conference in Barcelona, the world's largest HIV/AIDS meeting. These studies included over a thousand patients with advanced HIV who demonstrated resistance to a majority of currently available HIV treatments and were nearing the end of their treatment options. These study results showed that Fuzeon had a significant impact in reducing HIV viral load and improving immune response in these difficult to treat patients. Fuzeon, once approved by the Food and Drug Administration, could be commercially available as soon as early 2003.

At present, there are 800,000–900,000 people living with HIV in the United States. Innovative HIV therapies, taken in combination ''drug cocktails,'' have allowed many of these individuals to live relatively healthy, productive lives. However, HIV is a formidable virus that can adapt to become resistant to existing treatments and is doing so. In fact, one of the biggest challenges facing people living with HIV today is an emerging resistance to currently available treatments. Fifty-one percent of AIDS patients are immune to at least two of the three available classes of therapies thereby severely limiting the treatment options available to them. Fourteen percent are resistant to all three classes and are left with no way to control the advancement of their disease. These patients are in desperate need of new options.

That is why Hoffmann-La Roche, the pharmaceutical company that introduced the world's first protease inhibitor and the first HIV viral load test, has partnered with the biotech company Trimeries Inc., a leader in HIV innovation, to develop and manufacture Fuzeon—a new generation of HIV therapy. Fuzeon will help to addresses the urgent and unmet needs of HIV/AIDS patients who have built up resistance to current therapies. This internationally anticipated and complex drug will be manufactured right here in the United States—in Boulder, Colorado. It requires the creation of one of the most complex drug manufacturing processes ever undertaken because the drug is far more intricate in its structure and development than any existing drug.

Roche and Trimeris are investing considerable resources to bring new therapies to people living with HIV/AIDS. The importance of these discoveries and developments cannot be stressed enough. Breakthrough biotechnology advances in the worldwide fight against HIV/AIDS, produce vital life-saving alternatives for patients living with HIV. What these companies have learned from developing state-of-the-art manufacturing facilities for Fuzeon will also improve our nation's ability to develop and manufacture new therapies for other diseases.

The public sector has a role to play as well. I call upon my fellow colleagues to support funding of vital and fiscally prudent public programs that provide access to life-saving treatments such as Fuzeon. The AIDS Drug Assistance Program (ADAP) provides federal contributions to state run programs designed to provide innovative, life saving HIV drugs to low income, uninsured people living with HIV. I ask my House colleagues to include an increase of $162 million for ADAP funding in the House Labor, Health and Human Services appropriations bill for FY 2003. Many states are experiencing budget problems, and demand is outpacing available resources lot ADAP programs. From 1996 to 2001, the number of clients served nationally by ADAP programs has grown by 144 percent, with expenditures on drugs increasing by over 300 percent, and funding levels increasing at smaller rates. In my own state of Colorado, the ADAP has provided life saving HIV treatments to over 1,300 low income, uninsured people to date this year. Like other ADAPs, the Colorado program needs to respond to the increasing number of individuals seeking access to these treatments.

With this recommended increase in funding, we offer a real helping hand, send a message that the federal government encourages private investment in groundbreaking research, and meet our fiscal objectives.

IN RECOGNITION OF DR. BILLY C. HAWKINS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize Dr. Billy C. Hawkins upon his inauguration as the Twentieth President of Texas College, in Tyler, Texas, on September 20, 2002. Dr. Hawkins has proven himself as a dynamic and courageous leader, and has already instituted tremendous change at Texas College since he became President on December 1, 2000. Dr. Hawkins has secured accreditation from the Southern Association of Colleges and Schools for Texas College, developed a single parent program, developed an accelerated degree program, and helped to greatly increase enrollment at Texas College. These accomplishments portray the dedication and success of Dr. Hawkins. I work closely with Dr. Hawkins and I am proud to honor him on the occasion of his Investiture Ceremony as the Twentieth President of Texas College.

Dr Billy C. Hawkins is a native of Kent, Ohio and graduated from Roosevelt High School. He was a great football player in high school and at 21 years of age, he became the youngest head football coach in Michigan history. He enrolled at Ferris State University where he completed a Bachelor of Science degree in Teacher Education. He then went on to earn a Master of Arts degree in Education Administration from Central Michigan University and a Doctor of Philosophy degree from Michigan State University in Education Administration. In preparation for becoming a college president, Dr. Hawkins completed the Harvard Seminar for New Presidents.

Dr. Hawkins' achievements and experiences have well-prepared him for his current position as President of Texas College. He served as Provost and Vice President for Academic Affairs/Professor at Mississippi Valley State University from March 1, 1999 to November 31, 2000, as Vice President for Academic Affairs/Professor at Saint Paul's College in Lawrenceville, Virginia from September 1995 to February 1999, as Acting Dean, Associate Dean, Assistant Dean/Full Professor in the College of Education at Ferris State University from 1985 to August 1995, and as Director of Educational Opportunity Program at the State University of New York at Morrisville College, Morrisville, New York from 1981 to 1985. Dr. Hawkins has authored two books—''Educating All Students (A Pathway to Success)'' and ''Reaching for the Stars.'' He has been featured on national television and at regional and national conferences to discuss our nation's special education system.

Dr. Hawkins is the recipient of numerous honors and awards. In January 1999, he received appointment as a member of the Southside Virginia Business and Education Commission by former Governor James S. Gilmore, III, of Virginia. In August 2002, Dr. Hawkins was nominated by Secretary Ronald Paige of the United States Department of Education to serve on the Historically Black Colleges and Universities Capital Financing Advisory Board to advise Congress regarding program progress for implementing construction financing on HBCU campuses. He also currently serves on the Board of Directors of the Tyler Chamber of Commerce, the Tyler Economic Development Council, the Boys and Girls Club of Smith County. and the United Way. He is the proud father of two children, son Billy Jr. and daughter Marlana.

In closing, I want to share what his good friend Mr. Darrell Green, of the Washington Redskins football team, has this to say about him: ''Dr. Billy Hawkins is a true leader in every sense of the word, and most importantly, my lifelong friend.'' Mr. Speaker, I proudly honor Dr. Billy C. Hawkins today as he is officially inaugurated as the Twentieth President of Texas College.

HONORING THE SANTA BARBARA FOUNDATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to the Santa Barbara Foundation on the occasion of their 75th anniversary. The Foundation has greatly enriched the Santa Barbara community as a whole and many organizations have greatly benefited from its generosity.

In 1928 Major Max Fleischmann made the initial contribution to the Foundation that has

since enhanced the lives of so many Central Coast residents. Since that first donation, the, Santa Barbara Foundation has become an organization that provides grants and funds to projects within four fields of interest: Education and Personal Development, Health & Human Services, Culture & Recreation and Environment and Community Enhancement. The Foundation additionally promotes programs that expand opportunities for the less advantaged as well as those that will enhance the lives of youth. In fact, over the last 72 years, more than $60,000,000 has been distributed in the forms of grants and student financial aid.

There are more than 550 similar foundations throughout the nation, and the Santa Barbara Foundation holds the distinction of ranking among the top 50 oldest and largest such organizations. A board of trustees and a staff of 12 make pertinent decisions and run the operation on a day-to-day basis. And of course, the Foundation could never operate as successfully as it does without the help of the over 100 volunteers that dedicate the most precious resource a non-profit could ask for—their time.

Santa Barbara is extremely fortunate to have an organization of this generosity in its midst. I would like to bestow my sincerest congratulations to the Foundation on its 75th anniversary and wish the organization the very best in the future.

PAYING TRIBUTE TO MICHAEL J. WEBER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this moment to pay tribute to Michael Weber and thank him for his many contributions to healthcare and public policy initiatives in Colorado and throughout the nation. As Mike retires from his position at Rocky Mountain HMO, let the record show that I, along with the people of Colorado, appreciate his leadership of healthcare and managed care in rural areas. His dedication and hard work is greatly respected and I am honored to pay tribute to him today in front of this body of Congress. Mike will long be remembered as an effective leader by all who worked with him in the healthcare industry, and he will continue to stand out as a leader in his home community of Grand Junction, Colorado.

During his time as CEO of Rocky Mountain HMO, Mike turned his company into the leader of rural area managed care, growing the company from a one-county organization serving 3200 members in 1975 to one serving over 128,750 statewide today. He was a five-term president of the Colorado Association of HMOs, served ten years on the Board of Directors of the American Medical Care and Review Association, and was a member of the National Task Force on Medical Management. Perhaps a more telling accomplishment is the respect shown by several governors of Colorado—his numerous panel appointments include the Colorado Cost Containment Commission, the Health Advisory Council, and the Statewide Health Coordinating Council.

His involvement in the community has been outstanding as well. Locally, Mike served on boards for the Grand Junction Area Chamber of Commerce, Mesa National Bank, Rocky Mountain Health Foundation, and the Mesa County Economic Development Council. Perhaps most importantly, Mike is married to his wife Jeannie, and has four children. As he retires from Rocky Mountain HMO, I look forward to him still playing an important role in his community and the healthcare industry because he is a great asset and brings a lot of talent to the table.

Mr. Speaker it is my privilege to rise today to honor this outstanding citizen before this body of Congress and this nation. Mike Weber has shown great dedication and leadership on local and state healthcare matters on up to nationwide issues. I am glad to extend to him my gratitude for all he has accomplished in his field and wish him all the best in his retirement.

TRIBUTE TO COLORADO CLEAN WATER ACTION AND ITS CANVASSERS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the important work of Colorado Clean Water Action and the outstanding efforts of many of the group's canvassers who work tirelessly to educate the public and improve the environmental quality of life for all Coloradans.

Clean Water Action is a nationally recognized organization dedicated to enhancing the quality of our environment and especially of our nation's water resources. In arid states like Colorado, water is a precious and scare commodity. That makes the work of groups like Clean Water Action all the more important. Clean Water Action's efforts to enhance water quality not only benefit humans, they also benefit wildlife and promote a host of other environmental and economic values, such as productive agriculture, wetlands protection and recreation.

Here in Colorado, Clean Water Action has been led by Carmi McLean, an effective and passionate leader for the cause of the environment. Over the past three decades, Carmi has been involved in most if not all of the high profile environmental issues facing Colorado and the nation. She has been active in wilderness protection, reducing pollution and holding polluters accountable for their releases, fighting damaging rollbacks of environmental protection laws and programs such as Superfund, and, of course, in all issues related to water quality. Colorado Clean Water Action has also been involved in these and similar issues since 1989.

Recently, Colorado Clean Water Action has taken up the important, cause of reducing the toxic discharge of heavy metals and acids from old, abandoned hardrock mining operations. These mines, which occur in the hundreds of thousands across the west, have caused impacts to a number of watersheds which oftentimes supply drinking water to many western communities. These releases also can have devastating impacts to the aquatic life of many streams and lakes, which further impacts recreation and the ecological health of the lands affected by these sites. However, because those responsible for these abandoned, polluting mines cannot be found, most of these mines go on polluting. What's worse, because of the costs of cleanup and the risks of future liability exposure, many entities that would be willing to cleanup these mines are discouraged from taking steps to clean them up.

To address this problem, I have introduced legislation—H.R. 4078 ''The Abandoned Hardrock Mines Reclamation Act of 2002''—to facilitate the cleanup of these mines by creating an abandoned mine cleanup fund and a special permit program that would encourage more federal, tribal, state, local and community efforts to clean up these languishing pollution sources. Carmi and her staff at Colorado Clean Water Action recognized the significance of this problem and the value that this legislation would bring to addressing it. As a result, she has made this issue and the need to address it a top priority for the efforts of Colorado Clean Water Action, including many hours of hard work by dedicated young people who canvass door-to-door in Colorado communities letting people know about this issue and what can be done to help address it.

I want to take this opportunity to express my heartfelt thanks to Carmi and her canvassers who have been spending the summer and fall of 2002 working on this issue. Specifically, I want to recognize the following people who have been working especially hard at Colorado Clean Water Action on the abandoned mine waste problem: David Scheck, Brian Dunn, Stoney Bergman, Greg Sobczynski, Katie Tegeler, John De Wees, Nik Haynes, Lindsay Bennett, Noel Jensen, Melinda Miller, Whitney Hanson, Whitney Gann, Eric Hale, Ana Cordova, Courtney Bennett, Amy Addison, Dewey Brown, and Fred Kirsch.

Mr. Speaker, the future of our democracy depends on the active involvement of our young people in the important issues facing our nation. I am pleased that these young people have taken a special interest in this issue and hope that they remain active on environmental protection as well as other issues of importance to them. I believe that it is important for us as leaders and elected officials to stop and take notice of the civic involvement of our young people, recognize the importance of it and encourage more such participation. I also want to thank organizations like Clean Water Action and people like Carmi McLean who provide leadership and an opportunity for young people to participate in our democracy. I ask my colleagues to join me in thanking these young people and Colorado Clean Water Action for their great efforts.

IN MEMORY OF ROBERT W. ''RUSTY'' NORTON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HALL of Texas. Mr. Speaker, as we approach year's end, I often think back to dear friends that we have lost this year. One I especially loved, and miss, is the late Robert W. ''Rusty'' Norton of Longview, Texas, a beloved and outstanding citizen who passed away last January at the young age of 54. Rusty was a

close friend and someone that I think about often. He was a successful realtor, a caring community leader, a beloved husband, father and grandfather, and a friend of so many.

Rusty was born on November 9, 1947 in Terrell, Texas and had been an active member of the Longview community for almost thirty years. After graduation with a Bachelor of Business degree from East Texas State University, Rusty began working in real estate. He never ceased learning about the industry—evidenced by the fact that he recently was named a Certified Commercial Investment Member by the Commercial Investment Real Estate Institute—the highest certification that a person in the commercial real estate industry may earn.

One of Rusty's most cherished activities was his association with Trinity Episcopal Church, of which he had been a supportive member for 20 years. He was recently asked to become an Assistant Verger, a position of great honor, in addition to serving in a number of other positions within the church, including serving as a member of the Vestry Board and Endowment Board and Mission Funding Coordinator For the Diocese of Texas-Northeast Convocation.

Outside of his Congregation, Rusty had a number of other community activities that made him a cherished community leader. He had been a City Councilman and charter member of Longview 2020. He served on the local boards of the American Cancer Society, the Boys and Girls Club of Gregg County, the Salvation Army and was an active member of the Downtown Rotary Club. In his spare time he also served as an assistant chaplain at the Good Shepherd Medical Center. Rusty's extraordinary community dedication and service will be missed by the City of Longview and by all those with whom he worked so selflessly.

Rusty is survived by a loving family—his wife, Andee; his daughter, Meredith, and her husband, John Lucas of Graham, Texas; his step-daughter, Cissy Wrather of Longview; his step-son, David Wrather and wife, Janet of Houston; five grandchildren, Jack and Robert Lucas, Hunter, Jack, and Abigail Wrather; brothers, Joe Norton of Tyler, Texas, Tom Norton of Terrell and sister, Claire Schilhab of Tyler; as well as several nieces and nephews.

I have always felt close to and have admitted this family, and, in fact, I have felt that I was part of this great family. Rusty's father, the late Tom Norton, took me to my first State Democratic Convention. Since that time I felt close to Tom until his death, and I join all of this great family in mourning Rusty's death, while rejoycing with the memories and the love that Rusty left to all of us.

Mr. Speaker, Rusty was a dear and special friend of mine who could always be depended upon for advice and assistance, and he leaves behind him this wonderful family and many friends in Longview whose lives were enriched by him. As we adjourn today, let us do so in honor of this beloved community leader and outstanding citizen who touched so many lives and made Longview a better place in which to live. We will remember Rusty and the legacy he leaves us.

HONORING SAN LUIS OBISPO POLICE CHIEF JAMES M. GARDINER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. CAPPS. Mr. Speaker, I rise today to ask my colleagues to join me in honoring James M. Gardiner, the San Luis Obispo Police Chief, upon his retirement. This December, Chief Gardiner will retire from his 32-year career in law enforcement.

Chief Gardiner began his career in law enforcement, in 1970 when he joined the Newport Beach Police Department as a patrol officer. There he spent 4 years on various assignments before serving as Sergeant for 5 additional years. He was then promoted to lieutenant where he served for 3 years before becoming Captain in which position he remained for another 6 years. In August of 1987, Chief Gardiner joined the San Luis Obispo Police Department as Chief of Police.

Chief Gardiner has received numerous awards from the Central Coast community, including being named a Special Friend of the San Luis Obispo County Special Olympics on multiple occasions. The United Way named Chief Gardiner Humanitarian of the Year in 1993 and he was the recipient of the Community Service Award from the California Parks and Recreation Society in 1995. In 2000, Chief Gardiner received the National SOI Award of Special Olympics Hero. Chief Gardiner was also inducted into the Law Enforcement Torch Run Hall of Fame in 2001. Chief Gardiner and his wife, Elaine were recognized together as Citizens of the Year in 2001 by the San Luis Obispo Chamber of Commerce.

San Luis Obispo has been more than ably served by this fine man for 15 years. I am proud to congratulate Chief Gardiner on his remarkable record of achievement during his career as a law enforcement officer.

HONORING THE 25TH ANNIVERSARY CELEBRATION OF BURKE CENTRE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 25th Anniversary of Burke Centre, Virginia on Saturday, September 14th, 2002.

Burke Centre is located in the core of the 11th congressional district of Virginia. This planned, residential community began its development in 1976 and has grown into a thriving community with over 5,800 residences in its five neighborhoods: the Commons, the Landings, the Oaks, the Ponds, and the Woods. These neighborhoods are impressive examples of a successful organized community, with each of the five represented by one trustee, and featuring a pool and community center.

The gem of Burke Centre is the Conservancy, consisting of 1,700 acres, including 350 acres of pristine open space area ideal for a wide range of active and passive recreational activities. Ponds, tennis courts, playing fields, swimming pools, and other amenities are maintained for the enjoyment of residents.

This planned neighborhood took into consideration the community needs of its residents during its development. An efficient and effective committee system ensures residents' voices are still heard today. Burke Centre has established itself as a community committed to conservancy with its abundance of nature parks and outdoor activities. The Election Board is responsible for maintaining this mission and overseeing the annual Conservancy Board and Cluster Committee elections.

In commemoration of its 25th anniversary, Burke Centre's Fall Festival, planned and organized dually by volunteers and staff, will be the community's chance to celebrate this landmark anniversary. Antique vendors, entertainment, games and arts and crafts will pay tribute to Burke Centre's beginnings.

Mr. Speaker, in closing, with all that Burke Centre has created and offered its residents since its development 25 years ago, we have great reason to celebrate today. Accordingly, I extend my warmest congratulations to a community that has been dedicated to providing the best possible residential and community environment to its citizens.

PAYING TRIBUTE TO EILEEN JENSEN-KERCHEVAL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an outstanding woman who has achieved great accomplishments throughout her life. Eileen Jensen-Kercheval has worked diligently throughout her community to provide assistance and awareness to a variety of senior citizens issues. Eileen is an active member of numerous organizations, and traveled to Washington D.C. this month from Grand Junction, Colorado to promote awareness for senior citizens. It is a pleasure to applaud Eileen and her exceptional work in her community and its surrounding areas.

Eileen regularly appears on weekly television segments in Grand Junction, Colorado. Her segments are educational and informative to the citizens of Grand Junction, and she provides important information on many senior citizen engagements. Eileen's television career started in 1962 in Springfield, Illinois, where she entertained viewers with innovative and constructive ways in which to spend their leisure time. She was an outstanding role model for the Springfield community and retired to Grand Junction after nineteen years of accomplished airtime.

In recognition of her efforts, Eileen recently accepted the ''Experience Works Prime Time Award for Colorado.'' She accepted the award before friends and family, and modestly recounted her successful career with her charismatic, intuitive personality.

Mr. Speaker, it is with great pleasure I bring forth the accomplishments of Eileen Jensen-Kercheval and recognize her before this body of Congress and our nation. Thank you Eileen for being an inspiration in your community; I have full confidence you will excel in any ventures you choose to pursue.

RECOGNITION OF THE NATURAL RESOURCES LAW CENTER'S 20TH ANNIVERSARY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge and pay tribute to the Natural Resources Law Center, a legal and policy research organization housed at the Unviersity of Colorado's School of Law. The Center is celebrating its 20th anniversary of providing path-breaking, scholarly and practical input and analysis on the use, development and protection of our natural resources and environment.

The Center is widely recognized as one of the region's preeminent sources of research and educational programs on water and public lands issues, assisting managers, policy makers and other westerners committed to sustainable and balanced natural resource laws and practices. This mission has been the central thread in two decades of activity equally notable for its attention to emerging issues as its diligence in addressing long-standing areas of conflict and concern. The Center remains committed to informing and influencing natural resource decisions, recognizing that the quality of life so cherished by westerners is inextricably tied to our treatment of natural resources.

Center projects take a variety of forms. Perhaps best known are the Center's events, particularly the western water conferences held each June. These conferences consistently focus the nation's best minds on a variety of pressing and timely concerns, including endangered species management, groundwater depletion and pollution, operation of dams, water reallocation, transboundary disputes, and water conservation. Water resources have also been a prominent focus of Center publications, including pioneering work on instream flows, water markets, legal and administrative reform, and watershed partnerships.

Over time, a public lands program addressing issues as diverse as forest planning, wilderness preservation, and federal/state conflicts has balanced this traditional focus on water issues. The result is an organization intimately familiar with the many interconnections and dependencies found in natural resource systems and possessing expertise not limited to the physical environment, but equally relevant to the institutional landscape of laws, policies, administrative arrangements, and management practices.

By focusing on institutional arrangements, rather than merely laws and legal precedents, Center projects define natural resource problems and solutions broadly, revealing opportunities for innovation that would otherwise be buried by narrow thinking and the perception of hopeless gridlock. Center projects consistently show the natural resource problems of the West to be formidable, but nonetheless solvable. It is the immense value of this contribution, more so than the mere passage of twenty years, that they and I are celebrating today.

Looking forward, the natural resources of the West face several new challenges. Most central is the continued population growth that, over the life of the Center, has already made the West the most rapidly growing region of the country. With roughly 1 million new westerners expected every year over the next two decades, the stress on limited water resources is just one of several concerns. Other emerging issues derive from the region's renewed emphasis on energy production, the explosive growth in outdoor recreation pressures, the twin concerns of ongoing drought and long-term climate change, and wildfires. As is its tradition, the Center is already active on each of these issues, having produced reports, hosted conferences, and most importantly, having already informed and influenced decision makers struggling to keep up with the pace of change.

The strength of the organization continues to be its staff, advisory board, and its impressive international network of collaborators, funders, and friends. The Center has been particularly blessed by a string of talented directors—Larry MacDonnell, Betsy Rieke, Gary Bryner, and currently, Jim Martin—and by the longstanding participation of prominent University of Colorado scholars including David Getches, Charles Wilkinson, and Jim Corbridge. Equally essential has been the research and writings of the professional staff, particularly Michael Gheleta, Doug Kenney, Ann Morgan, Kathryn Mutz, Teresa Rice, and Sarah (Bates) Van de Wetering, and the contributions of visiting fellows.

Supported by a small but talented cast of administrative support personnel and by an ever-changing assemblage of law students, the Center has been able to leverage its modest staff and budget into a powerful voice showing the way to environmental, economic and social sustainability through the improved management of natural resources. This is an important and honorable service worthy of our recognition and gratitude.

I ask my colleagues to join me in congratulating the Natural Resources Law Center for its twenty years of accomplishments and contributions to issues throughout the West, and to welcoming its continued contributions for many years to come.

IN RECOGNITION OF REVEREND FRED COBETT

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. CHAMBLISS. Mr. Speaker, today I rise to recognize Reverend Fred Cobett, Children's Minister to Calvary Assembly of God in Dunwoody, Georgia, for taking on an unusual role to teach children how to help other children, while raising money for mission work.

At the request of the children he works with, Pastor Cobett agreed to spend seven entire days on the ledge of a billboard forty feet above interstate 285 in Atlanta for a fundraiser called Up in the Air for Kids. This event is part of the Boys and Girls Missionary Crusade, a non-profit organization founded by the Assemblies of God Church that exists to reach the children of the world by creating a heart of compassion in the children they lead. The Up in the Air for Kids project is geared specifically toward raising community awareness of the needs of children around the world who are living in poverty. Nine other states nationwide are also participating in this benefit and hope to reach a cumulative goal of $1 million. Pastor Cobett's goal for Georgia is to raise $100,000 that will be distributed among four separate charities including Convoy of Hope, Latin America Child Care, Africa's Children, and Asia's Little Ones.

As the son of a minister, I have a special affinity for Pastor Cobett and his ministry. It's a high calling, and I commend him for dedicating his life to teaching children the principles of charity, generosity, and goodwill in this creative manner.

HONORING THE DEDICATED LIFE AND WORK OF DR. DAVID KRUGER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Dr. David Kruger, an outstanding citizen of Alexandria, Virginia, who, for over half a century, has served his community and humanity.

His downtown Alexandria optometry office is a local landmark patronized by a wide clientele. In fact, Dr. Kruger was among the first healthcare professionals to open his office to clients of every economic or social status and ethnicity. He is universally recognized as a leader for nearly every community cause and is honored by a caricature in an Alexandria restaurant as a leading citizen.

Active in a variety of civic causes in Alexandria, he is especially noted for his support of and leadership roles in such community groups as the Red Cross, Boy Scouts, United Givers Fund, Kiwanis (as President in 1960), and the Salvation Army. Similarly, he has served many other community groups with distinction. Among them are the Alexandria Board of Health as Secretary, the Alexandria Hospital, the Community Welfare Council, Tuberculosis Association, Boys Club, and Family Services.

As a man who embraces all religious traditions, he was one of the founders of a group called Men of all Faiths, which for many years has held well-attended lunchtime meetings where civic leaders shared fellowship and heard presentations by pastors, rabbis, and other religious leaders in Alexandria. In his own religious tradition, Dr. Kruger served as Vice President of Temple Beth El in Alexandria for nine years and was active in the Conference of Christians and Jews.

Caring for children and students is a hallmark of Dr. Kruger's life. Working through the RiteCare Program of the Scottish Rite of Freemasonry, S.J., U.S.A., Dr. Kruger has led the development of a network of six clinics in Virginia. These facilities evaluated or treated 1,246 children in the last period, 1999–2000, of official record. Without his leadership of this program, these children would almost certainly have gone untreated. Most recently, Dr. Kruger spearheaded the PACES Mobil clinic, a satellite service of the Scottish Rite clinic at Radford University. He has also been instrumental in establishing scholarships to train Speech Language Pathologists and related clinical professionals at James Madison University in Harrisonburg and Old Dominion University in Norfolk. A large majority of the graduates of these programs remain in Virginia

and provide clinical services to children throughout the state.

Community service is also a strong aspect of David Kruger's membership in the Grand Lodge of Virginia, A.F. & A.M., where he has been a member of Norfolk Lodge No. 1 for over 50 years and of the Scottish Rite of Freemasonry, Valley of Alexandria, since 1946. In 1991, the Grand Lodge of Virginia awarded Dr. Kruger one of its highest honors, the John Blair Medal for Distinguished Service. The Scottish Rite of Freemasonry, S.J., USA also honored David Kruger for his many services to community, state, and nation. He was invested a Knight Commander Court of Honour in 1953 and Inspector General Honorary 1963. After serving as President of the Scottish Rite Conference of Virginia in 1975, Dr. Kruger became the Sovereign Grand Inspector General of Scottish Rite Freemasonry in Virginia in 1985 (13,343 members in 2002). In 1989, he became Grand Secretary General of the Supreme Council, 33[deg], S.J., USA (369,474 members in 2002 in 35 states, the District of Columbia, and Puerto Rico). In this influential role, he has been central in guiding the development of 161 clinics, centers, and programs throughout the United States. During each year of the two-year period ending December 31, 2000, a total of 57,413 children with language and learning differences received evaluation or therapy. Left untreated, these children would have been permanently handicapped. Dr. Kruger's service has even gone beyond the United States to Canada where he is an Honorary Member of the Supreme Council of Canada and the Supreme Council of the International Order of DeMolay, a Masonic group for young men.

At age 80 as he concludes, due to statutory limitation, his service in the Scottish Rite of Freemasonry, other awards and honors still accumulate to recognize David Kruger's continuing role in bettering the lives of many thousands of children and fellow citizens. David Kruger will never retire from these roles. Given his long record and deep sense of civic, religious, and philanthropic involvement, every American, Mr. Chairman, will continue to be enriched by the life and service of this notable Virginian and American.

TRIBUTE TO THE ROYAL AUSTRALIAN AIR FORCE AND THE NEW ZEALAND ROYAL AIR FORCE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. GARY MILLER of California. Mr. Speaker, I rise today to pay tribute to a group of individuals who did a great service to our nation. These men are fighter pilots from the Royal Australian Air Force and the New Zealand Royal Air Force who were assigned to United States combat units and served as Forward Air Controllers during the Vietnam War. I would like to honor the following individuals:

Royal Australian Air Force: Wg. Cdr. Col Ackland, Flt. Lt. Ray Butler, Fg. Off. Peter Condon, Flt. Lt. Garry Cooper, Flg. Off. Mac Cottrell, Wg. Cdr. Vance Drummond, Flg. Off. Huck Ennis, Flt. Lt. Brian Fooks, Flt. Lt. Tony Ford, Flg. Off. Frank Fry, Flt. Lt. Dick Gregory, Flt. Lt. Jack Hayden, Flg. Off. Chris Hudnott, Flg. Off. Dick Kelloway, Flt. Lt. Chris Langton, Wg. Cdr. Peter Larard, Flg. Off. Chris Mirow, Flt. Lt. Ken Mitchell, Flg. Off. Bruce Mouatt, Sqn. Ldr. Graham Neil, Sqn. Ldr. Dave Owens, Wg. Cdr. Tony Powell, Sqn. Ldr. Rex Ramsay, Flt. Lt. Doug Riding, Flg. Off. Dave Robson, Flg. Off. Barry Schultz, Flt, Lt. Bruce Searle, Flt. Lt. Ken Semmier, Flt. Lt. Arthur Sibthorpe, Flt. Lt. Ron Slater, Flt. Lt. Peter Smith, Wg. Cdr. Barry Thomas, Flt. Lt. Gavin Thoms, Sqn. Ldr. Nobby Williams, Flt. Lt. Roger Wilson, Flt. Lt. Bruce Wood.

New Zealand Royal Air Force:, Flt. Lt. Murray Abel, Flg. Off. Mike Callanan, Flt. Lt. J.M. Denton, Flg. Off. B.W. Donnelly, Flt. Lt. Ross Ewing, Flt. Lt. Graeme Goldsmith, Wg. Cdr. R.F. Lawry, Flt. Lt. Bryan Lockie, Fg. Off. Darryl McEvedy, Flt. Lt. Dick Metcalfe, Sqn. Ldr. John Scrimshaw, Flt. Lt. G.R. Thompson, Wg. Cdr. Wallingford, Flt. Lt. Peter Waller.

I would also like to recognize Lt. Col. Eugene Rossel and, Flt. Lt. Garry Copper for actively pursuing decorations for these men who served our country in a time of need.

HONORING THE ULTIMATE SACRIFICE OF JASON JACKSON-HAMPTON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. GORDON. Mr. Speaker, I rise today in remembrance of Jason Jackson-Hampton, a remarkable young man who gave his life on September 5, 2002, while serving with the Almaville, Tennessee, Volunteer Fire Department. He was just 17 years old. Jason touched the hearts of his fellow firefighters when he joined the department as an Explorer. Chief Greg Capps recalled that his young volunteer's positive attitude and ready smile were an inspiration to all who knew him.

Jason graduated from Smyrna High School last May. Through his dedication, hard work and natural leadership abilities, he attained the rank of second lieutenant in the school's ROTC Program and planned to join the U.S. Army.

He loved McDonald's double cheeseburgers and fries, perks he enjoyed at the fast-food restaurant where he worked.

Firefighters from every municipal and volunteer fire department in Rutherford County, Nashville, Watertown, Fairview and Brentwood attended the memorial service. During the funeral procession, children and adults saluted as his casket, carried atop a fire engine, passed by.

During his inaugural speech, President John F. Kennedy inspired Americans to, ''Ask not what your country can do for you, ask what you can do for your country.'' Jason Jackson Hampton's life was a portrait of service and dedication to his family, friends, co-workers and Nation.

PAYING TRIBUTE TO: DEPUTY JOE SCOTT AND DEPUTY DAVID HARRISON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, it is my privilege to take this opportunity to honor Deputies Joe Scott and David Harrison of Montrose County Sheriff's Office for a selfless act of courage they displayed on June 13, 2002. Deputy Scott and Deputy Harrison have just recently received the prestigious ''Life Saving'' medal on August 9, 2002 in recognition of their bravery and conduct in a time of crisis.

On June 13, 2002, Deputy Scott and Deputy Harrison saved the life of a suicidal woman who was attempting to drown herself in the rapids of Spring Creek near a culvert that runs under Spring Creek Boulevard in Montrose, Colorado. Without any regard for their own personal safety, Deputy Scott and Deputy Harrison jumped into the water and pulled the woman to safety. The two officers maintained their composure during a time of adversity and conducted themselves in a fashion that has brought honor to themselves, to their profession, and to the entire community of Montrose County.

Only last week, citizens throughout the country will recognize the horrible tragedy that occurred just one year ago on September 11, 2001. We recognized the men and women who died in the attacks, and those who gave their lives to save others. While the tragedy of September 11 deserves our full attention and reflection, I would also like to take the time to recognize all individuals throughout the country, who like Deputy Scott and Deputy Harrison, have devoted their lives to protect and serve their fellow citizens.

Mr. Speaker, it is an honor to recognize Deputy Joe Scott and Deputy David Harrison of the Montrose County Sheriff's Office before this body of Congress and this nation as outstanding deputies with impeccable character. The citizen's of Montrose County, CO and Americans throughout the nation should be honored to have officers like Deputy Joe Scott and Deputy David Harrison who faithfully serve their communities and their country everyday.

IN RECOGNITION OF LARRY J. BURKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize a good friend and an outstanding citizen of Tyler, Texas—Larry J. Burks—who recently was honored by the Garden Club of America as the recipient of its prestigious award, the Jane Righter Rose Medal. A second generation rose grower/processor, Larry is known throughout the rose industry for his dedication to rose advocacy at the local, state and national levels. This medal is awarded for outstanding achievement in rose culture through the propagation of new

roses, development of community rose gardens of educational value, exhibitions by amateur gardeners, or unusual rose collections of special merit.

This medal could not have been awarded to a more deserving person in the rose industry. Larry is a Board Member and the only two-term president of All America Rose Selections, Inc., and a Board Member of the Fund for the United States Botanic Garden. His efforts in the 1980s resulted in the rose's designation as the National Floral Emblem of the United States, and he was instrumental in the establishment of a National Rose Garden. Groundbreaking for this two-acre garden adjacent to the United States Botanic Garden took place in 2001. His leadership also was evident in raising the funds to remodel and reopen the National Botanical Garden on the National Mall.

Larry serves as vice president of Certified Roses, Inc., of Tyler. This employee-owned corporation is the second largest processor of roses in North America, annually providing up to five and one-half million rose bushes of all varieties. His company is a constant force in producing new rose hybrids and new market development, and he assists both domestic and international hybridizers in plant evaluation and the naming and marketing of new roses. In recognition of his achievements, he has received several All America Rose Selections awards.

Larry has been an active member of the American Rose Society and Texas Nursery and Landscape Association, and he is past president of the Texas Rose Research Foundation. He is also active in the Texas Rose Festival Association in Tyler, the Tyler Rose Museum, Order of the Rose and Texas Rose Society.

With 2002 declared by Congress as the Year of the Rose, Larry will help carry forward this theme, and I can think of no one more devoted to this cause nor more deserving of our recognition and appreciation. Larry has helped raise our national awareness of the rose as an important symbol to our country. His work has benefitted our Nation's Capital, the State of Texas, and his hometown of Tyler. Mr. Speaker, I am so proud of the accomplishments of my dear friend, and I know that my colleagues join me today in congratulating him on this award—and expressing our Nation's gratitude for the work Larry Burks has done to promote this beautiful National flower and to encourage civic involvement in this worthy cause.

MAJOR GENERAL RICHARD F. GILLIS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. CHAMBLISS. Mr. Speaker, I rise today to express my sadness, and that of the entire Robins Air Force Base community in Middle Georgia, over the passing of my good friend, retired Major General Richard F. (Dick) Gillis.

General Gillis commanded the Warner Robins Air Logistics Center at a critical time in our country's history and that of Robins, and he carried out that mission as he did all his assignments: with outstanding patriotism, competence, and leadership. Uniquely among commanders, he served this center in three separate positions: as the director of maintenance, as the ALC vice commander, and as ALC commander.

The current ALC commander, Maj. Gen. Donald Wetekam, said it exceptionally well: ''General Dick Gillis was a courageous leader during a period of great change in our Air Force. His foresight and wisdom made this a better place to live and work. We'll all miss him.''

During his command General Gillis made Robins a less likely candidate for base closure by bringing in the Joint STARS mission; by working hard to assure future workloads; by preventing a reduction in force when other ALCs were losing work force; by working on aerospace industry expansion and educational enhancement in the Middle Georgia area. Gen. Gillis led the center very ably during the critical times of Operations Desert Shield and Desert Storm and during the Persian Gulf War.

General Gillis was a command pilot with more than 5,000 hours. While assigned to Tan Son Nhut Air Base, South Vietnam, General Gillis flew 100 combat missions in RF–101A/C aircraft. Over his 38 year Air Force career, General Gillis' military awards and decorations included the Distinguished Service Medal, Legion of Merit, Meritorious Service Medal with oak leaf cluster, Air Medal with four oak leaf clusters, Air Force Commendation Medal with two oak leaf clusters, Air Force Outstanding Unit Award with ''V'' device and oak leaf cluster, Air Force Organizational Excellence Award with oak leaf cluster, Combat Readiness Medal, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal with five service stars, Air Force Longevity Service Award Ribbon with eight oak leaf clusters, Philippine Presidential Unit Citation, Republic of Vietnam Gallantry Cross with Palm, and Republic of Vietnam Campaign Medal.

Mr. Speaker, General Gillis was a great commander of Robins, a great American, and he will be missed so very much. It is most appropriate that his burial will be at Arlington National Cemetery on October 15. Our country has lost a strong leader, and I am proud to have known him and worked with him.

HONORING SAN LUIS OBISPO FIRE CHIEF ROBERT F. NEUMANN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. CAPPS. Mr. Speaker, I rise today to ask my colleagues to join me in honoring my constituent, Fire Chief Robert ''Bob'' F. Neumann for his significant contributions to our Central Coast community. This past May, Chief Neumann retired from the San Luis Obispo City Fire Department.

Chief Neumann entered the field of fire fighting in 1968 as a firefighter, and served our community as a Fire Inspector, Fire Engineer, Fire Dispatcher, Fire Captain, Fire Battalion Chief and Fire Marshal and became Fire Chief in 1991. Chief Neumann obtained degrees in Fire Science and Soil Science at Cuesta Community College and California Polytechnic State University, both of which are located in the 22nd congressional district.

In 1985, Chief Neumann served as the City's Operation Section Chief on the 50,000 acre, Las Pilitas Fire that threatened the City of San Luis Obispo. For the 48 hours that it took to contain this fire Chief Neumann supervised 20 Type-I and 2 Strike Teams. A series of storms combined with a loss of water-shed caused by the Highway 41 Fire in 1994, resulted in extensive flooding in the downtown area of San Luis Obispo in February of 1995. Throughout the 48 hours when the floods ran through the City, Bob served as Fire Incident Commander and helped to avert disaster. Significant moments in Bob's career, during which he displayed exemplary service were also seen in the Highway 58 fire in August of 1996. During this natural catastrophe Bob essentially served as Deputy Branch Director of the organized command structure.

The City of San Luis Obispo has been most fortunate to have been served by Chief Neumann for 27 years. I am proud to congratulate Bob on his remarkable record of achievement during his 34–year career.

TRIBUTE TO THE HONORABLE DAVE HAMIL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to memorialize the Honorable Dave Hamil of Sterling, Colorado, who passed away on July 27, 2002. Dave Hamil was an exceptional man who spent his life serving his community and his nation.

Dave Hamil's story is a great American story. As a child, Dave attended a one-room school on Colorado's Eastern Plains. In 1925, he graduated from Logan County Industrial Arts High School as the Student Body President.

After graduating with honors from Hastings College in 1930, Dave returned to Logan County, where he started a farming and ranching business. In 1933, he married Genevieve Robinson. Dave and Genevieve were married 64 years. The couple had three children, Jo Ann, Don and Jack.

In 1938, the same year he was first elected to the Colorado House of Representatives, Mr. Hamil helped organize the Sterling section of the Highline Electric Cooperative. This brought electricity to the farms and ranches of Logan County for the very first time.

During his tenure in the legislature, Mr. Hamil served as Speaker of the Colorado House for five years, from 1951 to 1956. Among his accomplishments were locating the Air Force Academy near Colorado Springs and extending Interstate 70 west through the Eisenhower Tunnel and into Utah.

In 1956, President Dwight Eisenhower appointed Hamil as administrator of the Rural Electrification Administration (REA). He was so talented in that capacity, when Richard Nixon was elected president, he asked Dave to return to the post. Mr. Hamil continued to serve as the REA administrator during the Ford and Carter administrations.

Between the Eisenhower and Nixon administrations, Dave was appointed by Colorado Governor John Love to serve as Director of Institutions for the state. There he used his exceptional management skills to create one of the best mental health systems in the nation.

Although his successful career often took him away from his Colorado home, when he retired in 1979, Dave Hamil returned to Sterling. Over the years, he has served on the boards of a host of community organizations, including the Atwood School District Board, the Elks Lodge, the Masonic Lodge, the Sterling United Way, and the Logan County Chamber of Commerce. Dave also served as president of the Logan County Historical Society, where he helped with the Johnson addition to the Overland Trail Museum. That same museum now includes a building named in Dave Hamil's honor.

A citizen of Colorado's Fourth Congressional District, Dave Hamil was truly a great American. It is with sadness that I inform the House of the loss of such an exceptional American. I ask the House to join me in extending our sincere sympathy to the family and friends of Mr. Dave Hamil.

HONORING JOYCE KELLER, EXECUTIVE DIRECTOR OF THE JEWISH ASSOCIATION FOR RESIDENTIAL CARE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. KNOLLENBERG. Mr. Speaker, I rise today to salute Joyce Keller, Executive Director of the Jewish Association for Residential Care located in Farmington Hills, Michigan in my Congressional District. She recently received the 2002 Spirit of Service Honor Award from the Michigan Assisted Living Association for her outstanding dedication and commitment to community-based services.

When Joyce Keller became executive director of JARC at age 26, the organization had one home, three employees, and served seven individuals with developmental disabilities. Their annual budget was $40,000. Today, JARC is an $8 million agency that serves over 150 adults in a variety of residential settings, provides support services to over 300 families with a disabled child or family member still living at home, and employs over 200 staff members. In her 25th year as executive director, Ms. Keller continues to oversee and ensure the highest quality of service, as well as the raising of nearly $2 million annually in private contributions and a $13 million endowment fund.

Ms. Keller has assumed extensive and substantial leadership roles, serving on the President's Committee on Mental Retardation and the Governor's Community Health Advisory Council in Michigan. In addition to her recent award from the Michigan Assisted Living Association, Ms. Keller has been honored with several distinguished awards over the course of her career, including being named Michiganian of the Year by the Detroit News.

Mr. Speaker, with Joyce's tenacity, dynamism and creativity, JARC has become one of the largest and well-respected organizations for residential care in the country. She is passionate about honoring the dignity of the people JARC serves and enabling them to live rich and purposeful lives. Joyce Keller is a relentless advocate for the right of every individual to be valued and respected in our society and I congratulate her on the occasion of receiving the 2002 Spirit of Service Honor Award. She is truly a worthy recipient.

PAYING TRIBUTE TO RUDOLPH CRESPIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to the life and memory of Rudolph Crespin of Mack, Colorado. Rudolph dedicated his life to working the land and fought to defend the freedoms of this nation, and it is with honor I stand today to recognize Rudolph for his great service to our nation and our communities.

Rudolph was born in Las Vegas, New Mexico on December 16, 1919 to Rafael and Paulina (Quesnil) Crespin. He grew up in the nearby Antlers Rifle area and married Frances Romero. In World War II, Rudolph served in the US Army overseas. His service to this nation is commendable and its value immeasurable. It is all too easy to take for granted the freedoms that he helped secure through his service; but we cannot allow ourselves to forget the important sacrifices of men and women like Rudolph Crespin.

After the war, Rudolph moved to the Western Slope of Colorado where he could enjoy his lifelong interests in fishing and hunting. He spent the next 40 years farming in the Rifle and Loma areas, where good sense and industry are still the backbones of the economy. He also became a member of other communities and resided in the Grand Valley and Mack. His legacy includes his four sons; Sam, Rudy, Santos, and David Crespin; as well as nine grandchildren.

Mr. Speaker, I rise today to honor Rudolph Crespin's life and memory before this body of Congress and this nation. His courage to serve our country, even the world, in a terrible global conflict showed his mettle, as did his commitment to the values and principles of agriculture and the communities he served. As his family and friends mourn his life, they can take comfort that the impact of his contributions to his nation will not be forgotten. Rudolph's lifetime of contributions to the communities of Colorado and this nation deserves our praise and I am proud to honor him today.

TRIBUTE TO DR. BILL FEDDERSEN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Dr. Bill Feddersen, President of Mt. San Antonio College in Walnut, California.

Dr. Feddersen began his teaching career in Florida after receiving his bachelor's degree from the University of Illinois. He went on to complete his master's and doctoral degrees in higher education at Columbia University where he was a Kellogg Community College Leadership Fellow.

At age 32, after serving in administrative positions at Bucks County Community College (PA) and Iowa Western Community College, Dr. Feddersen became one of the youngest college presidents in the country when he assumed the presidency of what is now the Pennsylvania College of Technology. For the past twenty-one years he has been a California community college president, first at Napa Valley College and since 1991, at Mt. San Antonio College.

Dr. Feddersen has served in a variety of state and leadership positions, including president of the California Community CEO Organization, and a member of the board of Directors of the Community College League of California and the Association of California Community College Administrators. Nationally, he is an officer of the Continuous Quality Improvement Network and serves on North Central Association's Academic Quality Improvement Project Advisory Council.

Thank you Dr. Feddersen for all of your hard work and dedication to advance education in our country. Your efforts will benefit the lives of others both now and for years to come.

CONGRATULATIONS TO LUCY HALL

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. ISAKSON. Mr. Speaker, today I rise to congratulate Lucy Hall, founder of the Mary Hall Freedom House in Atlanta. Lucy was recently selected as one of ten people from across the country to receive the nation's most prestigious award for community health leadership from The Robert Wood Johnson Foundation. Her award includes a grant of $120,000 to continue her community efforts.

Lucy founded the Mary Hall Freedom House in memory of her mother, who she lost to alcoholism at the age of six. Freedom House is a residential recovery program to help addicted mothers break the pattern of substance abuse. The program provides women with intensive chemical dependency treatment and vocational training.

She launched the Freedom House in 1996 while working as a housekeeper and volunteering as a counselor in Atlanta. Lucy used $5,000 in seed money from her employer to get the effort started. From this modest beginning, the program has grown to serve 250 women a year, many of whom are referred from the court system and homeless shelters.

The program, which started out as six beds in a three-bedroom apartment, now has 70 beds in 26 apartments—and Freedom House now has a staff of over 30 people.

Lucy realized early on that many addicted women with small children had no access to residential treatment because most recovery programs did not admit children. So, she made Freedom House the only residential recovery program in Atlanta for women with children. Now, the children take part in prevention lessons to teach them how to avoid becoming substance abusers themselves. She also recently opened the Heavenly Angels' Day Care Center to provide care for children while their mothers attend treatment and training programs.

Mr. Speaker, by creating the Mary Hall Freedom House, Lucy Hall has demonstrated

tremendous leadership and determination to help the less fortunate in her Atlanta community. I am honored to share a little about her work with my colleagues today and urge them to join me in congratulating her for winning this distinguished award.

As her nominator said, ''Lucy took on this challenge with nothing but an idea and a burning desire to help others. Unlike others, she found a way to turn this idea into reality.''

PERSONAL EXPLANATION

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BAIRD. Mr. Speaker, on September 17, 2002, I was in my Congressional District in Washington and consequently I missed three votes. For the record, had I been present, I would have voted ''yea'' on rollcall vote 388, ''yea'' on rollcall vote 389 and ''yea'' on rollcall vote 390.

THE PERSECUTION OF CHRISTIANS IN SUDAN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. STEARNS. Mr. Speaker, Saturday night, college students from around the country will be spending all night at the Lincoln Memorial. They will be praying for the people of Sudan, and reminding us all of the human tragedy that is occurring there, and that we must do something about it. They will march to the United States Holocaust Memorial Museum in the morning, reminding us that we must never again let happen the kind of evil, the genocide perpetrated by the Nazis. And so, we must do something about Sudan.

The Sudanese government, the National Islamic Front, is killing its own people in many horrible ways in its attempt to assert total control over their lives, to impose its version of Islamic law on the Christians and animists of southern Sudan. Government forces drop homemade bombs on villages and crops; they attack people in line for food aid with helicopter gunships; and they bum villages and crops to the ground. A particularly horrible weapon the government uses is hunger—it intentionally denies food to hundreds of thousands of people, to force them to starve or become refugees.

According to the United Nations World Food Program, the Sudanese government intentionally put as many as 1.7 million people at risk this spring by denying them food and medical relief. The government agreed in 1989, along with the Sudan People's Liberation Army (the rebel group) and the United Nations to allow relief through Operation Lifeline Sudan. Shortly after this agreement, however, there was a coup and the current strongmen came to power. They immediately began to manipulate the relief system to prevent relief from coming in. Operation Lifeline Sudan flights are not always allowed in, and the government refuses to protect non-Operation Lifeline Sudan flights. In short, the government is trying nearly everything short of outright banning all relief to keep the people of the south starving.

This is nothing less than genocide. The government is trying to kill or drive out hundreds of thousands of people because they are not Arabic Muslims. The government wants to impose its version of Islamic law over these people, who refuse to follow, and it wants free access to the oil fields that lie under these people's homes. So, it tries to starve them.

We in America cannot tolerate this any longer. We have stood by too long while the people of southern Sudan suffer at the hands of the government. We must act. We must listen to the call of the college students at the Lincoln Memorial Saturday night and the Holocaust Museum Sunday morning. We must stand firm with Sudan.

HONORING THE 50th ANNIVERSARY OF THE GREATER FIRST BAPTIST CHURCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the 50th year of ministry of the Stones River Baptist Church of Smyrna, Tennessee. The congregation will celebrate the milestone on October 7, 2002.

The need for a new Baptist Church to serve the military families stationed at the former Seward Air Force Base in Smyrna, Tennessee, was discussed in May 1952. The first worship service conducted by the Stones River Baptist Church was held on July 30, 1952. And the first worship conducted in the church's permanent building was held on October 26, 1952.

The church has served its community and congregation well for half a century, a period during which our nation experienced much change and innovation. Through those many years, though, Stones River Baptist Church never faltered in its commitment to bring the Lord's word to the people.

Smyrna is a much stronger community because of the work of the church and its congregation. I congratulate the congregation's perseverance and am sure the church will grow even stronger during its next 50 years of service.

RESOLUTION CALLING FOR SENATE PASSAGE OF THE PENSION SECURITY ACT (HR 3762)

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. PICKERING. Mr. Speaker, since December, several of our country's most noted corporations, many widely regarded as the most innovative, fastest growing, strongest, and best managed companies, have collapsed due to gross irresponsibility and financial mismanagement. Accordingly, shareholders in these companies as well as tens of thousands of employees who held their retirement accounts in these companies have lost literally billions of dollars.

These shareholders and employees have lost everything. The plans made for retirement? Vanished. Their hopes and dreams for the future? Gone. Money set aside to pay for sending their children to college? Disappeared. All because of the improper and fraudulent actions of a handful of corporate executives who took advantage of the system.

In April, the Republican leadership of the House brought to the floor legislation to protect the pensions of employees from corporate wrongdoing. This legislation, the Pension Security Act, HR 3762, provides new protections and options to help workers enhance and preserve their savings while restoring employee confidence in our country's pension system.

That crucial legislation passed this body with a bipartisan vote of 255–163. Since that time, however, the Senate has not taken action on this bill. Pension security is a must past issue for this Congress. Employee confidence in their pensions is deteriorating. Will we allow yet another corporate scandal to hurt even more families throughout this country before getting a bill to the President's desk?

The Pension Security Act will reform outdated federal pension laws. The bill will prevent company insiders from selling their own stock during blackouts while employees are left to fend for themselves. It will require employers to offer workers high quality investment advice so they can make well-informed decisions on how to invest their hard-earned money. It gives workers freedom to diversify their portfolios and seek alternative investment options.

The President is ready to sign this bill. The House has not turned its back on American workers. The House has taken action! We passed the Pension Security Act five months ago! But, the Senate has not acted on pension reform legislation, and American workers are worried about their retirement.

Mr. Speaker, a few bad apples in the corporate hierarchy have drained the retirement savings of tens of thousands of workers, and it's time to act! Today, I am introducing a resolution demanding action on the Pension Security Act. I urge my colleagues to support this resolution. It's time to stop playing politics with the savings of hard working Americans.

STATEMENT ON ANNIVERSARY OF TERRORIST ATTACKS ON AMERICA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. COLLINS. Mr. Speaker, one year ago, cowardly terrorists carried out a brutal and horrific attack on America. We watched our televisions that Tuesday morning in shocked disbelief to see our landmarks burning, knowing that it meant thousands of our countrymen and women had perished in the flames and smoke.

For many, that day was a nightmare unlike any other. As we commemorate the one-year anniversary of those attacks, I am pleased to say that a dark nightmare has given way to the dawning of a new day in America.

We have taken the battle to our enemies, ferreting them out of caves and crevices. We have broken the backs of an organized, well-funded, committed terrorist network, and our

brave troops continue that effort. We have renewed pride in what it means to be an American.

As we pause to remember the loss of our loved ones, friends, neighbors, and family members, let us resolve to never let their memory fade from our consciousness. On anniversaries such as this, it can be very difficult for the family of those who perished to see the hope we share. Our hearts and prayers are united with them. We profoundly share in their grief.

But, God is good to America. We will heal and rebuild. And, because to do otherwise would be to grant the terrorists the victory they seek, we will continue to live our lives as the guardians of liberty and freedom in the world. May God lay his guiding hand upon the leadership of this nation and its people.

''WE HAVE NO ORDERS TO SAVE YOU''

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. TOWNS. Mr. Speaker, the organization Human Rights Watch has issued a report on the violence earlier this year in Gujarat, India, entitled ''We Have No Orders To Save You.'' About 5,000 Muslims were killed in these riots, according to the newspaper ''The Hindu.'' News reports quoted a police official as saying that he was ordered not to intervene to stop the violence and save lives. Another published report said that the government of India preplanned these riots. The report from Human Rights Watch confirms this.

The riot was allegedly a response to the attack on a trainload of Hindus in Godhra. However, in the report, Human Rights Watch writes, ''Human Rights Watch's findings, and those of numerous Indian human rights and civil liberties organizations, and most of the Indian press indicate that the attacks on Muslims throughout the state were planned, well in advance of the Godhra incident, and organized with extensive police participation and in close cooperation with officials of the Bharatiya Janata party (Indian Peoples Party, BJP) state government.'' The BJP, which is the political arm of the pro-Fascist Rashtriya Swayamsewak Sangh (RSS), also controls the central government in Delhi.

''The attacks on Muslims are part of a concerted campaign of Hindu nationalist organizations to promote and exploit communal tensions to further the BJP's rule,'' Human Rights Watch wrote, calling it ''a movement that is supported at the local level by militant groups that operate with impunity and under the patronage of the state.''

This report makes it clear that the Indian government supports terrorist groups that are murdering minorities all over India. India Today, India's largest newsmagazine, reported that the Indian government created the Liberation Tigers of Tamil Eelam (LTTE), which the U.S. government has labeled a ''terrorist organization.'' It has supported cross-border terrorism in Sindh, a province of Pakistan, according to the Washington Times. The book ''Soft Target'' shows that India shot down its own airliner to blame the Sikhs. It paid out over 41,000 cash bounties to police officers for killing Sikhs. According to the ''Hitavvada'' newspaper, India paid the late governor of Punjab, Surendra Nath, $1.5 billion to foment terrorism in Punjab and Kashmir.

Unfortunately, this violence is all too reminiscent of previous incidents that took place before the BJP took power. In 1997, police gunfire broke up a Christian religious festival. And the violence in Gujarat was strangely reminiscent of the 1984 massacre of Sikhs in Delhi which cost 20,000 Sikhs their lives. It seems that in India, no matter who is in power, it is not safe to be a minority.

Mr. Speaker, we must act. America can't just sit and watch this terrorism and repression unfold. India has already been put on the watch list of countries that violate religious freedom. We must cut off aid and trade with India until human rights are enjoyed by all, and we must support self-determination for all peoples and nations in South Asia. Then perhaps there will no longer be need for reports like the one recently issued by Human Rights Watch. Instead, everyone in the subcontinent will be able to have real democracy, freedom, stability, prosperity, and peace.

TRIBUTE TO MR. LAYTON MUNSON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Layton Munson of Sedgwick, Colorado. Recently, the United States Department of Commerce presented Mr. Munson with the Ben Franklin Award for 55 years as a volunteer for the National Weather Service. Since 1947, Layton has collected a daily weather and climate reading, an invaluable service to his fellow farmers and ranchers on Colorado's Eastern Plains.

Layton Munson and volunteers like him are the backbone of our nation. Each day, Mr. Munson selflessly serves his community, and at 85 years of age, he looks forward to the opportunity to continue his volunteer work in the years to come.

A citizen of Colorado's Fourth Congressional District, Layton Munson is truly a great American. I ask the House to join me in extending our sincere thanks and warmest congratulations to Mr. Layton Munson.

HONORING THE ACHIEVEMENTS OF NANCY WACKSTEIN, EXECUTIVE DIRECTOR OF LENOX HILL NEIGHBORHOOD HOUSE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Nancy Wackstein, who has served as Executive Director of Lenox Hill Neighborhood House since October 1991. Ms. Wackstein has been a phenomenal director, helping to expand the array of services provided by Lenox Hill and ensuring that Lenox Hill continues to be a vital force in the community. After more than ten years of service, Ms. Wackstein has accepted the challenge of becoming Executive Director of United Neighborhood Houses of New York, the federation of the City's 37 settlement houses and neighborhood centers.

Founded over 100 years ago, Lenox Hill Neighborhood House is dedicated to helping those in need who live, work , or go to school on Manhattan's East Side, primarily the Upper East Side, and to improving the quality of life for all individuals and families in the community. Each year, Lenox Hill serves over 20,000 people of different generations, cultures, means, and ethnic groups—children, teens, single parents, home-bound older adults and homeless people, among others.

During her tenure at Lenox Hill, the House has expanded its innovative programs for seniors, young people, recreation and fitness and community education. Lenox Hill operates two senior centers, a community outreach program and other programs that serve more than 2,800 senior citizens each year and their caregivers. Ms. Wackstein presided over the creation of the newest senior center, Lenox Hill Senior Center at St. Peter's Church, the first new senior center on the East Side of Manhattan in decades.

The Early Childhood Center at Lenox Hill Neighborhood House was granted accreditation by the National Association for the Education of Young Children on December 6, 2001. This prestigious recognition, only achieved by approximately 7 percent of early childhood programs nationwide, certifies that Lenox Hill's early childhood program meets national standards of excellence in childcare. With after school programs, a teen center and a summer camp, Lenox Hill also provides a wide array of programs for older children.

Lenox Hill provides invaluable assistance to residents of the East Side through its Neighborhood Information and Action Center. More than 900 East Siders each year find help with landlord disputes, government entitlements and other concerns. Lenox Hill also provides educational programs for people needing training in computer skills, vocational rehabilitation and English as a second language.

The comprehensive range of services available at Lenox Hill is due to Ms. Wackstein's determined leadership and unwavering commitment to service. She truly understands the needs of this community and has worked tirelessly to ensure that East Siders have a warm and friendly place to come to in times of trouble. Under her leadership, Lenox Hill Neighborhood House has continued to exemplify the best that the East Side has to offer.

Before joining Lenox Hill Neighborhood House, Ms. Wackstein served as the Director of the Moay's Office on Homelessness and SRO Housing from 1990–1991 under Mayor David Dinkins. She was Senior Policy Advisor for Human Services in Manhattan Borough President David Dinkins' office from 1986–1989, where she was also Staff Director for the Task Force on Housing. Ms. Wackstein serves on the Boards of Directors of several non-profit organizations, including the Human Services Council of New York, SAGE and the 9/11 United Services Group. In 1988, Ms. Wackstein received a Samuel and May Rudin Community Service Award for exceptional service to the homeless, and in 1991 the recognition award from the Settlement Housing Fund for her efforts to end homelessness.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Nancy Wackstein, an outstanding leader,

a compassionate individual and a truly remarkable director for Lenox Hill Neighborhood House. I wish her luck in her new position as head of United Neighborhood Houses.

SAME SONG AND DANCE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues an editorial from the September 18, 2002, edition of the Lincoln Journal-Star entitled, ''We've seen Saddam's act before.'' It correctly conveys the skepticism with which the United States and the United Nations should approach Saddam Hussein's recent announcement to allow U.N. weapons inspectors into Iraq.

[lsqb]From the Lincoln Journal-Star, Sept. 18, 2002[rsqb]

WE'VE SEEN SADDAM'S ACT BEFORE

Anyone who believes that Saddam Hussein suddenly caved in to international pressure and will now ''unconditionally'' permit weapons inspections is dangerously gullible.

Saddam's negotiating style was described accurately and colorfully by President George W. Bush. Once again Saddam is ''sidestepping, crawfishing and wheedling.''

Translations of the six-page letter, complete with a three-page addendum, have not yet been released.

But some news sources, including The Economist, reported that the letter from Iraqi Foreign Minister Naji Sabri to the U.N. ''leaves scope for doubt. It merely says they can return, for example, not explicitly that they will enjoy unrestricted access.''

A senior State Department official in a White House briefing described the letter this way: ''It is not a promise to fulfill all its obligations under Security Council resolutions. It is not a promise to allow full and unfettered access for U.N. inspectors. It is not a promise to disclose, or a disclosure, of all its prohibited programs. And it's not a promise to disarm, as Iraq is obliged to do.''

Saddam should not be allowed to let a promise turn into delay. United Nations officials have said in recent days they are prepared to resume inspections immediately.

The United Nations should waste no time taking up the offer. Send in the inspectors now. Call Saddam's bluff.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall Nos. 386 and 387, had I been present, I would have voted ''yea.''

TRIBUTE TO THE SCHOOL OF TECHNOLOGY AT EASTERN ILLINOIS UNIVERSITY ON ITS CENTENNIAL ANNIVERSARY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. KNOLLENBERG. Mr. Speaker, as a proud graduate of Eastern Illinois University and the honorary Chairman of the Alumni Centennial Committee, I am pleased to pay tribute to the School of Technology at Eastern Illinois University on the celebration of its 100th anniversary.

In 1902, Eastern Illinois University began to offer courses in Manual Training in order to educate students on the study of technology. Eventually the Illinois Board of Higher Education approved the Industrial Technology program, with three options: light building construction, electronics, and metals. The program has been accredited and reaccredited numerous times by the National Association of Industrial Technology.

Eastern Illinois' School of Technology is an outstanding institution and provides its students with the tools and resources necessary to succeed in life. Exemplifying its excellence and stature, the school has experienced a large enrollment increase for this fall semester.

Today, over 500 attend Eastern Illinois' School of Technology. They study a variety of disciplines that prepare them for careers in industry, business, government, and education. The school's faculty and staff are exceptional as they serve both the needs of their students and provide consulting and training needs for the business and industrial community.

Mr. Speaker, the School of Technology at Eastern Illinois University has much to be proud of on its Centennial Anniversary. I regret I cannot attend the school's ceremonies, but I wish the school further success and prosperity for the next 100 years and after.

IN MEMORY OF META FULLER WALLER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor the memory of Meta Fuller Waller, a dear friend to many, a dedicated public servant and athletic team captain who tragically lost her life in the Pentagon on September 11, 2001.

Born into a family steeped in the civil rights movement, Meta Waller learned at a very young age an appreciation for the arts and the value of a good education. Her two famous grandparents, Meta Warrick Fuller, an African American sculptor and Solomon Carter Fuller, the first African American psychiatrist in the United States, inspired Meta to pursue her dreams regardless of what stood in her path. These instilled values guided Meta throughout life, especially during the sorrowful loss of some of her closest family members.

With a bachelor's degree from the University of Michigan and a master's degree from the prestigious Harvard Kennedy School of Government in 1982, Meta worked hard to meet the many challenges she faced as the Special Programs Manager for the Administrative Assistant to the Secretary of the Army. In her twelve years at the Pentagon, Meta was heavily involved in the Combined Federal Campaign (CFC), the annual fund raising drive conducted by Federal employees on behalf of numerous non-profit charities. She diligently served as the Army CFC administrator for 14 years and helped raise in excess of $30 million dollars to benefit the least fortunate in our society.

An avid writer and poet, Meta charmed those fortunate enough to witness her literary talent. Meta's active imagination made her a gifted storyteller whose vividly refreshing tales could keep an audience spellbound for hours. Always in search of new challenges, Meta picked up the game of tennis much later in life than most. Despite a lack of past exposure to the sport, she rose to become captain of her women's tennis team, holding the position for three years.

Ever conscientious and adventure seeking, Meta's passions led her to travel the world often. Her most recent trip took her to Durban, South Africa for the World Conference on Racism. Traveling with a group of schoolchildren, Meta gained a first-hand knowledge of the continuing struggle to end racism across the globe. Upon returning home, Meta told family members that the experience had changed her life.

Mr. Speaker, Meta's life serves as a testament to us all that with love and determination we can overcome any odds and lead inspired lives. Everyone misses her dearly but the memory of her indomitable spirit will never be forgotten.

HONORING THE 2002 OLIN E. TEAGUE AWARD RECIPIENTS DR. DOUGLAS NOFFSINGER AND DR. RORY COOPER

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. SMITH of New Jersey. Mr. Speaker, in a ceremony on Wednesday, September 18, 2002, in the Committee on Veterans' Affairs hearing room, Dr. Douglas Noffsinger, Chief, Office of Audiology and Speech Pathology, VA Greater Los Angeles Healthcare System, Los Angeles, California, and Dr. Rory Cooper, Director, Rehabilitation Research and Development Center, VA Pittsburgh Healthcare System, Pittsburgh, PA, each received an Olin E. Teague Award for their efforts on behalf of disabled veterans.

The Teague Award is presented annually to a VA employee (or employees) whose achievements have been of extraordinary benefit to veterans with service-connected disabilities, and is the highest honor presented by VA in the field of rehabilitation.

Dr. Noffsinger was selected to receive this prestigious award in honor of his significant contributions to the rehabilitation of veterans with hearing loss, one of the most common disabilities resulting from military service. His efforts have been multi-faceted and include cutting-edge research, establishing national practice algorithms for selecting and fitting hearing aids, and developing guidelines to assure that all veterans needing hearing aids have equal access to treatment. Dr. Noffsinger is commended for his leadership role in formulating national clinical practice guidelines for selecting and fitting hearing aids that have been accepted as official policy by the professional associations that represent all private and public sector audiologists.

Rory A. Cooper, Ph.D., was recognized with a Teague Award for his major contributions to

the rehabilitation of paralyzed individuals, in the design of the modern wheelchairs, for his promotion of the understanding of secondary disabilities among wheelchair users, and for his persistent efforts to improve the availability of high quality products and services to veterans who use wheelchairs. Dr. Cooper's work has affected thousands of veterans by elevating the quality of the wheelchair produced by manufacturers and provided by the VA and other third party payers. Dr. Cooper is one of the world's foremost authorities in wheelchair design and technology. His impact on the lives of people with disabilities has been, and will continue to be, truly profound.

Mr. Speaker, the name Olin E. ''Tiger'' Teague is synonymous with exemplary service to the Nation's veterans. The late Congressman Teague served on the Committee on Veterans' Affairs for 32 years, 18 of those years as its distinguished chairman. No one who worked with him on veterans' issues ever had to ask why he was called ''Tiger.'' He set the standards by which we can best serve all veterans. I know my colleagues join me in offering our deep appreciation to Dr. Noffsinger and Dr. Cooper for their concern, dedication, and innovation in meeting the special rehabilitation needs of veterans. We congratulate Dr. Noffsinger and Dr. Cooper for the excellence of their work and for the distinguished award they received.

STATEMENT IN SUPPORT OF H.R. 5409 ''THE CLEVELAND NATIONAL FOREST RESPONSIBLE ELECTRICITY TRANSMISSION ACT OF 2002''

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. ISSA. Mr. Speaker, I would thank my colleagues Congressman CALVERT, Congressman HUNTER, Congressman CUNNINGHAM, Congressman RADANOVICH, Congressman DOOLITTLE and Congresswoman BONO for their commitment to meeting southern California's energy demands and their continued concern for the communities and property owners affected by the need for a new transmission line.

The Cleveland National Forest Responsible Electricity Transmission Act of 2002 will create a corridor through the Trabuco Ranger District of the Cleveland National Forest, whereby a 500 KV transmission line can be built to connect the Valley-Serrano transmission line (owned by Southern California Edison) to the Telega-Escondido transmission line (owned by San Diego Gas & Electric). The approval of this corridor will greatly strengthen a fragile California transmission grid while protecting hundreds of homes and businesses from condemnation.

This bill is the result of discussions and negotiations among Members of Congress and other interested parties for nearly a year. Our legislation follows the basic premise that we should utilize lands set aside for public use before condemning private property for a transmission line. Nearly 97 percent of the corridor created by our bill will utilize public lands. SDG&E, the utility attempting to secure a corridor for a transmission line, has pledged their support for our legislation in order to avoid making a decision that would be detrimental to the people of the Temecula Valley.

Our bill will do something else that California desperately needs. It will allow a local water district to connect a new source of power to the grid.

The proposed hydro electric facility on Lake Elsinore, adjacent to the corridor, will enable the Elsinore Valley Municipal Water District to place 600 megawatts of green peaker power onto the transmission grid when the California Independent System Operator (CAISO) needs it.

In order for this project to become a reality, our legislation needs to become law. California needs both improved electrical infrastructure and a greater generation capacity: our bill is a step towards achieving these goals.

Mr. Speaker, I am pleased to be here talking about this common sense legislation. 1, along with my colleagues, look forward to working with Chairman BARTON and Chairman TAUZIN to make this important legislation law.

HONORING THE LIFE OF VERLYAN RUTH BYRD

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the life of Verlyan Ruth Byrd.

Ruth passed from this life on July 28th. Her passing left a gap in the lives of those who knew her, but also in the lives of many others who did not.

She was a compassionate and tireless advocate on behalf of others who were, like her, impacted by the Government Pension Offset provision. Ruth worked to repeal the Offset, knowing how such a repeal would help others whose Social Security benefits were reduced as a result of the Offset.

Ruth had many friends who joined her in her efforts to repeal the Offset and will carry on in her memory. One of those friends, Cory Grah, continues to make an impact on this issue.

It's for people like Ruth and Cory, that I once again call on my fellow members of Congress to join me in our efforts to repeal the Government Pension Offset once and for all.

There are more Ruths and Corys out there, and they deserve better.

RECOGNIZING NATIONAL OSTEOPATHIC MEDICINE WEEK

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. STENHOLM. Mr. Speaker, I rise today to recognize National Osteopathic Medicine Week, October 6–12, 2002, a week when the nation's 49,000 osteopathic physicians (D.O.s) are particularly dedicated to increasing the public's awareness of access to care issues.

For almost 25 years now, the American Osteopathic Association (AOA) and its members have celebrated the osteopathic medical community's unified effort to educate the nation about issues influencing the American health care system. I am especially pleased the theme of this year's NOM Week is ''Access to Care.''

Access to care promotes appropriate entry into the health system and is vital to ensuring the long-term viability of rural health care delivery. Without access to local health care professionals, rural residents are frequently forced to leave their communities to receive necessary treatments.

When D.O.s, student doctors and supporters of osteopathic medicine travel to Las Vegas, NV to attend the AOA's 107th Annual Convention and Scientific Seminar, nearly 8,000 will receive the latest information on access to care issues such as professional liability insurance (PLI), uninsured children, bioterrorism and mental health. I applaud the osteopathic medical community for emphasizing patient access issues, so important to the 17th District of Texas and the Nation.

Take for example, access to children's health care. While nationwide participation in the State Children's Health Insurance Program has increased since its 1997 inception, many parents whose children qualify for the program have not yet enrolled them.

And let's not forget the access to care barriers facing our minority populations. It is a proven fact that America's many racial and ethnic groups are frequently at a disadvantage on a wide-range of measures, including effective patient-physician communication, overcoming cultural and linguistic challenges, and availability of health care and insurance coverage.

Access to health care can be established only when medical professionals are available to provide quality health care. Over the past few years, medical liability premiums and payments have escalated out of control causing health care quality, access, and cost problems. While some states have passed professional liability insurance (PLI) system reforms, not every state has effective laws in place. The osteopathic medical community recognizes many states face critical PLI system problems.

For more than a century, D.O.s have made a difference in the lives and health of my fellow citizens in Texas as well as all Americans. Overall, more than 100 million patient visits are made each year to these fully licensed physicians able to prescribe and perform surgery. D.O.s serve the needs of rural and underserved communities and make up 15 percent of the total physician population in towns of 10,000 or less.

D.O.s are certified in nearly 60 specialties and 33 subspecialties. D.O.s complete and pass: four years of medical education at one of 20 osteopathic medical schools; a one-year internship; a multi-year residency; and a state medical board exam. Throughout this education, D.O.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want their health care provider to have this extra knowledge as a part of their health care.

In recognition of NOM Week, I would like to congratulate the over 2,500 Texas D.O.s, the 453 students at University of North Texas Health Sciences Center at Fort Worth, and the 49,000 D.O.s represented by the American Osteopathic Association. Your contributions to the good health of the American people are commendable.

TRIBUTE TO MR. JACK FITZGERALD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. MORELLA. Mr. Speaker, I rise today to recognize the leadership of Jack Fitzgerald and the efforts of Fitzgerald Auto Mall. Working in concert with the National Safe Kids Campaign, police, fire and rescue officials, and the Montgomery County Maryland Office of Consumer Affairs, they have worked diligently to ensure that child safety seats have been installed in vehicles correctly. Today, at Fitzgerald Auto Mall, the 20,000th child safety seat inspection will be performed.

Nearly 90% of the child safety seats that have been inspected at Fitzgerald Auto Mall found incorrect installations—some with multiple errors. In addition to those who made the inspections and corrections, I would like to recognize those 20,000 families who came to get their child safety seats checked. It is a testament to the active and concerned citizenry that helps make our community unique. We cannot accurately say how many lives have been saved through this effort, but without a doubt, vehicles and families are now safer because of it.

Let us all hope that tens of thousands more will follow the lead of this first 20,000, and I salute Fitzgerald Auto Mall and all the community leaders who have worked so tirelessly in this effort.

TERRORIST ATTACKS OF SEPT. 11, 2001

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, last Wednesday our nation commemorated the terrorist attacks of September 11, 2001. While these attacks were committed on the World Trade Center and the Pentagon, they were in fact directed at our nation as a whole. Our freedom, our way of life, the very foundations of our great democracy, were ruthlessly targeted by an unprecedented force of evil. Now, one year later, our nation is stronger and more unified than ever to rid the world of terrorism in all of its forms, as well as its root causes including poverty, injustice, and despair. It is my sincere hope that America never forgets the terrible atrocities committed within our borders. These acts were a direct attack upon freedom loving people everywhere and we have a duty to ensure that freedom and democracy prevail in this struggle against tyranny and oppression.

YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK IN PENNSYLVANIA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to bring attention to the fight against suicide. Suicide takes the lives of over 30,000 Americans each year. Last year, September 16-22, was designated as the Yellow Ribbon Youth Suicide Awareness and Prevention Week in Pennsylvania. This week brought community awareness to suicide, helped educate the public about suicide prevention techniques and brought together families who have lost loved ones to suicide.

Suicide prevention efforts are an important factor in reducing the amount of suicides in this country. More people die from suicide than from homicide each year. The Yellow Ribbon Program has helped people of all ages ask for help during their most desperate times.

Members of Congress and communities throughout the country have supported this organization. Please join me in recognizing this important group and the important role it has provided in preventing suicides.

RECOGNIZING NATIONAL POW/MIA RECOGNITION DAY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HOLT. Mr. Speaker, citizens across central New Jersey and the Nation will pause on National POW/MIA Recognition Day to reflect on the heroism of the thousands of Americans who endured the hardship of enemy confinement, and those who are missing and whose fate remains unknown. I'm proud to join them in observing this important and solemn occasion and to say thanks to those who have made this sacrifice.

Especially now, at this difficult time in our nation's history, we must remember, that for some brave families, especially the families of our missing, the war is never over. Many of us have read recently about the questions of the fate of one of our service people from the Gulf War, Navy Pilot Scott Speicher. For his family and others this day is especially important. While our government is still making every effort to account for our soldiers, there are still 88,000 of our fellow citizens are missing in action from World War II, the Korean War, the Cold War and the Vietnam War. As a nation, we must do all that we can to continue to honor them and to account for them.

In central New Jersey, and the country, offices, schools and businesses will fly the POW/MIA flag. It will fly at national and military cemeteries and here, in the Capitol Rotunda, the most honored place in this historic seat of our government.

This nation has not forgotten its obligation to former POWs and those who are still missing in action. As people gather today for patriotic ceremonies and speeches to commemorate our POW/MIA's, America's commitment to them remains strong.

I hope my colleagues will join me in marking National POW/MIA recognition day.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

September 12, 2002: rollcall vote 385, on motion to go to conference, I would have voted ''yea''; rollcall vote 386, on approving the journal, I would have voted ''yea.''

September 18, 2002: rollcall vote 391, on agreeing to H. Res. 528, 1 would have voted ''yea.''

AMERICAN FRONTIERS: A PUBLIC LANDS JOURNEY

HON. C.L. ''BUTCH'' OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. OTTER. Mr. Speaker, Idaho is blessed with a variety of natural resources, many of them located on public lands. We also are blessed with a diverse array of recreational choices, many of which also are available on public lands. Over 63 percent of Idaho is public land. Tens of thousand of visitors to our state each year are drawn by the beauty of those lands and by opportunities to drive Idaho's byways, camp, ski, hike, hunt, river raft or enjoy a host of other activities. America's public lands are an important legacy that belongs to all citizens. Recognizing that fact, Idaho recently hosted a special expedition called American Frontiers: A Public Lands Journey, which is drawing attention to this special legacy. This 3,200-mile journey by two teams of adventurers is helping to educate schoolchildren about public lands and bringing all of us the opportunity to better understand the way these lands help shape the West. I encourage people to visit the special Web site that chronicles this amazing interactive journey, at *www.americanfrontiers.net.* The dispatches from the trail recount stories in Idaho ranging from encounters with grazing sheep and their shepherds to a ''town'' with a winter population of one person. All of the trekkers were impressed, most of all, with Idaho's vast beauty. As one of them observed: ''The view across the meadow to the mountains is stunning. We see and hear three sandhill cranes flying overhead. The whole scene seems like right out of a movie.'' I commend the Public Lands Interpretive Association for organizing this effort. And I congratulate the individuals who will complete this two-month journey on September 28 in Salt Lake City!

RACING REMEMBERS

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. FLETCHER. Mr. Speaker, it is an honor for me to recognize the American racing industry for its response to the terrible tragedies our nation suffered a year ago. I am deeply

gratified to note that the nation's horseracing industry, which is of such great importance to the Commonwealth of Kentucky, shared in our nation's ceremonies of remembrance on September 11. Yesterday, all across the country, our racetracks, owners, trainers and jockeys all stood together to remember what happened a year ago and to honor those who were lost and those who showed such great courage in the aftermath of the terrorist attacks.

The National Thoroughbred Racing Association requested that all racetracks operating on September 11 cease normal business operations to share in a 10-minute, nationally simulcast observance at 4:10 p.m. Eastern Time. All across the country, there was no racing or related activity at any NTRA-member facilities during the brief, dignified and patriotic service which included a flag ceremony, a moment of silence, the singing of the National Anthem and a video tribute.

The nationwide ceremony allowed racing and its fans to remember September 11 together, even though they were at many different locations, because the observance was broadcast via simulcast to many different facilities from Del Mar Thoroughbred Track in California. It was hosted by Emmy Award-winning broadcaster Dick Enberg.

This observance was the culmination of a year-long effort by the racing industry to raise funds for individuals and families devastated by the attacks. Over the past year, members of the international Thoroughbred horseracing community, including tracks, horse owners, trainers, grooms, jockeys and veterinarians, have contributed more than $12 million to assist the families of those lost on September 11.

I am proud that the American racing and breeding industry has responded so patriotically to our nation's ordeal and assisted so many Americans hurt by those tragic attacks.

RECOGNIZING FOURTEEN YEARS OF TYRANNY IN BURMA

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. KIRK. Mr. Speaker, I rise today to recognize the fourteen year anniversary of the mislabeled State Peace and Development Council's brutal takeover of power in Burma. In addition, I commend Nobel Peace Prize laureate Daw Aung San Suu Kyi for her continued strength and leadership during this period of repression and illegitimacy in Burma.

After legitimately winning Burma's 1990 election, Suu Kyi was placed under house arrest in Rangoon. Recently, she was released from house arrest, however, nearly 1,500 political prisoners remain in Burmese prisons for their peaceable opposition to the SPDC's illegitimate rule. Meanwhile, as many as one million Burmese citizens, many of whom are children, are forced to build roads, military installations, and railroads for the junta.

Over thirty percent of Burma's children are malnourished, yet the illegitimate SPDC regime continues to spend billions of dollars on military equipment purchased from China and Russia. The SPDC regime fails to provide any substantial assistance for critical health care and educational programs in Burma, yet it continues to amass a dangerous military arsenal.

Burma is a country of peaceful, intelligent and freedom-loving citizens, yet the brutal ruling junta has spent the last fourteen years crushing the will of the people. I join my colleagues in recognizing the fourteen year anniversary of the SPDC's hostile military takeover, and I commend Daw Aung San Suu Kyi's continued efforts to fight for freedom, democracy, and human rights.

IN MEMORY OF JAMES B. WIGLE

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BLUNT. Mr. Speaker, I rise today to memorialize James B. Wigle, who died Monday September 9, 2002.

His family, friends, community and industry have suffered a significant loss. Jim Wigle was an extraordinary man in many ways and has permanently left his mark. Today, I would like to honor James B. Wigle's career as a pioneer in the insurance industry, a philanthropic community leader, and his extraordinary efforts with the Morgan Horse Association and Institute.

Jim Wigle graduated from the University of Toronto in 1936 with a degree in Business Administration and later received his degree as a Chartered Life Underwriter from American University. He spent his entire career in the insurance industry, except for five years when he served as an officer in the Royal Canadian Artillery during World War II.

In 1946 Mr. Wigle came to California while working for the Occidental Life Company and later at The Travelers Insurance Company where he recognized the opportunities in the insurance distribution sector. After becoming an insurance representative, he wrote his first association group case in 1951 and began to specialize in this segment of the market, thus becoming one of the country's pioneers in insurance mass marketing through associations such as the American Legion Insurance Trust. To this end, in 1956 he formed Association Group Insurance Administrators. Today, AGIA has offices in California, Arizona, Minnesota, and Washington, D.C. AGIA ranks at the forefront of the independently-owned association group insurance broker-administrators in the United States. Mr. Wigle served as President and Chief Executive Officer until January 1, 1986, and then continued to be actively involved in the business as Chairman of the Board and Chief Financial Officer.

AGIA is a significant employer in the Santa Barbara and Carpinteria communities and participated in the funding of several community events over the years. Jim Wigle was always known as a loving, generous, and thoughtful person.

Jim participated in numerous local association programs over the years and served nationally as the President of both the American Morgan Horse Association and the American Morgan Horse Institute. He was responsible for raising the funds necessary to establish the Morgan Horse Museum and new permanent home for the AMHA in Shelburne, Vermont. His efforts were recognized, when he was named the 1978 Morgan Horse Man of the year honoree and 1990 Morgan Horse Hall of Fame honoree.

His determination, vitality, boundless energy and dedication will be missed, but despite his absence, Jim Wigle will continue to serve as an inspiration and as a role model to the many people who knew his indomitable spirit.

RECOGNIZING MR. MARTIN ORTIZ

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. NAPOLITANO and Ms. HILDA SOLIS. Mr. Speaker, we are extremely proud to rise today to honor a very special man—Mr. Martin Ortiz, founding Director of Whittier College's Center of Mexican American Affairs in Whittier, California.

Mr. Ortiz served our community for more than 40 years and retired leaving a foundation upon which the next generation of Latino students will strive to embrace their diversity as leaders, professionals, and contributors to their community. In recognition of Mr. Ortiz's devotion to the college and the community at large, he was named Director Emeritus and was given the opportunity to serve as a consultant to Whittier College.

Mr. Ortiz has a long litany of accomplishments, which speak to his sense of duty and responsibility to the community. As the founding director of Whittier College's Center of Mexican American Affairs, Mr. Ortiz served as a mentor to thousands of students, many of whom are the first in their families to attend college. His work contributed significantly to making Whittier College one of the most diverse liberal arts colleges in the country. Furthermore, Dr. Ortiz's leadership in diversity issues shaped the ethos of Whittier College in significant ways.

Mr. Ortiz has received many honors for his work, including recognition from the California Legislature for his dedication to the students and the community served by Whittier College. He also received the Recognition Award from the Personnel Management Association of Aztlan, National Board, for his promotion of employment opportunities for minority youth, and a Distinguished Service Award from the U.S. Department of Education. The college's organization Alianza de Los Amigos elected him to its Hall of Fame, and a $1.5 million endowed scholarship has been established at Whittier in his honor.

Throughout his career, Mr. Ortiz has served as a consultant and advisor to many organizations. He has been a consultant to the U.S. Department of Health and Human Services and has served on many community and professional associations including the Los Angeles County Human Relations Commission, the Task Force on Improving Community Relations, the California Council of Criminal Justice, and the National Hispanic Task Force, Social Security Administration.

Mr. Speaker, we invite our colleagues to join us in saluting Mr. Martin Ortiz for his selfless and untiring efforts on behalf of Latino students. His devotion to his work and his commitment to others has earned him the love

and praise of countless people who have received his comfort, advice and support. We congratulate him on a wonderfully successful career and wish him all the best as he enters retirement.

H.R. 1701, THE CONSUMER RENTAL PURCHASE AGREEMENT ACT

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, I urge my colleagues to support the Consumer Rental Purchase Agreement Act, H.R. 1701. The bill before us is the product of the many months of hard work by several Members. I want to especially thank Congressman WALTER JONES and my Financial Service Committee colleagues on both sides of the aisle for their constructive input in producing a bipartisan, consumer friendly piece of legislation.

Let me make it clear, this bill establishes a federal floor for Rent-to-Own disclosures and consumer rights, and preserves states'options to regulate costs and other disclosures. That is, States can still apply further economic and substantive safeguards, such as regulating maximum rental costs, allowable fees, and fair collection practices should they decide to do so.

In April of 2000, the Federal Trade Commission (FTC) issued a staff report that addresses many of the issues surrounding the rent-to-own industry. Generally speaking, the FTC report concluded that clear and comprehensive disclosures of the rental-purchase transaction would benefit both the industry and consumers. In that report, the FTC made some recommendations regarding the types of disclosure that would benefit consumers. The ''Consumer Rental Purchase Agreement Act'' is an effort to begin to implement those recommendations.

I think that everyone will agree that giving consumers the information they need to make informed decisions is both good public policy and ultimately good economic policy as well. The consumer safeguards provided in this legislation include the prohibition of certain fees, improved consumer disclosures, expanded civil liability, prohibition of abusive practices, and the preservation of existing rights.

H.R. 1701 requires several clear and conspicuous disclosures that assure merchants will not present information in such a way that conceals or misleads consumers as to the true cost of the transaction. The proposal includes a plain language requirement for use in contracts. Specifically, the bill requires that all merchandise bear a label or tag that discloses specific cost and merchandise information, such as the price to purchase the merchandise for cash, the rental payment amount, the total number of payments to acquire ownership, and the total cost of ownership. Additionally, H.R. 1701 requires that price tags and label disclosures (as well as contracts) include the total cost for ownership, which consists of the sum of all rental payments and any mandatory fees or charges, per the FTC report recommendation. The bill also requires that price tags and labels (and contracts) identify whether merchandise is new or used.

The Consumer Rental Purchase Agreement Act also prohibits the imposition of any special fees to acquire ownership, including a prohibition on balloon payments. The bill prohibits merchants from charging more than one late fee for a delinquent rental payment, or charge for an unpaid late fee. This will ensure that consumers are not charged with unfair or over-burdensome penalties and fees for simply missing a payment.

Importantly, H.R. 1701 clarifies civil liabilities protections for consumers in Rent to Own transactions. H.R. 1701 expands civil liability and penalties to allow actions based on a ''pattern or practice'' of advertising violations. The bill explicitly provides for civil action and expanded penalties for enforcement by the FTC and State attorneys general, based on a pattern or practice of violations by a merchant.

Additionally, the bill ties criminal and civil liability and penalties for violations to the requirements of the Truth in Lending Act and Consumer Leasing Act.

Mr. Speaker, this bill establishes an important federal floor for consumer protection, and create a framework for additional consumer protection in the future. In sum, this legislation will give consumers the information they need to make informed decisions. It will also create a uniform regulatory baseline that will help with the growth of the industry and its contributions to our economy. I urge my colleagues to support this far-sighted legislation.

PERSONAL EXPLANATION

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. MASCARA. Mr. Speaker, on September 17, 2002, I was absent for personal reasons and missed rollcall votes numbered 388 through 390. For the record, had I been present I would have voted ''yea'' on all of these votes.

HONORING KENNETH LARGESS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to recognize Kenneth Largess, this year's Grand Marshal for the Spirit of Shrewsbury Festival. This gathering for all townspeople will also celebrate the town's 275th anniversary.

Ken Largess grew up in Shrewsbury and attended Shrewsbury High School, where he graduated in 1968 and then received a teaching degree from Worcester State College. Soon after he began a teaching career in Shrewsbury and is now an Assistant Principal at Shrewsbury High School. Ken has been deeply involved in the planning and construction of the new high school building that will be dedicated this Sunday. He is an integral part of the school community and is one of the reasons behind its tremendous success. Dedicated to his students, he is one of those educators to whom we can point to and say, ''He has made a difference in the lives of those he serves.'' The town of Shrewsbury is indeed fortunate.

Outside of work, he and his wife, Patti, are the proud parents of three grown children, Kenny, Tara and Erin. Ken and Patti have spent some of their happiest hours on the soccer field, baseball field and basketball court cheering on their children and teammates.

Mr. Speaker, I ask our colleagues to join me in offering our congratulations and best wishes to Ken Largess and to the people in the Town of Shrewsbury.

INTRODUCING A CONCURRENT RESOLUTION THAT THE UNITED STATES SHOULD WORK THROUGH THE UNITED NATIONS REGARDING IRAQ

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. STARK. Mr. Speaker, today, I rise in support of America leading a strong and sustained diplomatic effort with our partners in the international community to confront Saddam Hussein.

I am proud to join my colleague and friend Barbara Lee—among many others—in introducing a resolution expressing the sense of Congress that the U.S. work through the United Nations to assure Iraq's compliance with UN resolutions regarding weapons of mass destruction rather than pursue a unilateral military attack.

Last week, President Bush finally listened to the wise counsel of the American people and engaged the United Nations on Iraq's failure to comply with its resolutions. While I applaud the President's effort to reach out to our partners in the United Nations, he seriously undermined the cause of diplomacy by threatening unilateral action if the UN did not meet America's demands for military action. I urge the President to heed his own words and allow the United Nations to live up to its responsibility to hold Iraq accountable without forcing hostile military action that threatens America and the world.

I strongly question the President's assertion that immediate military action is necessary. The evidence of an imminent threat from Iraq is not there. The Administration's so-called secret briefings have provided Congress with paltry information they could have as easily read in the New York Times. Our intelligence agencies will have to provide something more compelling than generalized claims that Iraq could have some nuclear capability in six months to seven years. They don't even know if Iraq even has the capability of striking the United States with any weapon at this time.

Without concrete evidence, I do not want our President to run off willy-nilly and risk the lives of America's young men and women. Especially, when the President has not shown the resolve to seek the evidence to justify such action or to pursue a peaceful solution to the situation.

The President has also ignored the track record of past weapons inspectors in Iraq. Between 1991 and 1998, they were successful in destroying large stockpiles of chemical and biological weapons. He has dismissed Iraq's offer to allow weapons inspectors back into Iraq unconditionally. Even worse are the statements from the Administration that the United

States should attack Iraq, even if Saddam Hussein were proven to be compliant with existing UN resolutions. As reported by today's Washington Post, the Administration is even trying to suppress the scientific analysis of government experts who refute their claims that equipment sought by Iraq would provide the capability of producing nuclear weapons.

Am I to believe that the President has made waging war with Iraq a foregone conclusion? I think Americans deserve more serious consideration on the part of our President before we plunge our nation into war and risk the lives of their loved ones.

Should the President compel Congress to go to war, the United States risks setting an international precedent that the mere suspicion that a nation may soon possess weapons of mass destruction is reason enough to preemptively attack them or force a regime change. Who are we to attack next? Iran? North Korea? China?

If we should remove Saddam Hussein from power, we must consider the consequences. Secretary Rumsfeld has said it is up to the Iraqi people to confront the challenges of a post-Saddam Hussein Iraq. This would likely ignite a civil war between the Shiites, the Kurds, the Turks, and other ethnic groups that make up that nation. Do we want these warring groups to gain access to chemical, biological, and nuclear weapons, should they exist? Is it worth risking the stability of the Middle East or the world?

Given the need for an extended U.S. presence there, would our invasion be worth the price at home? It would likely cost over $60 billion to deploy our troops and sustain a force of up to 100,000 U.S. troops in one year alone. These troops would likely have to stay for up to 5–10 years as part of an international peacekeeping force. Rebuilding a war torn Iraq would also likely cost roughly $50–100 billion.

With deficit spending already running at over $150 billion this year, these military costs would create a monumental budget crisis when we've yet to secure basic domestic priorities like a prescription drug benefit or shoring up the solvency of Social Security.

Finally, by acting with the tepid support of the international community, protracted U.S. involvement in Iraq could threaten the support we have gotten from Middle East countries in our war on terrorism. It could easily ignite long-standing discontent among the Arab people that would only fuel a more aggressive terrorist offensive here in the United States.

For these reasons, I believe we must proceed wholeheartedly with responsible and sustained diplomacy. I am proud to sponsor BARBARA LEE's resolution that underscores the value and necessity of this effort. The President must lead the United Nations to fulfill its mission without unnecessary bloodshed. I urge my colleagues to join with us to provide him this mandate.

MOURNING LOSS OF MAYOR RALPH APPEZZATO

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Ms. LEE. Mr. Speaker, I rise today with a heavy heart and deep sadness over the loss of Mayor Ralph Appezzato. Ralph was a friend and a colleague. I offer my heartfelt sympathy to his wife of 34 years, Marilyn, and their three sons, David, Jason and Joshua.

I always valued Ralph's counsel and his friendship. He will be remembered as one of our nation's most effective mayors, particularly for his leadership in the award-winning conversion of the former Alameda Naval Base to successful civilian uses.

Like many friends, colleagues and citizens in the Bay Area, I was shocked to learn about Ralph's untimely death. With his passing we have lost a warrior for social justice and positive change. Ralph was a dedicated public servant held in the highest regard.

Ralph was elected Mayor of the City of Alameda on November 8, 1994, and reelected November 3, 1998. He was previously elected to the City Council in November, 1992 and was a member of the Alameda City Planning Board, twice serving as President.

Ralph is a graduate of Seton Hall University and went on to receive a graduate degree in Education from Villanova University. He is also a graduate of the Armed Forces Command and General Staff College.

Ralph served as a Marine Corps Officer, retiring as a Colonel in 1983. After leaving the Marine Corps, he was a Vice President at Bank of America for seven years and Chief Operating Officer at Volunteers of America for four years.

Ralph's dedication to community issues was reflected in his participation on many regional organizations in the San Francisco Bay Area, including: the Alameda Reuse and Redevelopment Authority; the East Bay Conversion and Reinvestment Commission; the Alameda County Waste Management Authority; the Alameda County Congestion Management Agency; the Alameda County Mayors' Conference; the Alameda County Airport Land Use Commission; the Metropolitan Transportation Commission; the San Francisco Bay Conservation and Development Commission; the San Francisco Bay Area Water Transit Authority; the Federal Department of Transportation Towing Safety Advisory Committee, and; the U.S. Conference of Mayors.

Ralph also served on several Boards of Directors, including: Alameda Council, Boy Scouts of America; Alameda Boys and Girls Club; Clara Barton Foundation, and; Alameda Meals on Wheels.

I join his family, the City of Alameda and the Bay Area as we mourn the passing of a great American.

STAND FIRM VIGIL FOR SUDAN

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. PITTS. Mr. Speaker, I rise today out of deep concern over the continued attacks by the Khartoum regime in Sudan against innocent civilians. Recent reports indicate that the Government of Sudan, despite agreeing to a peace proposal, bombed the town of Lui—why would they bomb a town that has only a school, hospital and church and no military installations? This recent incident shows the real intentions of the Khartoum regime.

Christians, Muslims and others have suffered terribly under the Khartoum regime—it is time that this suffering comes to an end. Reports are clear that the Khartoum regime has violated numerous international human rights norms: they enslave women and children, divert food aid, bomb schools, hospitals and churches, force religious conversions, and forcibly ''re-educate'' citizens.

The story of Mr. Francis Bok of Southern Sudan reflects the reality of life for many of Sudan's children. At the age of seven, Mr. Bok was captured and enslaved during an Arab militia raid on the village of Nimlal. For ten years, he lived as the family slave to Giema Abdullah and was forced to sleep with cattle, endure daily beatings, and eat rotten food. Tragically, slavery still exists today.

Mr. Speaker, there is a constant flow of reports out of Sudan which describe the horrors of life for the people, particularly those from the South, under the Khartoum regime. Our nation, and the international community must stand in solidarity with the people of Sudan and offer concrete, practical ways to alleviate their suffering and bring peace. We must act to bring an end once and for all to the civil war and deliberate genocide in Sudan. The recent peace agreements are a step forward, yet Khartoum already has violated the agreements.

This week, a number of organizations, led by the Institute on Religion and Democracy (IRD), are staging a Stand Firm Vigil for Sudan. I commend IRD, Christian Solidarity International (CSI), the American Anti-Slavery Group, Servant's Heart Ministry for Sudan and others for their tireless work on behalf of the suffering people of Sudan. I stand with you and with the freedom-loving people of Sudan.

HAPPY BIRTHDAY, PAUL L. BRADY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LEWIS of Georgia. Mr. Speaker, I rise to salute a distinguished citizen, Paul L. Brady, of the Fifth Congressional District of Georgia as he celebrates a special day in his life, his 75th birthday.

Paul L. Brady, a native of Flint, Michigan, received his early education in the Flint public schools. After graduating from high school, he enlisted in the U.S. Navy. Following military service, he attended the University of Michigan and University of Kansas, majoring in psychology.

Judge Brady's interest in the law was prompted by his personal involvement in what became the landmark case of Brown v. The Board of Education of Topeka, Kansas. He attended law school at Washburn University, Topeka, where he received his Juris Doctor Degree. He did further study at the Lawyer's Institute, Chicago, Illinois; the Center for Administrative Justice, George Washington University; and graduate work at Georgetown Law Center, Washington, DC.

His legal experience included twelve years of private practice in Chicago, Illinois, an adjudicator for the Social Security Administration, a Supervisory Trial Attorney for the Federal Power Commission (receiving this commission's highest award for efficiency in 1971), and a Hearing Examiner with the Department of Health, Education and Welfare.

In 1972, he was appointed a Federal Administrative Law Judge and became the first African American to be so named. After serving 25 years on the bench, Judge Brady retired. During the last 6 years of his tenure, he presided as Chief Judge of the Atlanta Regional office. In his honor, a Library-Conference Room has been designated the Brady Conference Room in the Sam Nunn Federal Office Building.

Judge Brady is a member of the Judicial Council of the National Bar Association, the Federal Administrative Law Judges' Conference and the Federal Bar Association. He has also served as a faculty coordinator for a course on Administrative Law Procedure at the National Judicial College, Reno, Nevada. In addition to being a member of several State Bars, he is also admitted to practice before the Supreme Court of the United States.

A life member of the NAACP, he has received numerous awards and honors for community involvement, the highlight of which was national recognition for organizing government lawyers in a Volunteer Neighborhood Legal Services Program in Washington, DC.

In 1992, Flint Central High School selected Judge Brady as one of its initial honorees in the Alumni Hall of Fame. In 1997 he was inducted into the National Bar Association's Hall of Fame. He is the author of ''A Certain Blindness,'' a book that chronicles his family's history and is a prototype of other African-American families' quest for the ''promise of America.''

Judge Brady is the father of two children: Paul L. Brady, Jr., of Los Angeles, Dr. Laura Brady Sullivan and son-in-law Dr. Paul Sullivan, Southlake, Texas and grandson Paul Sullivan, Jr. He lives in Atlanta with his wife, Xernona, a television executive.

THE INTRODUCTION OF AN ACT TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO EXCLUDE FROM INCOME AND EMPLOYMENT TAXES AND WAGE WITHHOLDING PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to introduce bipartisan legislation that would exclude tax abatements and other qualified incentives provided by local governments to volunteer firefighters and emergency medical responders from being considered part of an individual's gross income, and allow states and communities around the country to provide these important recruiting and retention incentives to their volunteer firefighters and emergency medical responders.

Studies conducted by the United States Fire Administration show that 73 percent of all fire departments in the United States are volunteer departments. These volunteer departments account for protecting 38 percent of America's population, in both rural and urban areas. However, statistics have shown that the ranks of volunteer fire companies are shrinking at an alarming rate. The number of volunteer firefighters around the country has declined 5 to 10 percent since the 1980s, while emergency service calls have steadily increased over the same period.

To help localities recruit and retain volunteer firefighters, the State of Connecticut enacted a law allowing among other things, the legislative body of any municipality to establish, by ordinance, a program to abate property taxes due for any fiscal year for a resident of the municipality who volunteers his or her services as a firefighter, emergency medical technician, or ambulance driver in the municipality. Many other states have passed similar initiatives.

However, when cities and towns seeking to pass local ordinances providing the abatements or other incentives under the state law, the IRS ruled in a similar property tax abatement inquiry, that under current federal law the amount of property tax abated for volunteers was considered income.

Also, since the workers do not actually receive ''cash'' for these ''wages,'' the ''employer'' (i.e. localities) would be required to pay both portions of the FICA tax on the amount of property tax abated. Further, if the localities do not seek reimbursement from the volunteers for their portion of the FICA tax, then that portion would be considered wages for FICA tax purposes subject to an additional FICA tax.

Clearly, this confusing ruling undermines the intention of providing incentives to recruit and retain enough volunteer firefighters and emergency medical responders to keep our communities safe and puts an enormous economic burden on localities.

In today's fast paced economy where men and women must work longer hours or multiple jobs just to break even, time to volunteer is becoming a thing of the past. These types of creative incentives help encourage new volunteers to strengthen the ranks of the men and women who already safeguard our community. If our cities and towns are willing to forgo their local tax revenues in order to ensure they have enough volunteer firefighters and emergency medical responders to protect their communities, then Washington DC and the IRS should not be allowed to swoop in and take the money for themselves.

I urge my colleagues to support this legislation and insure that state and local governments have the flexibility to design and implement the type of recruiting and retention incentive programs that most adequately reflect the needs of their communities and volunteers.

IN MEMORY OF CORPORAL JAMES VICTOR ARNAUD AND DEPUTY ELIZABETH LICERA MAGRUDER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. HOYER. Mr. Speaker, I rise today to honor and remember Corporal James Victor Arnaud and Deputy Elizabeth Licera Magruder. These two officers lost their lives in the line of duty on August 29, 2002.

Corporal Arnaud was in the Army for twenty years before retiring and joining the Prince George's County Sheriff's Office. He resided in North Beach, in Calvert County, Maryland and he served as an officer for 13 years before his tragic death. Corporal Arnaud was an excellent officer and he was posthumously awarded the rank of sergeant for his service. He is survived by his wife, Theresa, two children, Jamey and Michael, and two grandchildren, Joseph and Jacob.

Deputy Magruder graduated from the Southern Maryland Criminal Justice Academy on May 3, 2002. She recently bought a house in Clinton, Maryland and is survived by her husband, Derwinn, and her son, Devin. Deputy Magruder loved her job and strived to help other people.

Both of these officers were shot to death while working overtime to serve an emergency psychiatric court order. Serving court orders is considered a routine duty for officers to perform. However, this tragedy reminds us of the terribly high risks that a law enforcement officer faces while doing even routine tasks.

Local law enforcement officers like Deputy Magruder and Corporal Arnaud have such a strong sense of duty to their community that they willingly put themselves at risk every day that they are on the job to protect our lives and make our communities safer. This dedication to duty makes law enforcement officers an integral part of a community's strength.

This is a true meaning of the word ''hero.'' A person who is determined to help others, even if it means sacrificing their lives.

Local law enforcement officers have the courage to guard us, the compassion to help us, and the strength of spirit to do their job, even though they are rarely praised. Corporal Arnaud and Deputy Magruder are a part of this tradition, and they gave their lives in the course of a routine day. We shall not forget them; their bravery and sense of duty are certainly worthy of praise.

Mr. Speaker, I ask my colleagues to join me today in recognizing the sacrifices of Corporal James Arnaud and Deputy Elizabeth Magruder.

FINISH WORK ON CAMPAIGN FINANCE REFORM

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LEACH. Mr. Speaker, I rise to invite the attention of my colleagues to a sea change that is taking place in our political life, a change uncontemplated by our founders: the nationalization of campaigns for the U.S. House of Representatives.

Our founders envisioned a Congress made up of members obligated to represent the interests and views of widely diverse constituencies. But as money has become the lever of influence and as that money now comes from national sources, candidates are finding themselves indebted more to those who play the slot machines of influence than those they attempt to influence—i.e., the voter.

Many active in American politics may take this money game development for granted and may even welcome it, but this change has profound ramifications for our experiment in self government that deserve careful consideration.

As we all know, the Constitution sketches the outlines of the House in Section 2 of Article 1. What the founders had in mind for the

body is perhaps summed up best by Madison in Number 57 of The Federalist Papers: ''The House of Representatives is so constituted as to support in the members an habitual recollection of their dependence on the people.''

The late Speaker Tip O'Neill's dictum ''all politics is local'' and our referral to this place as ''the people's body'' symbolize this fundamental understanding of the nature and purpose of the House.

Modern campaigning, with its emphasis on image and short, simple messages, and its use of television to project these images and messages, combined with the role of special interest money in financing increasingly expensive House contests, is in danger of severing this defining relationship between Members and their constituents. At risk is the disenfranchisement of the American voter. In 2002 several factors have combined to make my home state of Iowa a microcosm of this troubling development.

This is the first election following the Constitutionally-mandated decennial census and resulting reapportionment of the House. In Iowa, re-Districting properly is not the incumbent protection process it is in most states. Rather, the state's constitution requires that Iowa's ninety-nine counties be grouped together in a configuration that distributes the population most evenly among the five Congressional Districts without dividing a single county. This approach should and has in the past meant a renewal of political life in the state, with a new alignment of districts revitalizing the state's body politic.

This year the district realignment process worked well. The question now is whether the outside interest groups involvement has mushroomed to such an extent that the nature of our state's congressional elections have changed in such ways as to incentivize negativity and reward the kind of campaigning designed to appeal to the lower instincts of human nature.

The slim margins of control in both bodies of the national legislature, the protection extended to incumbents and therefore the status quo in other states, a close gubernatorial contest and a hotly contested Senate seat, the closeness of the last presidential election in the state and the pivotal role the Iowa caucuses will play in the 2004 race for the White House, have all combined to make Iowa a principal battleground on which this year's political fight is being waged.

As a consequence, money has been pouring into the state from national special interest PACs. Our airwaves have been jammed with radio and television ads, both positive and now increasingly negative in nature, purchased at already exorbitant and rapidly escalating cost. Mailings from campaigns and parties cram the state's mailboxes and politicians from across the country flock in droves to the Iowa, ostensibly to assist this or that candidate, but certainly to boost their own ambitions for leadership positions in Congress or on the broader national stage.

In addition, interest groups from across the political spectrum are making ''independent expenditures'' on behalf of Iowa candidates in unprecedented numbers. These efforts, whether positive of negative nature, in the form of newspaper, radio or television ads, mailings or the sending in of workers to forward a candidate or cause, are by law without the knowledge, much less the control, of the campaigns effected by them.

What is being lost in this cacophonous war of political words and images is the voice of individual Iowans, that to which Members and candidates for the House are charged principally to attend.

As many of you know, I have been an advocate of radical campaign finance reform throughout my tenure in the House. Since first seeking public office, I have refused contributions from special interest PACs and accepted support only from individual Iowans, limiting that to half what is allowed by law. I have regularly offered to enter into agreements with my opponents to limit campaign spending and just as regularly been rebuffed, as I was this year.

Moreover, I also have consistently requested that outside groups not make independent expenditures in my races. I have done so this year and would like to reiterate and underscore that request now. Outside interest groups should stay out of what are intended by the Constitution and ought to remain instate voter choices.

But as important as it is to me, the shifting nature of modern campaigns is about much more than House races in Iowa. If the trend toward more expensive races and thus heavier financial obligations for candidates is not curbed, Congress will become a legislative body where the small businessman or woman, the farmer, the worker, and the ordinary citizen are only secondarily represented.

Whatever the makeup of the 108th Congress, I would hope that it will give a high priority to finishing the work of campaign finance reform that this Congress so imperfectly began.

CONGRATULATING JOHN AND BEVERLY ''MITZIE'' MUTER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor John and Beverly ''Mitzie'' Muter of Port Hope, Michigan, as they prepare to celebrate fifty years of marriage and a life-long commitment to each other and their three children. John and Mitzie's dedication and loving relationship serves as a beautiful and inspiring model for their family, friends and neighbors.

In the early 1950s, Mitzie and her parents stopped to get something to eat at a tavern in the small community of Lewisville, Michigan, when John spotted her across the room and told his friends that she was the girl he was going to marry. After a year-long courtship, John proposed and Mary Lou accepted. They were married on the thirtieth of May 1953 in Saints Peter and Paul Church in Ruth.

John and Mitzie lived, worked and raised three wonderful children, John Jr., Jill and Jamie, in Saint Clair Shores. Mitzie devoted her life to raising and nurturing the children and providing a stable and supportive family environment. John had a long and distinguished career as a master electrician until his retirement, giving him more time to spend with Mitzie, their children and grandchildren. After John's retirement about 20 years ago, the couple moved to their farm in Port Hope. Mitzie then opened and ran a clothing store, Mitzie's Fashion Boutique, in Harbor Beach for many years.

Family members recall the many pleasures of summers, weekends and winter holidays spent at the Muter family farm in Port Hope. In the winter, John, Mitzie, family and friends enjoyed snowmobiling and other cold-weather activities. Summers found them fishing, gardening, attending church picnics and heading off to county fairs. Over the years, the love and commitment that John and Mitzie showed for each other and the children created an incredible bond that has extended to their grandchildren and beyond.

Finally, Mr. Speaker, I ask my colleagues to join me in congratulating John and Mitzie as they approach the milestone of fifty years of marriage. A good marriage is one of life's most cherished covenants because it represents a declaration of love, and, as Paul said in his Letter to the Corinthians, ''Though I speak with the tongues of men and angels, but do not have love, I am nothing.'' I am confident that John and Mitzie's love for each will endure into eternity and I wish them many future years of marital bliss.

RECOGNIZING DR. JAMES WITHERS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. COYNE. Mr. Speaker, I rise today to call the House's attention to one of my constituents who has recently been recognized for his efforts to provide medical care to southwestern Pennsylvania's homeless population.

Dr. James S. Withers, M.D., will be receiving a 2002 Robert Wood Johnson Community Health Leadership award on September 24 at the National Press Club. Dr. Withers is the founder and Medical Director of Operation Safety Net in Pittsburgh, Pennsylvania.

Each year the Community Health Leadership Program honors ten outstanding, individuals who have found innovative ways to bring health care to communities where health care needs have been ignored and unmet. Each award winner receives $120,000—$105,000 for program support and $15,000 for a personal stipend.

Dr. Withers, who teaches medicine at Mercy Hospital in Pittsburgh, has been actively involved in providing health care to local homeless residents since 1993. In that year, he founded Operation Safety Net to provide this care. Operation Safety Net currently has 16 volunteer teams which seek out homeless individuals and address their health care needs. Operation Safety Net currently serves about 900 patients a year, many of whom suffer from substance abuse and mental illness.

Dr. Withers has said that the award money will be used as matching funds for a grant to carry out a 3-year plan to improve health care for the homeless and develop methods for measuring the results of such efforts.

Mr. Speaker, I want to take this opportunity to commend Dr. Withers for all of his hard work and congratulate him on the recognition of his efforts with a Robert Wood Johnson Community Health Leadership Award.

TRIBUTE TO MR. WILLIS ''SNAKE'' MURRAY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a great privilege to pay tribute to my friend and confidant, Willis ''Snake'' Murray, one of the most unsung leaders of our Miami-Dade County community and Florida. On Thursday, September 26, 2002, in Tampa, Florida, he will be conferred the prestigious 2002 C. Colburn Hardy Older Advocate Award. This honor symbolizes the state's highest recognition for volunteer leadership exemplified by Mr. Murray in his role as advocate par excellence for older persons.

I commend this decision by the officers and members of the Florida Foundation on Active Aging, which established this award in June 1998 to honor C. Colburn Hardy of West Palm Beach. It memorializes Mr. Hardy's work as a former New Jersey State Legislator, community leader and author of numerous publications and financial books, including ''Social Security: The Crisis in America's Social Security System.'' It also dignifies his spirit of consecration to the well-being of senior citizens throughout this nation via his crucial role in the Pepper Commission for Older Americans and the White House Conferences on Aging.

Mr. Willis Murray succinctly epitomizes the disarming personality of a gentleman and the resilience of a trailblazer. One of the distinguished members of Booker T. Washington's Class of 1943 in Miami, he went on to obtain his bachelor's and master's degrees from Florida A&M University, and attended postgraduate studies at Barry University and University of Miami.

He has always had the knack of being at the forefront of the struggles of African-Americans and other minority groups in their quest for simple justice and fairness. Nowhere has this struggle been aptly defined than in his unequivocal stance of equality of opportunity for everyone in our community, be it in the arena of academic excellence for all children or in the ongoing struggle for economic and political empowerment for disenfranchised Americans.

Willis Murray is the consummate activist who abides by the dictum that those who have less in life, through no fault of their own, should be helped by the government, regardless of their race, creed, age or gender. While many have been inspired by his brand of unabashed sincerity, countless others have been motivated to follow his example for his unrelenting penchant for taking up any cause that would buttress the dignity of his fellow human beings, particularly our elder citizens.

Countless admirers and friends will honor Mr. Murray at a gathering of people from all political and philosophical persuasions throughout Florida. This celebration comes at a time when our state and this nation sorely need the exemplary services of senior advocates who, despite their busy schedules during their retirement, still find time to reach out to the less fortunate and create opportunities and programs that enhance the lives of our senior citizens.

This honoree may be just an ordinary guy trying to face his responsibilities each day to his own immediate family, and yet he has been extraordinary in giving of himself to his fellow human beings. If there was ever a more dynamic personality who genuinely exalts the good name and stellar reputation of good, public servants, then this honoree would admirably fit that billing.

Mr. Willis Murray is a veritable dynamo as a community activist. A leader imbued with a genuine ecumenical spirit, he is also an indefatigable organizer for causes that may well indict the status quo on one hand, but yet inspire the confidence of our disenfranchised senior citizenry on the other. His manifold charitable actions toward others genuinely matches the depth of his Judaeo-Christian faith. Time and time again he has willingly volunteered his expertise and resources to many organizations that often look up to his unique brand of no-nonsense leadership.

Mr. Speaker, this deserving honoree proudly symbolizes the remarkable, unusual strength of my community and my state of Florida. Urged on by his genuine Faith in Almighty God, he so chose to abide by the injunction of his stewardship that Faith without good works is dead...'' And he so chose to give credence to the fact that God is indeed alive and well and present among us through his works of volunteerism and good will.

Mr. Speaker, Willis Murray is a unique manifestation of compassion whose courageous vision and pragmatic approach to leadership evokes our hope and optimism inherent in the idealism of the American spirit. It is my humble prayer that, as my years of service in this august body draw to a close, I would become less unworthy of the trust and confidence he has so generously entrusted to me for so many years.

IN HONOR OF FRANKIE M. MENO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. UNDERWOOD. Mr. Speaker, today I share with you an open letter written to the American public by my constituent, Frankie Michael Meno. This letter was composed to recognize the losses of September 11, 2001, on the one-year anniversary of the terror attacks against America. Mr. Meno's letter was accompanied by a CD containing a song, ''America'', which he wrote, and performed in the company of his step-children, nieces, and nephews: Jessica, Sarah, and Mason Inder, and Shay, Daverin, and Davin Diaz.

Mr. Meno, a resident of Inarajan, Guam, began writing songs in 2000. He finds the process simple as the melody and words coming to him almost automatically. His song ''America'' was inspired by the pride he felt watching the closing ceremonies of the Winter Olympic Games in Salt Lake City, Utah, where people of all nationalities, languages, and colors came together as one. Mr. Meno hopes ''America's message of peace and freedom can be extended to all corners of the world''.

In speaking of Mr. Meno, I wish to convey to you his pride in America and his 16 years service with the U.S. Marines, his love of his family and children Christelle, Joseph, Antonia, and Jessica, and his grandchildren Isaiah and Jaythan, and his desire to use his song making abilities to help the victims of the terrorist attacks and to assist rebuilding Guam's educational system. Mr. Meno's song is one patriotic American's expression of our nation's feelings of loss, recognition of our citizens' heroism, and the ultimate hope that America's freedom can be shared with the world. These sentiments are held by all of us, and I am glad to be able to share this letter with you today.

SEPTEMBER 11, 2002

DEAR FELLOW AMERICANS, on this day, we join you in remembering your loved ones who left us on September 11, 2001. We would like to join with you in recognizing and remembering the brave men and women of the New York Fire Department, the New York Police Department, and the other heroes who sacrificed their lives to save another's. It is these extraordinary deeds from ordinary people that make us all proud to call ourselves Americans; your voices and deeds will never be forgotten.

My family and the people of Guam salute and embrace the American people and the noble ideas they stand for. I dedicate this song to the mothers and fathers, the sons and daughters, and the men and women who made the ultimate sacrifice to bring freedom and democracy to the island of Guam during World War II. I would also like to dedicate it to the American servicemen and to the people all over the world who long for freedom and democracy. I dream of the day when all the children of the world will be able to enjoy liberty's blessings. God bless Guam, God bless America, and God bless the world.

Semper Fidelis,

FRANKIE MICHAEL MENO.

TRIBUTE TO JACK AND PATTI SALTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LEVIN. Mr. Speaker, I rise to commemorate the dedication of the City of Royal Oak's community center in the name of Jack and Patti Salter. This is a most fitting tribute to a couple so vital to the fabric of the Royal Oak community.

The new community stands on the site, and will continue to house, the Boys & Girls Club of South Oakland County. To many of us, the name of this Club and Jack Salter are synonymous as he was the executive director of this organization for over thirty years from August 1958 until February 1991.

During Jack Salter's tenure as executive director, the Club received 21 National Honor Awards for Program Excellence and 13 honorable mentions from Boys & Girls Clubs of America. That is more than any single Boys & Girls Club in the country. In addition, seven Club members were selected as Michigan Youth of the Year, and four Club members were Midwest Youth of the Year and traveled to our nation's Capitol to meet the President.

Jack and Patti Salter are examples of what makes the Royal Oak community so strong. They share a tireless commitment to our youth, a passion for grassroots activism and a warmth of character that draws people to them and their causes. I have been privileged to call them friends.

The mission statement for the Boys & Girls Club is: To Inspire and enable all young people to help them realize their full potential as productive, responsible, and caring citizens.

Jack and Patti have surely inspired and they have made a difference in the lives of so many of our young people.

Mr. Speaker, I ask my colleagues to join me in honoring Jack and Patti Salter for all they have done to benefit the youth in South Oakland County, and to congratulate them on this day as the new community center in Royal Oak, Michigan is dedicated as the Jack and Patti Salter Community Center.

THE UNITED STATES AND THE FUTURE OF THE INTERNATIONAL CRIMINAL COURT

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LEACH. Mr. Speaker, one of the profound issues in world affairs today relates to the widespread perception abroad that the United States has become so disproportionately powerful that we need no longer be constrained in our actions by international rules, treaties, and even traditional security partnerships. This perception has helped fuel mistrust of American motives and resentment of American power, potentially hobbling the effectiveness of U.S. foreign policy at a critical juncture in world politics.

In many respects, controversy surrounding the new International Criminal Court is an apt symbol for this debate. The International Criminal Court, which came into being on July 1, will be the first global permanent international court with jurisdiction to prosecute the most heinous individual violators of human rights—genocide, war crimes, and crimes against humanity.

The United Nations, many human rights organizations, and many U.S. allies have expressed support for the new court. The Administration, however, strongly opposes it and has renounced any U.S. obligations under the treaty.

Although the U.S. has several valid concerns about the ICC—chiefly that the ICC might become politicized and capriciously assert jurisdiction over U.S. soldiers or high officials charged with ''war crimes''—our belligerent opposition to the Court also carries obvious downside risks to American leadership.

America's well-deserved reputation as a champion for human rights and extension of the rule of law has been called into question. Our efforts to play hardball in the UN Security Council by threatening to withhold support for UN peacekeeping missions unless the U.S. is granted immunity from the ICC alienated friends and allies abroad. The withholding of military assistance to members of the ICC may be seen as an attempt to undermine the court and influence the decisions of other countries to join the ICC. By demanding special treatment in the form of immunity from the ICC, the US may be seen as bolstering the perception of its preference for a unilateral approach to world affairs and a determination to operate in the world exclusively on our own terms. As a result, U.S. efforts to build coalitions in support for the war against terrorism as well as the enforcement of UN resolutions against Iraq may have been impaired.

Mr. Speaker, as an early advocate for the establishment of a permanent international criminal court based on balanced recognition of international statutes, I confess to being chagrined both at the inability of the international community to accommodate legitimate American concerns, and the all-or-nothing approach of our government that has left us without effective means to ensure that the ICC operates in ways that are consistent both with credible rule of law principles and with sensitivity to U.S. interests designed to advance democratic governance.

The problem is that as a great power called upon to intervene in areas of the world or disputes such as the Balkans, Afghanistan and troubled areas of the Middle East, the U.S. is vulnerable to charges being leveled against actions which we might reasonably consider to be peacekeeping, but another power or government might charge to be something very different. For instance, what would happen if Serbia were to bring a case against an American naval pilot when such a pilot is operating under both a U.S. and NATO mandate? The President has suggested we should, exclusive of all other countries, be allowed a veto over applicability of international law with regard to the ICC. Many other countries, including strong U.S. allies, have angst about this demand because they see this approach as establishing the principle of one country being entitled to operate above the law.

This is not an unresolvable dilemma. When the ICC treaty was under negotiation, it was the assumption of many that the Security Council where all the permanent members have a veto would play a determinative role in bringing matters before the ICC. If such was the case, the U.S. could fully protect itself as could the other permanent members. Unfortunately, because the past administration played a confused, ambivalent role in development of the treaty, it failed to get this common sense approach adopted and put the new administration in the embarrassing position of objecting to an important treaty because of the failed diplomacy of its predecessors.

Based on discussions with representatives of several governments sympathetic to the U.S. dilemma it is my understanding that there may be an inclination to seek a reasonable compromise on treaty language, even at this late date. It would appear to be an umbrage to many countries to craft a provision excluding the U.S. alone from ICC jurisdiction, but it would seem not unreasonable on a process basis to return to a Security Council role. On this basis the U.S. and the international community should be credibly protected.

The court would function as a treaty organization founded on state consent, while respecting Security Council authority to refer any matters affecting international peace and security to the court's jurisdiction. This approach has the advantage that it does not make a pure exception for the United States. Understandable concerns about inequitable protection of the nationals of permanent members of the Council would need to be balanced against the enhanced durability and legitimacy of the institution.

Mr. Speaker, I have long believed that laws, to be effective, must constrain governments in their foreign policies as well as individuals in domestic acts, and that in order to hold governments accountable there must be individual accountability at the highest as well as lowest levels of society. Justice must be brought to the international frontier or life for too many will, in Hobbes' piercing phrase, continue to be ''nasty, brutish, and short.'' Creation of an ICC is a step in the direction of evolving international society but it only makes sense if the United States is able to join without concern for the legitimate exercise of its global responsibilities.

The United States should thus seek revision or a protocol to the treaty ensconcing a Security Council role. Such an approach would achieve American objectives without calling for exclusive consideration.

REPRESENTATION OF TAIWAN IN THE UNITED NATIONS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. ROTHMAN. Mr. Speaker, one of the most challenging issues facing the United Nations General Assembly this fall is representation of Taiwan in the United Nations. U.N. Resolution 2758 (XXVI) of October 25, 1971, which seated the People's Republic of China in the United Nations, did not properly address the Taiwan issue. Recently, China has indicated its willingness to allow Taiwan to join the United Nations but only if Taiwan acknowledges the ''one-China'' policy.

Since the U.N. Resolution in 1971, Taiwan has not had the opportunity to join the most powerful and influential group of nations in the world, the United Nations, and this has caused harm for the people of Taiwan. They have been denied the right to be a part of U.N. work and activities. For example, while Taiwan is willing and able to contribute its resources to combat AIDS, tuberculosis and malaria, Taiwan has been denied the chance to participate in U.N. sponsored HIV/AIDS conferences and other similar health organization gatherings. Taiwan has also been denied access to major international conferences such as the development conference held in Monterrey, Mexico in March 2002, and the U.N. General Assembly Special Session on Children in May 2002. In truth, Taiwan's exclusion from the U.N. raises serious concerns about the rights of the Taiwanese people under the U.N. Charter, the Universal Declaration of Human Rights, and other international human rights provisions.

Mr. Speaker, we must continue to speak out in support of Taiwan. Taiwan is a sovereign state and conducts full diplomatic relations with 27 member states of the United Nations. Moreover, Taiwan has membership in a number of major international organizations, including the World Trade Organization. Taiwan should be recognized for what it is—a nation that shares democratic values with the United States and a nation that deserves active participation in the United Nations.

HAPPY CENTENNIAL, BOROUGH OF BEAVER, PENNSYLVANIA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Ms. HART. Mr. Speaker, in 1802 a small lot of 200 acres was established as a borough in

western Pennsylvania. At the time, it was home to little more than 30 houses, but over the next two centuries, it blossomed into the strong, vibrant community that it is today.

The Borough of Beaver is currently celebrating its bicentennial, and on Saturday, September 21st, its residents will take to the streets in a beautiful parade to conclude their yearlong festivities.

The Borough of Beaver has a proud history and has produced some of the most dedicated public servants in Pennsylvania's history, including Daniel Agnew (1808–1902), a Chief Justice of the Pennsylvania Supreme Court, and Matthew S. Quay (1833–1904), a U.S. Senator.

The Borough was once described as the 'the seat of justice,' and it has remained true to this name. Beaver is a community where people pride themselves in their dedication to family, faith, work and their fellow neighbors. It is a place where you could barely walk down the street without running into a friend.

Mr. Speaker, I ask all of my colleagues to join me today in wishing this strong, resilient community our best wishes as they celebrate their 200th birthday. They helped build America into the great nation that we all cherish so dearly, and they continue today as a model for all communities to look up to.

Borough of Beaver, happy bicentennial, and we wish you another 200 years of growth and prosperity!

TRIBUTE TO THE RESERVES FORCES POLICY BOARD

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. REYES. Mr. Speaker, it is my privilege to recognize the Reserve Forces Policy Board on its 50th Anniversary. The Reserve Forces Policy Board was created by the Armed Forces Reserve Act of 1952 (Public Law 82–476) to represent members of the Guard and Reserve as their advocate to the Secretary of Defense and Congress. Today, it continues to provide leadership to the Department of Defense with timely and independent advice on matters pertaining to the Reserve Components. During the Gulf War and again in the aftermath of September 11th, our nation's reliance upon the Reserve components has become increasingly clear.

For its fine work as an independent source of advice to the Secretary of Defense on all matters pertaining to the Reserve components, I commend and recognize the Reserve Forces Policy Board on its 50th Anniversary.

RECOGNIZING CAPTAIN JOHN V. STIVERS

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. DOOLEY of California. Mr. Speaker, I rise today to recognize the accomplishments of Captain John V. Stivers, Commanding Officer of Naval Air Station Lemoore at Lemoore, California since 1999. After a long and successful career in the Navy, he is retiring on January 1, 2003.

Captain Stivers enlisted in the U.S. Navy in November 1970 and was assigned to NAS Lemoore as an Air Traffic Controller. Later, he graduated from the University of Idaho with a Bachelor of Science degree in Mechanical Engineering, and was designated a Naval Aviator in 1977.

Captain Stivers's visionary leadership and unrelenting personal drive are directly responsible for the unparalleled infrastructure improvements at NAS Lemoore, and successful career of distinctive accomplishments. Additionally, his infectious enthusiasm combined with a true grasp of local issues allowed him to build an extraordinary relationship with the surrounding communities of Lemoore and Hanford.

Captain Stivers, among many other accomplishments, superbly led and directed NAS Lemoore through a critical period of regional reorganization. This included the execution of a congressionally supported plan that invested over $500 million in construction and renovations of hangars, weapons facilities, airfield pavements, maintenance facilities, barracks and housing, Navy Exchange, Navy College, Commissary and numerous Quality of Life/Morale, Welfare and Recreation facilities. Moreover, all of these challenges were met during a period in which NAS Lemoore experienced a 30 percent growth in military personnel, with the addition of a new fleet replacement squadron and three FA–I8E/F fleet squadrons.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Captain John V. Stivers on the occasion of his retirement from military duty. I wish him a favorable departure and continued success.

TRIBUTE TO DOUG LINNEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. BERMAN. Mr. Speaker, I am pleased today to pay tribute to Doug Linney, a young man who has dedicated his life to helping preserve California's environment. Doug was a member of my District Office staff in 1983 and 1984, so he is special to me.

Doug is being presented with the Mark Dubois Award by the Friends of the River on October 3rd. This is a most deserved honor as Doug has served California's environmental community for more than twenty years. He has been a passionate advocate, a savvy strategist, a coalition builder and an exceptional fund raiser.

Doug began his career with Friends of the River as a staff member, later becoming a member of the Board of Directors and a generous supporter. From 1988 to 1994, he was Political Director of the California League of Conservation Voters, where he worked to elect pro-environment candidates. He still serves as a board member of that organization, and also as co-chair of its Environmental Leadership Forum.

Over the years, Doug has developed expertise in the areas of water, solid waste, forestry and environmental tax reform issues, and many organizations have benefited from his knowledge and experience. In addition to his work on behalf of the California League of Conservation Voters and Friends of the River, he has served on the boards of directors of EcoVenture and the Planning and Conservation League. He is also a Director of the East Bay Municipal Utilities District.

Doug founded The Next Generation, a public relations and campaign consulting firm based in Oakland, California. He is now president of that company. He is committed to creating a healthier environment for generations to come. We are indebted to him for caring about our future.

Mr. Speaker, I ask my colleagues to join me today in saluting Doug Linney whose life work is an inspiration to all of us.

TRIBUTE TO LAJOS KOSSUTH, HUNGARIAN CHAMPION OF DEMOCRACY AND FREEDOM, ON THE 200TH ANNIVERSARY OF HIS BIRTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 2002

Mr. LANTOS. Mr. Speaker, today, September 19, 2002, is the 200th anniversary of the birth of Lajos Kossuth—Hungarian freedom fighter, democratic visionary, and frequently called ''the George Washington of Hungary.'' Kossuth is the symbol of democracy, representative government, and national independence of the Hungarian people.

On this bicentennial of the birth of Lajos Kossuth, the Hungarian government has held a parliamentary anniversary day, convened conferences, restored monuments and held historical competitions. For Hungarians, Kossuth is not only the leading symbol in Hungary's quest for a democratic society, he is also a key figure in the development of the consciousness of the Hungarian nation.

During the middle of the 19th century, Kossuth came to symbolize these democratic values and respect for human rights in the United States and in Europe as well. As an official guest of the United States government for six months in 1851–1852, Kossuth was the first non-American in our nation's history after the Marquis de Lafayette to have the honor of addressing the Senate and the House of Representatives.

American journalist Horace Greeley said of him in 1852: ''Of the many popular leaders who were upheaved by the great convulsions of 1848 . . . the world has already definitely assigned the first rank to Louis Kossuth—advocate, deputy, finance minister, and finally governor of Hungary.'' American man of letters Ralph Waldo Emerson, in welcoming Kossuth to the town of Concord, Massachusetts, where the American revolution began said: ''We only see in you the angel of freedom.''

Mr. Speaker, in recognition of his role as a symbol of democracy and the relationship between the American and Hungarian people, a bust of Lajos Kossuth was placed in the United States Capitol on March 15, 1990. My wife Annette was the motivating force behind that inspired effort. On that occasion in 1990 the Hungarian people were on the cusp of their liberation from the communist governments that dominated the country for the previous 45 years. Our celebration of the placement of the Kossuth statue in our Capitol building provided the occasion for us to pay

tribute to Lajos Kossuth, his contribution to democracy, and the close links that he forged between Hungary and the United States.

Mr. Speaker, Lajos Kossuth was born on September 19, 1802 in Monok, Zemplon County, Hungary. He was born in modest circumstances, though his father was a member of the gentry. Following his father's profession, he became an attorney, and began his career as an agent for a local nobleman. In 1832 at the young age of 30, he was designated a substitute to represent a noble in the Hungarian Diet (Parliament). In this position, he produced a record of the Diet's proceedings, and became an advocate for political reform and national independence. This alarmed the Austrian government, and resulted in his being sentenced to a four year prison term, although he was released after serving one year. While incarcerated, he taught himself English by studying the Bible and the works of Shakespeare.

In 1847 Kossuth was elected to the Diet as a representative of the county of Pest. He became the leader of the opposition Reform Party, and urged extensive political and social reforms. The outbreak of the 1848 revolution in Paris and Vienna gave the reform movement new impetus. In powerful speeches to the Diet in March of 1848, Kossuth demanded the removal of the dead hand of Austrian absolutism as the only way to protect the liberties of the Hungarian and other peoples of the Austrian empire, and he called for the adoption of representative democratic government throughout Austria.

On March 15, Hungarians in the city of Pest staged a massive peaceful demonstration demanding their independence from Austria. That same day in Vienna, Kossuth and other parliamentary delegates presented demands to the Austrian imperial court for virtual independence of Hungary. The panicked court accepted the Hungarian demands, and a Hungarian government was appointed by the emperor. March 15 remains a Hungarian national holiday in commemoration of this occasion. Kossuth served in the key role of Minister of Finance. Kossuth's oratorical prowess and his commitment to social and political reform soon made him the most popular and highly regarded member of the government.

As the Hungarian government adopted ever bolder reforms and asserted its independence from Vienna, the Austrian government began an effort to reassert its control. In September 1848 an Austrian army invaded Hungary, the Prime Minister resigned, and Kossuth was named President of the Committee of National Defense. He mobilized the Hungarian nation against overwhelming odds and instilled in the people the determination to resist Austrian absolutism.

Initially Kossuth and the Hungarian forces succeeded in driving the Austrian troops back nearly to Vienna, but the superior military power of the Austrians resulted in the occupation of Budapest in January 1849. In March of 1849, a new emperor, Franz Josef I, was installed, and he immediately annulled the previous decree acknowledging Hungary's autonomy. In April, the Hungarians rallied and expelled most Austrian military forces from the country. Under Kossuth's leadership, the elected Hungarian Diet declared the independence of the nation in a document influenced by our own American Declaration of Independence. At that same time, Kossuth was elected ''Governor-President'' of Hungary, responsible to the elected representatives in parliament.

The Austrian government and military forces were unable to reestablish control of Hungarian areas of the empire, and meanwhile, the Russian tsar and his government became paranoid about the possibility that Hungary's embrace of democracy and representative government could influence peoples within its boundaries. With the acquiescence of Austria, a massive Russian army invaded Hungary in June 1849. The badly outnumbered Hungarian military force surrendered six weeks later. The Russians carried out brutal reprisals against leaders of the independent Hungarian government and the Hungarian army.

Kossuth, many of his loyal followers and thousands of Hungarian troops were able to flee to Turkey. Under pressure from the governments of the United Kingdom, the United States, and other west European states, the Turkish sultan refused Russian and Austrian demands that Kossuth be returned to their control. Kossuth was taken from Turkey on the US frigate Mississippi. He made brief stops in France and England, and he arrived in New York City on December 5, 1851. His arrival was an occasion of remarkable celebration. U.S. Senator Charles Sumner of Massachusetts later recalled that occasion in these terms: ''I remember the landing of Kossuth. The admiration, . . . enthusiasm, . . . love of people, gave him an ovation which only two men had ever received—Washington and Lafayette.''

Over the next six months, Mr. Speaker, Kossuth was received by the President of the United States, the Senate and the House of Representatives, and he traveled throughout the United States. An indication of the enthusiasm which Kossuth's visit to our country generated is that fact that a county was named after this Hungarian freedom fighter in Iowa; towns were named in his honor in Indiana, Mississippi, New York, and Ohio; and many American cities have streets or avenues named for him in places such as St. Louis, New York City, Buffalo, Providence, and Trenton.

Mr. Speaker, the visit of Kossuth to the United States in 1851–1852 immediately involved him in critical foreign and domestic policy issues facing the American people. U.S. involvement in the struggle for democracy and independence in Europe was the first of these questions. Many American leaders favored our active participation and support for that struggle, while others strongly opposed any involvement beyond our borders. By his very presence in our country, Kossuth—the leader of the best known revolution against absolutism, monarchy, and repression of the mid-19th century—gave powerful support to those who favored American involvement in the international fight for freedom and democracy.

Kossuth, during his stay in Washington, made a particularly noteworthy comment: ''It is a remarkable fact in the history of mankind that while in the past honors were bestowed upon glory and glory was attached only to success, the legislative authorities of this great republic bestow the highest honors upon the persecuted in exile, not conspicuous by glory, not favored by success, but engaged in a just cause.''

Lajos Kossuth was also a fervent foe of bigotry, racism, and anti-Semitism, and in a world where such values are increasingly under attack, it is useful to recall his remarks on this topic: ''I have never had and never will differentiate between man and man, based on race, language or religion; as a man of the nineteenth century I am ashamed by the anti-Semitic agitation, as a Hungarian I feel repentant towards, as a patriot I scorn anti-Semitic agitation. I am scornful of anti-Semitism for the additional reason of its presentation of the social and economic problems not as symptoms but causes, depicting the Jews as they would have serve foreign interests preventing the well being of our country. This sentiment distracts attention from the recognition of the real reasons of these problems, the urgency and search for solutions. I consider the principle of discrimination based on race, language or religion not only a moral but a political impossibility.''

Mr. Speaker, I invite my colleagues to join me in marking the bicentennial of the birth of the great Hungarian statesman and freedom fighter, Lajos Kossuth. It is most appropriate that we in the United States mark the occasion of his birth and recognize the positive impact he has had upon Hungary and other nations throughout the world, including our own. He was greatly influenced by the values and principles of American democracy, and our nation was enriched by his visit here a century and a half ago and by his life-long commitment to the values and principles we share.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8871–S8956

Measures Introduced: Eighteen bills and three resolutions were introduced, as follows: S. 2966–2983, and S. Res. 328, and S. Con. Res. 142–143.

Page S8918

Department of the Interior Appropriations: Senate continued consideration of H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto: **Pages S8872–80**

Pending:

Byrd Amendment No. 4472, in the nature of a substitute. **Pages S8872–80**

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression. **Page S8872**

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests. **Page S8872**

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures. **Page S8872**

Byrd/Stevens Amendment No. 4532 (to Amendment No. 4472), to provide for critical emergency supplemental appropriations. **Page S8872**

Daschle motion to reconsider the vote (Vote No. 217) whereby cloture was not invoked on Byrd Amendment No. 4480 (to Amendment No. 4472).

A unanimous-consent agreement was reached providing for further consideration of the bill at 3:30 p.m., on Monday, September 23, 2002, and resume consideration of Dodd Amendment No. 4522 (to Amendment No. 4472), listed above, that there be 60 minutes of debate with respect to the Dodd amendment prior to a vote in relation to the amendment, with the time until 4:30 p.m., equally divided and controlled between Senators Dodd, Inouye and Campbell or their designees; that no amendment be in order to the Dodd amendment prior to the vote; that at 4:30 p.m., the amendment be temporarily laid aside and the Senate then proceed to the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on Byrd Amendment No. 4480; that the motion to proceed be agreed to and the motion to reconsider be agreed to, and there then be 60 minutes for debate prior to a vote on cloture with respect to Byrd Amendment No. 4480, with the time equally divided and controlled between the 2 Leaders or their designees; that at 5:30 p.m., without further intervening action or debate, the Senate resume consideration of Dodd Amendment No. 4522 and vote in relation to the amendment; that immediately following the vote with respect to the Dodd amendment, regardless of the outcome of the vote, the Senate vote on the motion to invoke cloture on Byrd Amendment No. 4480, that if cloture is not invoked, and if the Dodd amendment has not been disposed of, then the Senate resume consideration of the amendment, and it remain debatable and amendable; that on Monday, the Senate resume consideration of H.R. 5005, Homeland Security bill. **Pages S8955–56**

Homeland Security Act: Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

Pages S8880–89, S8901–13

Adopted:

Hatch Amendment No. 4693 (to Amendment No. 4471), to provide greater cybersecurity.

Page S8902

Withdrawn:

Reid (for Byrd) Amendment No. 4673 (to Amendment No. 4644), in the nature of a substitute. **Page S8956**

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute. **Pages S8880–89, S8901–13**

Byrd Amendment No. 4644 (to Amendment No. 4471), to provide for the establishment of the Department of Homeland Security, and an orderly transfer of functions to the Directorates of the Department. **Page S8880**

Lieberman/McCain Amendment No. 4694 (to Amendment No. 4471), to establish the National Commission on Terrorist Attacks Upon the United States.

During consideration of this measure today, Senate also took the following action: **Pages S8902–13**

By 50 yeas to 49 nays (Vote No. 218), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to close further debate on Lieberman Amendment No. 4471 (listed above). **Page S8889**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Tuesday, September 24, 2002, and resume consideration of the Byrd amendment No. 4644; that the second degree amendment (Reid (for Byrd) Amendment No. 4673 (to Amendment No. 4644)) be withdrawn once this agreement is entered; that there be a total of 60 minutes for debate with respect to the amendment; the Senate then proceed to vote on the Byrd first degree amendment; that upon disposition of the Byrd amendment; the Senate proceed to a period of morning business until 12:30 p.m., for the purpose of tributes to Senator Thurmond; that the Senate stand in recess from 12:30 p.m., to 2 p.m, for the regular party conferences; that at 2 p.m., the Senate resume consideration of the Lieberman/McCain Amendment No. 4694 and there be 15 minutes remaining for debate prior to a vote in relation to the amendment, that upon the use or yielding back of time, without further intervening action or debate, the Senate vote in relation to the amendment, with no second degree amendment in order prior to a vote in relation to the amendment. **Page S8956**

Nomination Agreement: A unanimous-consent agreement was reached providing for consideration of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit, at 10:30 a.m., on Friday, September 20, 2002, with a vote to occur thereon. **Page S8956**

Appointment:

Ticket to Work and Work Incentives Advisory Panel: The Chair, on behalf of the Democratic Leader, after consultation with the Chairman of the Senate Committee on Finance, pursuant to Public Law 106–170, announced the appointment of Jack L. Hillyard, of Iowa, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel, vice Dr. Richard V. Burkhauser, of New York. **Page S8956**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs. (PM–109) **Page S8917**

Transmitting, pursuant to law, a report on the continuation of the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2002; to the Committee on Banking, Housing, and Urban Affairs. (PM–110) **Page S8917**

Transmitting, pursuant to law, a report on the National Security Strategy of the United States of America; to the Committee on Armed Services. (PM–111) **Page S8917**

Messages From the House: **Page S8917**

Measures Referred: **Page S8917**

Enrolled Bills Presented: **Page S8917**

Executive Reports of Committees: **Pages S8917–18**

Additional Cosponsors: **Pages S8918–20**

Statements on Introduced Bills/Resolutions: **Pages S8920–34**

Additional Statements: **Pages S8915–17**

Amendments Submitted: **Pages S8934–54**

Authority for Committees to Meet: **Pages S8954–55**

Record Votes: One record vote was taken today. (Total—218) **Page S8889**

Adjournment: Senate met at 10 a.m., and adjourned at 7:19 p.m., until 10 a.m., on Friday, September 20, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8965).

Committee Meetings

(Committees not listed did not meet)

U.S POLICY IN IRAQ

Committee on Armed Services: Committee concluded hearings to examine U.S. policy toward Iraq, focusing on the Administration's proposal on the matter, receiving testimony from Donald H. Rumsfeld, Secretary of Defense; and Gen. Richard B. Myers, USAF, Chairman of the Joint Chiefs of Staff.

Hearings will resume on Monday, September 23.

CONSUMER PROTECTION

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine consumer financial privacy issues, focusing on related provisions of the Gramm-Leach-Bliley Act (P.L. 106–102), including opt-out provisions, limitations on sharing of account numbers, and favorable preemption standards, after receiving testimony from Minnesota Attorney General Mike Hatch, St. Paul; Vermont Attorney General William H. Sorrell; North Dakota State Representative James M. Kasper, Fargo; Fred H. Cate, Indiana University School of Law, Bloomington; John C. Dugan, Covington and Burling, on behalf of the Financial Services Coordinating Council, and Edmund Mierzwinski, on behalf of Consumer Action, Consumer Federation of America, Consumer Task Force on Automotive Issues, Consumers Union, Electronic Privacy Information Center, Identity Theft Resource Center, Junkbusters, Inc., Privacy Rights Clearinghouse, Private Citizen, Inc., U.S. Public Interest Research Group, both of Washington, D.C.; and Phyllis Schlafly, Eagle Forum, St. Louis, Missouri.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 2949, to provide for enhanced aviation security, with amendments;

S. 2946, to reauthorize the Federal Trade Commission for fiscal years 2003, 2004, and 2005;

S. 2817, to authorize appropriations for fiscal years 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, with an amendment;

S. 2950, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, with an amendment;

S. 2951, to authorize appropriations for the Federal Aviation Administration;

S. 2550, to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration, with an amendment in the nature of a substitute;

S. 2608, to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development, with an amendment in the nature of a substitute;

H.R. 1989, to reauthorize various fishing conservation management programs, with an amendment in the nature of a substitute;

H.R. 2486, to authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement;

S. 2862, to provide for the establishment of a scientific basis for new firefighting technology standards, improve coordination among Federal, State, and local fire officials in training for and responding to terrorist attacks and other national emergencies, with an amendment in the nature of a substitute;

S. 2945, to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research;

H.R. 2733, to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration;

S.J. Res. 42, commending Sail Boston for its continuing advancement of the maritime heritage of nations, its commemoration of the nautical history of the United States, and its promotion, encouragement, and support of young cadets through training; and

The nominations of David McQueen Laney, of Texas, to be a Member of the Reform Board (Amtrak), Rebecca Dye, of North Carolina, to be a Federal Maritime Commissioner, Roger P. Nober, of Maryland, to be a Member of the Surface Transportation Board, and certain nomination lists for promotion in the U.S. Coast Guard.

NATIONAL PARKS LEGISLATION

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded hearings to hold hearings on S. 2623, to designate the Cedar

Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, S. 2640 and H.R. 321, bills to provide for adequate school facilities in Yosemite National Park, S. 2776, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, S. 2788, to revise the boundary of the Wind Cave National Park in the State of South Dakota, S. 2880, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, and H.R. 3858, to modify the boundaries of the New River Gorge National River, West Virginia, after receiving testimony from Jeffrey K. Taylor, Assistant Director, Office of Legislative and Congressional Affairs, National Park Service, and Robert Anderson, Deputy Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management, both of the Department of the Interior; Dale Giese, Fort Bayard Historical Society, Silver City, New Mexico; Michael J. Hainer, New Mexico Department of Health, Fort Bayard; Max Stauffer, Bass Lake School District, Fish Camp, California; and Patricia L. Zontine, Shenandoah Valley Battlefields Foundation, Shenandoah Valley, Virginia.

TRANSPORTATION PROJECT DELIVERY

Committee on Environment and Public Works: Committee concluded hearings to examine progress on project delivery and environmental streamlining issues under the Transportation Equity Act for the 21st Century (TEA–21), after receiving testimony from Emil H. Frankel, Assistant Secretary for Transportation Policy, and Kenneth M. Mead, Inspector General, both of the Department of Transportation; John Peter Suarez, Assistant Administrator for Enforcement, and Compliance Assurance, Environmental Protection Agency; Katherine Siggerud, Acting Director, Physical Infrastructure Issues, General Accounting Office; Carol Murray, New Hampshire Department of Transportation, Concord; Kenneth Morefield, Florida Department of Transportation, Tallahassee; Emily Wadhams, Vermont Department of Housing and Community Affairs, Montpelier; Hal Kassoff, Parsons Brinckerhoff, Washington, D.C., on behalf of the American Council of Engineering Companies; and Charles Hales, HDR Inc., Portland, Oregon.

LAW ENFORCEMENT TREATIES

Committee on Foreign Relations: Committee concluded hearings to examine the Treaty Between the Government of the United States of America and the Government of Belize on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 107–13), Treaty Between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 107–12), Treaty Between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 107–9), Treaty Between the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 107–3), Treaty Between the Government of the United States of America and the Principality of Liechtenstein on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 107–16), Extradition Treaty Between the United States of America and of the Republic of Peru (Treaty Doc. No. 107–6), Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania (Treaty Doc. No. 107–4), Second Protocol Amending the Treaty on Extradition Between the Government of the United States of America and the Government of Canada, as amended (Treaty Doc. 107–11), Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes (Treaty. Doc. No. 107–15), after receiving testimony from Samuel M. Witten, Deputy Legal Adviser, Department of State; and Bruce C. Swartz, Deputy Assistant Attorney General, Criminal Division, Department of Justice.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings to consider the nominations of C. William Swank, of Ohio, Ned L. Siegel, of Florida, Diane M. Ruebling, of California, and Samuel E. Ebbesen, of the Virgin Islands, each to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Wendy Jean Chamberlin, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and Nancy P. Jacklin, of New York, to be United States Executive Director of the International Monetary Fund. Mr. Swank was introduced by Mr.

Voinovich, and Mr. Siegel was introduced by Representatives Wexler and Shaw.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Ronald H. Clark, to be United States District Judge for the Eastern District of Texas, Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims, and Antonio Candia Amador, to be United States Marshal for the Eastern District of California.

Also, Committee began markup of S. 2480, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns, but did not take final action thereon, and recessed subject to call.

ANTITRUST ENFORCEMENT OVERSIGHT

Committee on the Judiciary: Subcommittee on Antitrust, Competition, and Business and Consumer Rights concluded oversight hearings to examine the enforcement of the antitrust laws, focusing on enforcement activities to protect consumers and businesses and antitrust enforcement activities, after receiving testimony from Charles A. James, Assistant Attorney General, Antitrust Division, Department of Justice; and Timothy J. Muris, Chairman, Federal Trade Commission.

MEDICARE DISEASE MANAGEMENT

Special Committee on Aging: Committee concluded hearings to examine disease management programs for Medicare patients, in order to improve the quality of medical care while controlling its costs, after receiving testimony from Dan L. Crippen, Director, Congressional Budget Office; Ruben J. King-Shaw, Jr., Deputy Administrator and Chief Operating Officer, Centers for Medicare and Medicaid Services, Department of Health and Human services; Sister Anthony Marie Greving, Area Agency on Aging, Pocatello, Idaho; John Rusche, Regence Blue Shield of Idaho, Lewiston; Alan Wright, AdvancePCS, Washington, D.C.; and Matthew A. Michela, American Healthways, Inc., Nashville, Tennessee.

House of Representatives

Chamber Action

Measures Introduced: 19 public bills, H.R. 5409–5427; and 10 resolutions, H. Con. Res. 472–476 and H. Res. 538–542, were introduced.

Pages H6417–19

Reports Filed: Reports were filed today as follows:

Filed on Sept. 18, H.R. 2748, to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans, amended (H. Rept. 107–662 Pt. 1);

H.R. 5410, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003 (H. Rept. 107–663); and

S. 691, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California (H. Rept. 107–664). **Page H6417**

Guest Chaplain: The prayer was offered by Rev. Dr. Paul Smith, Senior Minister, First Presbyterian Church of Brooklyn, New York. **Page H6375**

Journal Vote: Agreed to the Speaker's approval of the Journal of Wednesday, Sept. 19 by a yea-and-nay vote of 329 yeas to 53 nays with 1 voting ''present'', Roll No. 396. **Page H6376**

Rule Providing for Consideration of Resolutions Urging Congressional Action: The House agreed to H. Res. 527, providing for consideration of (H. Res. 524) expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002, and for consideration of the resolution (H. Res. 525) expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms by a recorded vote of 213 ayes to 200 noes, Roll No. 398. Agreed to order the previous question by a yea-and-nay vote of 214 yeas to 202 nays, Roll No. 397. **Pages H6376–83**

Urging Congressional Action on Welfare Reform: The House agreed to H. Res. 525, expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reforms by a yea-and-nay vote of 280 yeas to 123 nays, Roll No. 400.

Pages H6384–93, H6403

Urging Congressional Action on Death Tax Repeal: The House agreed to H. Res. 524, expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002 by a yea-and-nay vote of 242 yeas to 158 nays, Roll No. 401. **Pages H6393–H6403, H6403–04**

Suspensions: The House agreed to suspend the rules and pass the following measures that were debated on Sept. 18:

Contributions of Historically Black Colleges and Universities: H. Res. 523, recognizing the contributions of historically Black colleges and universities (agreed to by a yea-and-nay vote of 413 yeas with none voting ''nay'', Roll No. 399; and

Pages H6383–84

Achievements and Contributions of the Negro Baseball Leagues: H. Con. Res. 337, recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation (agreed to by a yea-and-nay vote of 394 yeas with none voting ''nay'', Roll No. 402). **Pages H6404–05**

Motion to Instruct Conferees—Help America Vote Act: The House agreed to the Waters motion to instruct conferees on H.R. 3295, Help America Vote Act, to take such actions as may be appropriate to ensure that a conference report is filed on the bill prior to October 1, 2002, by a yea-and-nay vote of 365 yeas to 26 nays, Roll No. 403. The motion was debated on Wednesday, Sept. 18. **Page H6405**

Late Report—State Department Authorization: Conferees received permission to have until midnight on Monday, Sept. 23 to file a conference report on H.R. 1646, to authorize appropriations for the Department of State for fiscal years 2002 and 2003.

Page H6406

Legislative Program for the Week of Sept. 23: The Majority Leader announced the legislative program for the week of Sept. 23. **Pages H6406–07**

Meeting Hour—Monday, Sept. 23: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, Sept. 23. **Page H6407**

Meeting Hour—Tuesday, Sept. 24: Agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, Sept. 24 for morning hour debate. **Page H6407**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Sept. 25. **Page H6407**

Presidential Messages: Read the following messages from the President:

Continuation of National Emergency re Terrorists: Message wherein he transmitted a notice stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2002—referred to the Committee on International Relations and ordered printed (H. Doc. 107–263); and **Page H6407**

National Emergency re Terrorists: Message wherein he transmitted the 6-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2002—referred to the Committee on International Relations and ordered printed (H. Doc. 107–264). **Page H6408**

Discharge Petition—Access to Affordable Pharmaceuticals: Representative Thurman moved to discharge the Committee on Rules from the consideration of H. Res. 517, providing for consideration of the bill (H.R. 1862) to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals. **Page H6420**

Senate Message: Message received from the Senate today appears on page H6375.

Referrals: S. 1308 was referred to the Committee on Resources. S. 2127 was held at the desk. **Page H6416**

Quorum Calls—Votes: Seven yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H6376, H6382–83, H6383, H6384, H6403, H6404, H6404–05, and H6405. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:06 p.m.

Committee Meetings

IRAQ'S WEAPONS OF MASS DESTRUCTION PROGRAM AND TECHNOLOGY EXPORTS

Committee on Armed Services: Held a hearing on Iraq's Weapons of Mass Destruction Program and Technology Exports. Testimony was heard from public witnesses.

21ST CENTURY—BLACK COLLEGES AND UNIVERSITIES NEEDS

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness and the Subcommittee on Select Education held a joint hearing on Responding to the Needs of Historically Black Colleges and Universities in the 21st Century. Testimony was heard frompublic witnesses.

ISSUANCE OF SUBPOENAS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations approved a resolution that the Chairman of the full Committee with the concurrence of the Ranking Minority member may authorize and issue subpoenas to testify and subpoena duces tecum to any person or entity in respect of matters involved in, relating to, or arising from the Committees investigation of Global Crossing Ltd., Quest, and related entities.

TERRORIST FINANCING—USA PATRIOT ACT IMPLEMENTATION

Committee on Financial Services: Held a hearing entitled "Terrorist Financing: A Progress Report on Implementation of the USA PATRIOT Act." Testimony was heard from Robert S. Mueller, Director, FBI, Department of Justice; Kenneth Dam, Deputy Secretary, Department of the Treasury and Alan Larson, Under Secretary, Economic and Agricultural Affairs, Department of State.

ECSTASY AND CLUB DRUGS—THREAT TO NATION'S YOUTH

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on "Ecstasy and Club Drugs: A Growing Threat to the Nation's Youth." Testimony was heard from Asa Hutchinson, Administrator, DEA, Department of Justice; Glen R. Hanson, D.D.S., Acting Director, National Institute on Drug Abuse, NIH, Department of Health and Human Services; and public witnesses.

SWANCC DECISION—AGENCY IMPLEMENTATION

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on ''Agency Implementation of the SWANCC Decision.'' Testimony was heard from Dominic Izzo, Deputy Assistant Secretary, Civil Works, Department of the Army; Robert Fabricant, General Counsel, EPA; Thomas Sansonetti, Assistant Attorney General, Environment and Natural Resources, Department of Justice; and public witnesses.

PERFORMANCE RESULTS—LINKING PROGRAM FUNDING

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations and the Subcommittee on Legislative and Budget Process of the Committee on Rules held a joint oversight hearing entitled ''Linking Program Funding to Performance Results.'' Testimony was heard from Mitchell E. Daniels, Jr., Director, OMB; David M. Walker, Comptroller General, GAO; and public witnesses.

U.S. POLICY TOWARD IRAQ

Committee on International Relations: Held a hearing on U.S. Policy Toward Iraq. Testimony was heard from Colin L. Powell, Secretary of State; and public witnesses.

PLANT BREEDERS EQUITY ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 5119, Plant Breeders Equity Act of 2002. Testimony was heard fromJames A. Toupin, General Counsel, U.S. Patent and Trademark Office, Department of Commerce; and public witnesses.

FEDERAL FARM PROGRAM

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing entitled ''Federal Farm Program: Unintended Consequences of FAV Rules.'' Testimony was heard from public witnesses.

SURFACE TRANSPORTATION PROGRAMS REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Stakeholder Proposals for the Reauthorization of Surface Transportation Programs. Testimony was heard from public witnesses.

DEPARTMENT OF VETERANS AFFAIRS—MEDICAL RESEARCH PROGRAMS

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on the Department of Veterans Affairs medical research programs. Testimony was heard from Benjamin H. Wu, Deputy Under Secretary, Technology, Department of Commerce; the following officials of the. Department of Veterans Affairs: Robert H. Roswell, Under Secretary, Health; and Michael Slachta, Jr., Assistant Inspector General, Audit; Cynthia Bascetta, Director, Veterans' Health and Benefits Issues, GAO; and public witnesses.

SOCIAL SECURITY NUMBERS—PREVENTING MISUSE BY TERRORISTS AND IDENTITY THIEVES

Committee on Ways and Means: Subcommittee on Social Security and the Subcommittee on Immigration, Boarder Security, and Claims of the Committee on the Judiciary held a joint hearing on Preserving the Integrity of Social Security Numbers and Preventing Their Misuse by Terrorists and Identity Thieves. Testimony was heard from the following officials of the SSA: James B. Lockhart III, Deputy Commissioner; and James G. Huse, Jr., Inspector General; Charisse Phillips, Director, Fraud Prevention Programs, Bureau of Consular Affairs, Department of State; Robert Bond, Deputy Special Agent in Charge, Financial Crimes Division, U.S. Secret Service, Department of the Treasury; Grant D. Ashley, Assistant Director, Criminal Investigative Division, FBI, Department of Justice; and public witnesses.

Joint Meetings

9/11 INTELLIGENCE INVESTIGATION

Joint Hearing: Senate Select Committee on Intelligence held joint hearings with the House Permanent Select Committee on Intelligence to examine activities of the U.S. Intelligence Community in connection with the September 11, 2001 terrorist attacks on the United States, after receiving testimony from Richard Lee Armitage, Deputy Secretary of State; Paul D. Wolfowitz, of Maryland, Deputy Secretary of Defense; and Brent Scowcroft, Scowcroft Group, Anthony Lake, Georgetown University School of Foreign Service, Samuel Berger, Stonebridge International, all of Washington, D.C., each a former National Security Advisor.

Hearings continue tomorrow.

ENERGY POLICY ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D882)*

H.R. 5012, to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts. Signed on September 18, 2002. (Public Law 107–224)

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 20, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Select Committee on Intelligence: to continue joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.

House

Committee on Government Reform, Subcommittee on the District of Columbia, hearing on Emergency Preparedness in the Nation's Capital, and to mark up H.R. 5205, to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia, 10 a.m., 2154 Rayburn.

Joint Meetings

Joint Meetings: Senate Select Committee on Intelligence, to continue joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.

Next Meeting of the SENATE

10 a.m., Friday, September 20

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will consider the nomination of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit, with a vote to occur thereon; following which, Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, September 23

House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1608
Baird, Brian, Wash., E1637
Barcia, James A., Mich., E1654
Bereuter, Doug, Nebr., E1641
Berman, Howard L., Calif., E1659
Blunt, Roy, Mo., E1646
Capito, Shelley Moore, W.Va., E1606
Capps, Lois, Calif., E1624, E1628, E1633
Chambliss, Saxby, Ga., E1629, E1633
Clement, Bob, Tenn., E1641
Collins, Mac, Ga., E1637
Coyne, William J., Pa., E1654
Crane, Philip M., Ill., E1613
Davis, Tom, Va., E1628, E1629
Dooley, Calvin M., Calif., E1659
Evans, Lane, Ill., E1617
Fattah, Chaka, Pa., E1621
Fletcher, Ernie, Ky., E1644
Frank, Barney, Mass., E1606
Gilman, Benjamin A., N.Y., E1620
Gordon, Bart, Tenn., E1631, E1637
Hall, Ralph M., Tex., E1624, E1626, E1631
Hart, Melissa A., Pa., E1657
Hill, Baron P., Ind., E1608
Holt, Rush D., N.J., E1644
Hoyer, Steny H., Md., E1611, E1652
Isakson, Johnny, Ga., E1635
Issa, Darrell E., Calif., E1617, E1643
Johnson, Timothy V., Ill., E1644
Kirk, Mark Steven, Ill., E1646
Kleczka, Gerald D., Wisc., E1605
Knollenberg, Joe, Mich., E1635, E1641
Lantos, Tom, Calif., E1611, E1659
Larson, John B., Conn., E1652
Leach, James A., Iowa, E1652, E1657
Lee, Barbara, Calif., E1650
Levin, Sander M., Mich., E1655
Lewis, John, Ga., E1650
McCollum, Betty, Minn., E1617
McGovern, James P., Mass., E1648
McInnis, Scott, Colo., E1623, E1626, E1628, E1631, E1635
Maloney, Carolyn B., N.Y., E1639
Maloney, James H., Conn., E1648
Mascara, Frank, Pa., E1648
Meek, Carrie P., Fla., E1655
Millender-McDonald, Juanita, Calif., E1622
Miller, Gary G., Calif., E1631, E1635
Moran, James P., Va., E1641
Morella, Constance A., Md., E1644
Myrick, Sue Wilkins, N.C., E1644
Napolitano, Grace F., Calif., E1646
Otter, C.L. ''Butch'', Idaho, E1644
Pallone, Frank, Jr., N.J., E1618
Pickering, Charles W. ''Chip'', Miss., E1637
Pitts, Joseph R., Pa., E1619, E1650
Reyes, Silvestre, Tex., E1659
Rothman, Steven R., N.J., E1657
Schaffer, Bob, Colo., E1633, E1639
Sherwood, Don, Pa., E1614
Shimkus, John, Ill., E1643
Shuster, Bill, Pa., E1614
Skelton, Ike, Mo., E1608
Smith, Christopher H., N.J., E1641
Solis, Hilda L., Calif., E1646
Stark, Fortney Pete, Calif., E1648
Stearns, Cliff, Fla., E1637
Stenholm, Charles W., Tex., E1643
Towns, Edolphus, N.Y., E1639
Udall, Mark, Colo., E1624, E1626, E1629
Underwood, Robert A., Guam, E1655
Weldon, Curt, Pa., E1644
Woolsey, Lynn C., Calif., E1614
Young, C.W. Bill, Fla., E1606

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