United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, MARCH 14, 2001 No. 34

# House of Representatives

The House met at 10 a.m.

Dr. Calvin C. Turpin, National Chaplain, The American Legion, Hollister, California, offered the following prayer:

Our Father and our God, ruler of all nations, recognizing that this is a day that Thou hast made, we rejoice in the blessing it brings. We thank thee for giving us this great and good land for our heritage. Bless America with noble industry and successful business, productive educational institutions, and kind and gentle manners.

Spare us from violence, discord, and confusion. Grant to us the ability to preserve the liberties that come from Thee. Make of us one united people, with justice and fairness that prevails without question; that there be peace among all nations and all people. Bless President Bush. Guide those who legislate, and grant wisdom to those who judge. Help America become the greater Nation she is capable of becoming. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. PLATTS 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.

## WELCOME TO DR. CALVIN C. TURPIN

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

Mr. FARR of California. Mr. Speaker, I am honored and privileged today to introduce Dr. Calvin Turpin, who just gave us our prayer. Dr. Turpin hails from my district, from the city of Hollister, which is one of California's oldest counties. Actually, Hollister is the earthquake capital of the world. Even though it is a small county and a county seat, it has very powerful people.

Dr. Turpin is truly a citizen of the world. He has traveled the world over, inspiring service men and women to maintain their faith in God and country, even during the darkest hours of battle. He is a servant to all who have served their country in good times and bad, and looked for the comfort of a counsel.

Currently Dr. Turpin fulfills his mission to God as the national chaplain of the American Legion. He does us all proud in this role. But it is I who am proudest today to say that Dr. Turpin shares his wisdom and his grace with us, fresh from my district. I thank him for being here and for bringing a solid sense of duty and integrity to this Chamber.

Mr. Speaker, I include a biography of Dr. Turpin to be printed in the Extension of Remarks section of the RECORD.

## WGAL TV OF LANCASTER, PENNSYLVANIA

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

Mr. PITTS. Mr. Speaker, today I recognize WGAL TV based in Lancaster, Pennsylvania. For years, WGAL has done a great job of providing local news and community programming for Lancaster and all of central Pennsylvania. Radio and TV stations air public service announcements from time to time as a service to their communities.

I learned this week that WGAL donated a total of 1,062 spots of valuable air time to Ad Council public service announcements. That is about three a day, just for Ad Council.

I want to congratulate WGAL on its dedication to its community. Around Lancaster, Channel 8 is known as the hometown station. They have that reputation by caring for our community, doing their part to make the world a better place.

On behalf of Lancaster and central Pennsylvania, I want to say thank you to all the good people at WGAL TV, Channel 8, in Lancaster.

## PRESIDENT BUSH'S TAX CUT

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

Mr. PASCRELL. Mr. Speaker, the President's tax cut plan is not only contrary to the goals and the needs of the American people, but it actually flies in the face of the facts of the promises we made here in the 106th Congress.

The fiscal year 2000 budget resolution, do Members remember that? It passed the House 221 to 208 on an almost entirely party-line vote. This budget resolution specifically promised that tax cuts would focus on ''the lower- and middle-income taxpayers.'' The Republican majority promised that Congress will not approve ''any tax legislation'' that would provide substantially more benefits to the top 10 percent of the taxpayers than to the remaining 90 percent. That is right in the budget resolution.

What happened to the promise? The tax plan offers substantially more benefits, 60 percent of the President's tax



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refund, to the top 10 percent of the American taxpayers. In fact, this tax cut returns 43 percent, nearly half of its benefits, to the top 1 percent of the earners.

Why are my Republican colleagues now abandoning the promise that they made to the low- and middle-class folks of America?

## EDDIE TIMANUS DEMONSTRATES HOW ENDURANCE AND TENACITY CAN ALLOW US TO REALIZE OUR GOALS

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

Mr. RYUN of Kansas. Mr. Speaker, today I rise to share a story about a friend of mine who has overcome great adversity. His name is Eddie Timanus.

Eddie has been completely blind since he was a toddler, but he has chosen not to let this disability stop him from realizing his goals.

Eddie has dreamed of being a contestant on the TV game show Jeopardy. After years of trying to make the cut, he was selected in 1998. The producers of Jeopardy agreed to make accommodations for him, namely, giving Eddie a list of the categories in Braille.

Eddie went on to win five, count that, five episodes of Jeopardy, and nearly $70,000. I know how much tenacity it has taken to accomplish these kinds of dreams in spite of the hardships. Eddie deserves our admiration, not just because he is a Jeopardy grand champion, but because he is a testament to the principle that enduring trials produces endurance, which helps people bring the best out of themselves.

I want to thank Eddie for showing us what people who are visually impaired can do, and actually each one of us can do, when given the opportunity.

## TIME TO STOP THE GRAVY TRAIN TO COMMUNISTS

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

Mr. TRAFICANT. Mr. Speaker, news reports say China and Russia will sign a treaty opposing U.S. policy. China and Russia say, and I quote: ''America is too powerful and we must stymie their missile shield.''

Now, if that is not enough to spike our vodka, we give Russia billions of dollars a year in aid. China now takes at least $10 billion a month out of the American trade surplus. Some experts say it is as high as $20 billion a month.

Mr. Speaker, we have a trade deficit of $40 billion a month. Think about it. It is time to stop this gravy train to these Communist pimps, so help me; half a trillion dollars a year, and they have missiles pointed at us.

I yield back the fact that America, with a half a trillion dollars in trade deficit, is an America looking at a financial disaster.

## CONGRATULATING HEBREW HOMES HEALTH NETWORK, UNITED FOUNDATION FOR AIDS, AND SOUTH SHORE HOSPITAL FOR HELPING FROSENE SONDERLING CREATE THE JACKSON PLAZA CENTER

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

Ms. ROS-LEHTINEN. Mr. Speaker, Frosene Sonderling's wish came to fruition in my hometown of Miami when Hebrew Homes Health Network and United Foundation for AIDS opened the Jackson Plaza Nursing and Rehabilitation Center.

The center is dedicated to persons battling diabetes, Alzheimer's, cancer, and Frosene's main cause, the elimination of HIV–AIDS.

In association with South Shore Hospital, the beneficiaries of the Jackson Plaza Center will now have access to direct patient care, to housing, to community service, and to education. The center is becoming a home to many in our community in helping to preserve the quality of so many lives.

Mr. Speaker, today I congratulate Hebrew Homes Health Network, United Foundation for AIDS, and the South Shore Hospital for championing this cause in our South Florida community, and for making Frosene Sonderling's dream a reality.

Frosene was a former constituent of mine who worked tirelessly to raise funds for AIDS research. She was a noted contributor to organizations that help people infected with HIV, and she harbored her selfless passion to help this infirm population. Her donations benefited medical research for AIDS treatment; and before her death, Frosene shared a dream of a state-of-the-art facility. We are now very proud that it is in our midst.

## THE BUSH TAX CUT IS TOO BIG

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

Mr. GEORGE MILLER of California. Mr. Speaker, it is becoming very clear that whether one is old or young, the Bush tax cut is too big and will not allow us to meet the priorities of this Nation.

For those parents who want a decent education, a first-class education for their children, who want quality teachers in every classroom, who want modern schools, who want to make sure that in fact we can reduce class sizes because we now know that children learn better in smaller classes, the Bush tax cut is crowding that out.

For the elderly, the Washington Post points out today that the Bush tax cut is a raid on the Medicare trust fund, that Medicare is being raided for the purposes of paying for the tax cut. So both the young, who we seek to provide educational reforms for and a quality program, and the elderly, who we seek prescription drug benefits for, who seek to have their health care coverage taken care of, those funds are now being raided to pay for the Bush tax cut.

We should not allow it. We should understand the priorities of this Nation; and the priorities of this Nation are that people want Social Security and Medicare protected, and they want a first-class education system for America's children.

We cannot have that if we have the Bush tax cut.

## AMERICA MUST BE ON GUARD AGAINST RUSSIA AND ROGUE NATIONS

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

Mr. STEARNS. Mr. Speaker, the President of Russia recently concluded an agreement with the Ayatollah of Iran. Russia has been helping Iran in the development of a nuclear power plant, and that cooperation will continue.

It is curious why a nation such as Iran, a major petroleum producer, would need nuclear power. I fear that the answer is found elsewhere. This agreement with Russia is also a major arms pact. Iran is seeking advanced military equipment from the Russian government.

Global stability depends on isolating rogue nations, such as Iran, North Korea, Libya, and Syria. The Russians are providing arms and technical assistance to a terrorist state which intends to expand its reach throughout that vital region.

The recent espionage case involving a top FBI official underscores the fact that Russia's intentions towards the United States are not benign. We still live in a dangerous world and the Russian government is making that world less secure. We must be on our guard.

## BROKEN PROMISES BY PRESIDENT BUSH

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

Mr. INSLEE. Mr. Speaker, that wrenching sound we heard from Pennsylvania Avenue yesterday was President George Bush breaking a promise to the American people. Last September President Bush promised the American people he would work to reduce carbon dioxide pollution from generating plants. Yesterday he broke that pledge.

Despite the fact that since last September the evidence has accumulated rapidly, the global climate change is

occurring due to carbon dioxide pollution. Even though that evidence has increased, unfortunately, so has the administration's willingness to follow the dictates of the oil and gas industry.

For a President who said that the reason he did this is that he is worried about an energy crisis, we find that laughable in the West, because for the last 2 months we have been asking the President of the United States to do something about energy prices, to impose a short-term wholesale price cap, and he has refused to even consider it.

We are going to urge him to reconsider that, because I can promise the Members this, this President broke his promise. It has not broken our spirit to bring Americans clean energy at a reasonable price.

## THE QUALITY CHEESE ACT OF 2001

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

Ms. BALDWIN. Mr. Speaker, today I will introduce the bipartisan Quality Cheese Act of 2001, a bill that will prohibit the use of dry ultra-filtered milk, of cassein, and milk-protein concentrates in the making of standardized cheese.

□ 1015

The plight of our Nation's dairy farmers continues to worsen. In Wisconsin alone, dairy farmers lost $500 million last year because prices reached a 20-year low. My dairy farmers simply cannot stay in business with prices at these levels.

Dry ultra-filtered milk and its derivatives such as milk protein concentrates, MPCs, are allowed into our country basically duty free. In many countries, the costs of its production is subsidized, placing our dairy producers at a competitive disadvantage.

I do not want a cheap, subsidized import to take the place of our dairy farmers' wholesome milk in cheese vats in this country.

Please join me in supporting the Quality Cheese Act of 2001.

## BUSH BREAKS PROMISE ON CARBON DIOXIDE EMISSIONS

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

Mr. ALLEN. Mr. Speaker, President Bush has broken his promise. During his campaign and even until last week, President Bush had committed to reducing carbon dioxide emissions from power plants.

In a speech last September in Michigan, the President said, and I quote, ''We will require all power plants to meet clean air standards in order to reduce emissions of sulfur dioxide, nitrogen oxide, mercury and carbon dioxide.''

He made this promise to the American people to protect the health of our children and the environment and to protect them from the effects of climate change. Yet now he has given in to the oil and gas industries who were his biggest contributors.

The scientific community has concluded that climate change, global warming is real and serious. Mr. Speaker, I will soon reintroduce legislation to require oil and coal-fired power plants to clean up their emissions, including carbon dioxide.

In America today, dirty power is cheap power, and we need to act this year to pass my legislation to clean up these emissions, to clean up these old power plants and to get control of climate change carbon dioxide, which is threatening this country.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

## MADE IN AMERICA INFORMATION ACT

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 725) to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made, as amended.

The Clerk read as follows:

H.R. 725

*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 ''Made in America Information Act''.

**SEC. 2. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER PILOT PROGRAM.**

(a) ESTABLISHMENT.—If the Secretary of Commerce determines, on the basis of comments submitted in the rulemaking under section 3, that—

(1) interest among manufacturers is sufficient to warrant the establishment of a 3-year toll-free telephone number pilot program; and

(2) manufacturers will provide fees under section 3(c) so that the program will operate without cost to the Federal Government;

the Secretary shall establish such program solely to help inform consumers whether a product is ''Made in America''. The Secretary shall publish the toll-free telephone number by notice in the Federal Register.

(b) CONTRACT.—The Secretary of Commerce shall enter into a contract for—

(1) the establishment and operation of the toll-free telephone number pilot program provided for in subsection (a); and

(2) the registration of products pursuant to regulations issued under section 3; which shall be funded entirely from fees collected under section 3(c).

(c) USE.—The toll-free telephone number shall be used solely to inform consumers as to whether products are registered under section 3 as ''Made in America''. Consumers shall also be informed that registration of a product does not mean—

(1) that the product is endorsed or approved by the Government;

(2) that the Secretary has conducted any investigation to confirm that the product is a product which meets the definition of ''Made in America'' in section 5; or

(3) that the product contains 100 percent United States content.

**SEC. 3. REGISTRATION.**

(a) PROPOSED REGULATION.—The Secretary of Commerce shall propose a regulation—

(1) to establish a procedure under which the manufacturer of a product may voluntarily register such product as complying with the definition of ''Made in America'' in section 5 and have such product included in the information available through the toll-free telephone number established under section 2(a);

(2) to establish, assess, and collect a fee to cover all the costs (including start-up costs) of registering products and including registered products in information provided under the toll-free telephone number;

(3) for the establishment under section 2(a) of the toll-free telephone number pilot program; and

(4) to solicit views from the private sector concerning the level of interest of manufacturers in registering products under the terms and conditions of paragraph (1).

(b) PROMULGATION.—If the Secretary determines based on the comments on the regulation proposed under subsection (a) that the toll-free telephone number pilot program and the registration of products is warranted, the Secretary shall promulgate such regulation.

(c) REGISTRATION FEE.—

(1) IN GENERAL.—Manufacturers of products included in information provided under section 2 shall be subject to a fee imposed by the Secretary of Commerce to pay the cost of registering products and including them in information provided under subsection (a).

(2) AMOUNT.—The amount of fees imposed under paragraph (1) shall—

(A) in the case of a manufacturer, not be greater than the cost of registering the manufacturer's product and providing product information directly attributable to such manufacturer; and

(B) in the case of the total amount of fees, not be greater than the total amount appropriated to the Secretary of Commerce for salaries and expenses directly attributable to registration of manufacturers and having products included in the information provided under section 2(a).

(3) CREDITING AND AVAILABILITY OF FEES.—

(A) IN GENERAL.—Fees collected for a fiscal year pursuant to paragraph (1) shall be credited to the appropriation account for salaries and expenses of the Secretary of Commerce and shall be available in accordance with appropriation Acts until expended without fiscal year limitation.

(B) COLLECTIONS AND APPROPRIATION ACTS.—The fees imposed under paragraph (1)—

(i) shall be collected in each fiscal year in an amount equal to the amount specified in appropriation Acts for such fiscal year; and

(ii) shall only be collected and available for the costs described in paragraph (2).

**SEC. 4. PENALTY.**

Any manufacturer of a product who knowingly registers a product under section 3 which is not ''Made in America''—

(1) shall be subject to a civil penalty of not more than $7500 which the Secretary of Commerce may assess and collect, and

(2) shall not offer such product for purchase by the Federal Government.

**SEC. 5. DEFINITIONS.**

For purposes of this Act:

(1) MADE IN AMERICA.—The term ''Made in America'' has the meaning given unqualified ''Made in U.S.A.'' or ''Made in America'' claims for purposes of laws administered by the Federal Trade Commission.

(2) PRODUCT.—The term ''product'' means a product with a retail value of at least $250.

**SEC. 6. RULE OF CONSTRUCTION.**

Nothing in this Act or in any regulation promulgated under section 3 shall be construed to alter, amend, modify, or otherwise affect in any way, the Federal Trade Commission Act or the opinions, decisions, rules, or any guidance issued by the Federal Trade Commission regarding the use of unqualified ''Made in U.S.A.'' or ''Made in America'' claims in labels on products introduced, delivered for introduction, sold, advertised, or offered for sale in commerce.

Amend the title so as to read: ''A bill to direct the Secretary of Commerce to provide for the establishment of a toll-free telephone number to assist consumers in determining whether products are American-made.''.

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

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

GENERAL LEAVE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 725, as amended.

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

There was no objection.

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

Mr. Speaker, we are constantly reminded in our daily lives that knowledge is power. Under H.R. 725, the American consumer has the power to determine if a product is indeed ''Made in America.'' This bill, introduced by the gentleman from Ohio (Mr. TRAFICANT), my friend, will make ''Made in America'' product information more readily accessible to the consumer and without cost to the Federal Government.

Currently, my colleagues, there is no central repository for lists of American-made products. H.R. 725 establishes a 3-year pilot program creating such a repository entirely funded by fees assessed to manufacturers that choose to voluntarily list their products in this database.

Mr. Speaker, under this pilot program, a toll-free telephone number is established to facilitate consumer access to the database. It is important to note that participation in the program is voluntary and that the operation and maintenance of the toll-free number and database shall be contracted out to a third party by the Department of Commerce.

American consumers are increasingly sensitive as to whether a product is ''Made in America.'' Such sensitivity has certainly applied to the U.S. government procurement process. Since 1942, the so-called Berry amendment has prevented the use of any funds appropriated to the Department of Defense to be used to purchase an item of food or clothing not produced in the United States.

The Defense Logistics Agency can issue a waiver of the Berry amendment upon a determination of a nonavailability, meaning there is no available domestic producer. The Defense Logistics Agency decided to waive the Berry amendment requirement recently in order to procure 1.3 million berets for the Army at a cost of $26 million based on nonavailability.

The rationale for the waiver, we are told, is that Americans suppliers would not be able to supply the Army's needs to have the berets in time for its 225th anniversary on June 14. We are also told that American suppliers, even if given adequate time, if they are given adequate time, can meet the orders' requirements.

Personally, I believe that if a universal black beret is going to serve as a symbol for the United States Army in the 21st Century, it should not be made in China. Fortunately, the Pentagon decided yesterday to revisit this issue.

Early in the history of this country, we have had high tariffs to protect our industries. Now we have low tariffs and are part of a global economy. There must be a balance, my colleagues, if we are to preserve American jobs and industry, while also enjoying the benefits of world trade.

Americans have seen a proliferation of products from other countries. My colleagues, this simple bill gives Americans the knowledge to make an educated choice in the purchase of American-made goods.

Let me close my statement by commending the gentleman from Ohio (Mr. TRAFICANT) for his persistence and tenacious promotion of this bill and for introducing this bill so that we have this opportunity this morning.

Last Congress, the House passed this legislation almost identical to H.R. 725, so I do not believe we will have any trouble today, but I think it is important and particularly in light of what has happened in the Department of Defense and reading in the paper their decision to stop the procurement of the berets being manufactured in China.

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

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

Mr. Speaker, I urge my colleagues to support H.R. 725, the Made in America Information Act. I commend the leadership of the gentleman from Florida (Mr. STEARNS), my colleague, for this time on the floor.

Mr. Speaker, I also commend the persistence of the gentleman from Ohio (Mr. TRAFICANT), my colleague, on this topic that we are dealing with today.

H.R. 725 provides for the Secretary of Commerce to establish a toll-free number to help consumers identify which products are ''Made in America.'' This new program would operate as a pilot program for 3 years. It would not cost taxpayers anything. It would be paid for entirely out of fees collected for manufacturers who wish to register their products as ''Made in America.''

This legislation is predicted on one simple premise and belief, that consumers will choose to buy products made right here in the United States by American workers, if they are given that opportunity.

In a 1997 rulemaking, the Federal Trade Commission reported that 84 percent of the respondents to a National Consumers League survey said that they were more likely to buy an item that was made in the USA than to buy an equivalent foreign-made product.

A majority of those surveyed also said that they find the made in U.S. label either frequently or always meaningful when they are shopping.

Congress also long ago recognized that made in the USA label is both meaningful and important.

Mr. Speaker, I want to cite the same example that my colleague did in pointing out that, out of respect and honor both for American workers as well as those who serve our country in uniform, Congress has required military uniforms to be ''Made in the USA'' for the past 50 years, except in time of crisis. That is why, Mr. Speaker, I was also shocked to learn that the Pentagon has recently awarded $26 million in contracts mostly to foreign producers for 2½ million black berets that are now to become the official new headgear of all of the Army troops. According to the Army, these new berets will be made in plants in China, Romania, and Sri Lanka, among other foreign countries.

I was also disturbed by press accounts that cited that awarding this contract to these foreign firms could even be more expensive for American taxpayers. It has been reported that the overseas beret is nearly twice as expensive as one which could be ''Made in America'' but could not be ready in time for the deadline that was imposed.

For the first time, most American men and women serving in the Army would soon see a ''Made in China'', for example, or other such label when they take off their berets, rather than a ''Made in the USA'' label.

This decision will harm U.S. companies and American workers and may, in fact, waste taxpayer dollars.

That is why the gentleman from California (Mr. HUNTER), my colleague, and I have been circulating a letter to the President asking that this short-sighted decision be reconsidered.

I hope all of my colleagues on both sides of the aisle will join me in this effort, and it is a way of underscoring the importance of H.R. 725 as a good

bill that will help consumers to buy American if they so choose.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. UPTON), the gentleman from Massachusetts (Mr. MARKEY), certainly the gentleman from Florida (Mr. STEARNS), my good friend, and the gentlewoman from California (Mrs. CAPPS) for bringing this resolution and bill out early in the session.

Mr. Speaker, I took to the floor several years ago when the Air Force was buying military boots made in China. The Pentagon was embarrassed, and that was stopped.

But I want my colleagues to understand, the prestigious elite Army Ranger force to remove their beret and to have a fellow tax-paying American seeing a ''Made in China'' label in it?

One thing America does not need is protectionism. We need fair trade policies for sure.

And remember this, for every billion dollars worth of trade deficit, we lose 20,000 jobs; and I would like the gentlewoman from Florida to realize that, last quarter, America's trade deficit was $119 billion. It is approaching $40 billion a month. Times that by 20,000 jobs, and they are not burger flippers, we have got a crisis. No one is really looking at this crisis; and my little bill simply says, look, I believe the American consumer will buy an American product if it is competitively priced.

The Traficant bill would work this way: A couple in Chicago setting up homekeeping is going to buy a refrigerator, stove, washer and dryer. They can call the 1–800 number and say, look, I would like to buy an American product. What American products are made in refrigerators, in washers and dryers, and could I please have a list of them?

My God, what is wrong with us? I am asking House leadership to now help with the Senate to get beyond this guise of protectionism and, for God's sake, look at America and our working people and our consumer habits and practices.

□ 1030

This is simply a very modest bill. There will be no more Federal workers needed to be hired. Any cost will be borne by American companies who will be proud to say, Yes, my product is made in America. Come see it.

Now, one will see more foreign manufacturers moving to America so they can say ''Our product is made in America.'' If that Japanese company moves to America and makes it in America, it will be listed on the first-time register of American-made products.

Mr. Speaker, this is a good common sense American bill. I ask for an overwhelming vote, and I certainly ask this chairman to do all he can in promoting it with the other body.

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

Mr. Speaker, I have a few comments before I yield back my time. Obviously, years from now little will be remembered about this debate this morning. But in many ways, as my colleagues know, Mr. Speaker, there is a time and a moment when there is a sense of goodwill and a feeling in the House when we are doing something that makes all Americans feel patriotic. I think this bill that the gentleman from Ohio (Mr. TRAFICANT) is offering does just that.

I am so glad the Army, who is going to celebrate their 225th anniversary, has decided to hold off procuring the berets overseas and having them manufactured in China. I hope they will sense this feeling that we have this morning, that this bill does not cost anything and is symbolic, is important for the welfare of all Americans. I urge its adoption.

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

Mrs. CAPPS. Mr. Speaker, I would comment also that I join my colleague in agreeing that this is a very timely topic to be discussing right now.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 725, the Made in America Information Act. The measure deserves our strong support to make sure the American worker can compete fairly with any competitor.

This bill requires the Commerce Department, if sufficient industry interest exists, to establish and operate for 3 years a toll-free telephone number to help U.S. consumers determine which consumer products are American-made. Under the measure, this hotline would be operated through a private contractor at no cost to the government, with the cost of operations to be paid for by fees from these manufacturers who voluntarily register their products with this hotline.

The measure allows only American-made products having a retail value of approximately $250 or more to be registered. Consumers calling the hotline would have to be informed that registration of a product on the hotline does not mean that the product contains 100 percent U.S.-made content, that the government does not endorse the product, and that the Federal Government has not conducted an investigation to confirm the definition of ''American made.'' Manufacturers who knowingly register a product that is not American-made would be subject to civil penalties, and the product in question could not be purchased by any unit of the Federal Government.

Passage of this legislation sends an important message to our workers. U.S. workers should not be shortchanged as they seek to compete in the global marketplace. Accordingly, I urge my colleagues to support the legislation.

Mrs. CAPPS. I have no further speakers, Mr. Speaker; and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 725, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H.R. 88) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 88

*Resolved,* That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: to rank immediately after Mr. Phelps of Illinois, Mr. Lucas of Kentucky; to rank immediately after Mr. Acevedo-Vilá of Puerto Rico, Mr. Kind of Wisconsin and Mr. Shows of Mississippi;

Committee on the Budget: Mr. Matheson of Utah.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## MARJORY WILLIAMS SCRIVENS POST OFFICE

Mr. PLATTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 364) to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the ''Marjory Williams Scrivens Post Office''.

The Clerk read as follows:

H.R. 364

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

**SECTION 1. DESIGNATION.**

The facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, shall be known and designated as the ''Marjory Williams Scrivens Post Office''.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the Marjory Williams Scrivens Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PLATTS) and the gentlewoman from Florida (Mrs. MEEK) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PLATTS).

GENERAL LEAVE

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 364.

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

There was no objection.

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

Mr. Speaker we have before us H.R. 364, designating the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the Margery Williams Scrivens Post Office. The distinguished gentlewoman from Florida (Mrs. MEEK) introduced this legislation on January 31, 2001. It is supported by all House Members of the State of Florida pursuant to the policy of the Committee on Government Reform.

Marjory Williams Scrivens started working for the United States Postal Service in 1970, and in 1972 she was one of the first women to deliver mail in the Miami-Dade County area in Florida.

Ms. Scrivens succumbed to bone cancer a year ago. Mr. Speaker, I urge our colleagues to support H.R. 364 as an appropriate tribute to Marjory Williams Scrivens in naming the post office for her many dedicated years of service to the postal service.

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

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

Mr. Speaker, H.R. 364 designates the facility of the United States Post Office service located at 5927 Southwest 70th Street in Miami, Florida, as the Marjory Williams Scrivens Post Office.

A lot of times when we dedicate post offices, Mr. Speaker, we do not really pay much attention to the persons for whom they are named. We try to be sure that, since this is a Federal facility, that people who are worthy of this commendation be chosen.

Mrs. Scrivens was an unusual woman. She started working for the post office in 1979, and she was the first female letter carrier in Dade County. Mrs. Scrivens was only the second woman in this entire country to serve as a letter carrier during that time.

She was very popular. She was a trailblazer. She worked for the post office in an exemplary manner for 22 years. Many times she was very instrumental in correcting the identification of those who carry the mail from postmen to mailmen to letter carrier.

She brought a respect to this particular job; and it was good for, not only the post office, but for the people of the community.

Her colleagues fondly remember her as one who was very proud of her job. ''We would always point to Marjory Scrivens as a good example of a job well done,'' said one of her former supervisors.

Mrs. Scrivens was motivated for public service. She wanted a challenge. She kept dropping by the Federal building to check on government jobs. This was when there was, perhaps, no woman in that county who had ever worked for the post office. So she started dropping by.

Finally, she saw a clerk-carrier listed; and she took the test and passed. She was not afraid to work.

So today, Mr. Speaker, it is fitting that we honor Marjory Williams Scrivens, not only because of who she was, but for all that she did. I am very pleased that the Florida delegation has cosponsored this bill and the leadership has seen fit to put it on the calendar.

This effort has very wide community support, including endorsements from the South Florida Letter Carriers Association, the Mount Olive Missionary Baptist Church, Miami Times newspaper, and more than 1,200 signatures on more than 63 pages.

Mr. Speaker, I am pleased to support the naming of the United States Post Office in South Miami as the Marjory Williams Scrivens Post Office.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PLATTS) that the House suspend the rules and pass the bill, H.R. 364.

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

A motion to reconsider was laid on the table.

## W. JOE TROGDON POST OFFICE BUILDING

Mr. PLATTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 821) to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the ''W. Joe Trogdon Post Office Building''.

The Clerk read as follows:

H.R. 821

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

**SECTION 1. W. JOE TROGDON POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, shall be known and designated as the ''W. Joe Trogdon Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the W. Joe Trogdon Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PLATTS) and the gentlewoman from Florida (Mrs. MEEK) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PLATTS).

GENERAL LEAVE

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 821.

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

There was no objection.

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

Mr. Speaker, the bill before us, H.R. 821, was introduced by the gentleman from North Carolina (Mr. COBLE). This legislation designates the post office located at 1030 South Church Street in Asheboro, North Carolina, be known as the W. Joe Trogdon Post Office Building. Each Member of the House delegation from the State of North Carolina has cosponsored this legislation pursuant to the policy of the Committee on Government Reform.

Mr. Trogdon was born in Asheboro, North Carolina, in 1932 and was educated in the Asheboro city school system. He then attended North Carolina State University from 1950 to 1954. He participated in the Army ROTC program while studying at NC State.

Mr. Trogdon served our Nation as a 2nd lieutenant in the United States Army Security Agency on active duty in Germany for 2 years, from 1955 to 1957. In 1957, he was made a 1st lieutenant in the Army and served in the inactive reserve until 1963.

Mr. Trogdon served on the Asheboro Planning Board from 1964 to 1973 and the Asheboro City Council from 1973 until 1983. He was then elected mayor of the city of Asheboro and continues to hold that position. He is the former chairman of the Piedmont Triad Council of Government and a former member of the board of directors for the North Carolina League of Municipalities.

Mayor Trogdon is also an active member of the Asheboro Jaycees, the Kiwanis Club, the Rotary Club, the East Hog-Eye Yacht Club, and the board of directors for the Wachovia Bank & Trust. He is also a member of the board of trustees of the First United Methodist Church.

Mr. Trogdon is the president of a family-owned business of general contractors, which was established in 1928.

Mr. Speaker, it is fitting that a post office be dedicated to a gentleman who has given his life to public service in a city where he was born and grew up.

I urge our colleagues to support H.R. 821, a bill that honors Mayor W. Joe Trogdon. I also want to recognize the dedicated work of the gentleman from North Carolina (Mr. COBLE) for sponsoring this legislation and for the other Members of the delegation in cosponsoring and bringing this issue to the floor.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I may repeat some that has already been said, but this is important to the people of Asheboro, and I want to go into a little more detail.

At the outset, I want to thank the gentleman from Indiana (Mr. BURTON), the Republican leadership, and the Members of the North Carolina congressional delegation for their assistance in bringing this legislation to the floor in such a timely manner.

On March 1 of this year, Mr. Speaker, I introduced H.R. 821, a bill to designate the new post office at Asheboro, North Carolina, as the W. Joe Trogdon Post Office Building.

Several years ago, it became apparent that the former postal facilities in Asheboro were not adequate. In fact, the building was literally falling down. Condemnation of the original post office in 1997 expedited the need for a new building to serve the area.

During this process, Mayor Joe Trogdon was instrumental in coordinating the wishes of his community with the requirements of the United States Postal Service. He encouraged the people of Asheboro to actively voice their views regarding the location of the new post office to ensure that this new facility would be built where it would best serve Asheboro and Randolph County.

Mr. Speaker, I do not know how many of my colleagues have been involved in building or in relocating post office buildings, but it involves an eternal maze. For many years, the citizens of Asheboro have been inconvenienced by the poor accessibility, insufficient parking, and hectic traffic patterns surrounding the old post office.

After searching for a potential site for the new building, negotiating and renegotiating with the U.S. Postal Service and various landowners in the area, the project was finally completed. This tremendous new asset to the community will have its official grand opening on Sunday, April 1.

Although it has been a long and, at times, a tenuous process, the community, under the leadership of Mayor Trogdon, was able to work through the many frustrations and disappointments and now has seen its goal of a gleaming new postal facility become a reality.

Once the location for the new post office building has been determined, the omnibus task of picking the perfect name still remained. In my opinion, the name of the building should reflect a constant presence in the community, a person who has given of his time, heart and spirit, not only in the creation of this post office, but to the growth and prosperity of the city of Asheboro.

□ 1045

That being said, I can think of no one more qualified who exemplifies that description than Mayor Joe Trogdon. He is a hometown boy, as the gentleman from Pennsylvania pointed out. He grew up in the town of Asheboro. Joe received his college diploma from North Carolina State University in Raleigh. Joe honorably served in the United States Army in Germany; 6 years in the U.S. Army Reserve; and following his tour of duty in Germany, Joe returned to his boyhood home to begin work in the family business. But that was not enough for Joe Trogdon. Nearly 4 decades ago, Joe started his public service career in Asheboro. He has served as a member of the Asheboro Planning Board, the City Council, the Piedmont Triad Council of Governments, the North Carolina League of Municipalities, and since 1983, as Mayor of Asheboro.

Joe also gives of his time and talent to civic groups and associations such as the Asheboro Jaycees, the Asheboro Kiwanis Club, the Asheboro Rotary Club, and the East Hog-eye Yacht Club. Joe is also on the board of trustees of the First United Methodist Church in Asheboro. What you can say about this man is that Joe Trogdon does not believe in sitting idly on the sidelines. When work needs to be done, Joe is the first one to pitch in and help. Through his many years of dedication to the people of Asheboro, Joe has always put the needs and views of his constituents first and foremost, and for that reason he has gained the respect and support of the people he represents.

Mr. Speaker, I am not alone in my desire to honor Joe Trogdon. We have heard from a number of groups in the area encouraging us to introduce legislation to name the Post Office in Asheboro in honor of Joe. Included on this list is the Asheboro City Council, the Randolph County Board of Commissioners, the Home Builders Association of Asheboro and Randolph County, the American Legion Post 45 of Asheboro, the Randolph County Senior Adults Association and the Asheboro/Randolph Chamber of Commerce.

Additionally, private citizens sent letters of support to our office to endorse this proposal, including my good friend, North Carolina State Representative Arlie Culp.

Mr. Speaker, for the benefit of my colleagues, one of my constituents did contact me and expressed his opposition to the naming of this building, not because it was being named to honor Joe Trogdon, but he expressed his concern that Federal buildings should not bear the name of people still living. I explained that rules governing the naming of Federal buildings do not prohibit the naming of buildings for people alive, and I do not think anybody is interested in accelerating Joe Trogdon's death to make him eligible to have his name put on the post office building, so I hope that gentleman's discomfort will be assuaged somewhat after he reconsiders it.

Mr. Speaker, I am about to close, but I would be remiss if I failed to mention the names of Rebecca Redding Williams and Missy Branson. Rebecca is our district representative in the Asheboro office; and Missy, who is from Thomasville, North Carolina, is our legislative director here; and both of them worked tirelessly on this legislation, and I thank them for their efforts.

It is for my friend and constituent, Joe Trogdon, that I move to pass this bill today. We wish Joe's wife could still be with us, but we know that Anne Trogdon is smiling down upon us today. Joe and Anne's three children and six grandchildren are very proud of what we are doing today.

Mr. Speaker, I hope you will all join me in celebrating this great man by voting in support of this bill designating the new post office in Asheboro, North Carolina, as the W. Joe Trogdon Post Office Building. My hat goes off to Joe, and I thank you all for what you have done for Asheboro and Randolph County. What we do here today is a fitting tribute to your dedicated career of public service, Joe Trogdon.

Mrs. MEEK of Florida. Mr. Speaker, I yield myself 1 minute to speak about this outstanding person for whom the gentleman from North Carolina (Mr. COBLE) has decided to name a post office.

Listening to all of the information concerning this mayor, he must be a very outstanding man and has made a great contribution to his community, so it is good he is getting his flowers while he is alive and will hear the acclamations that will come from his community.

The gentleman from North Carolina (Mr. COBLE) is to be commended in seeking to honor Mayor Trogdon. The mayor has shown tremendous leadership and deserves to be acknowledged for his hard work. I urge swift passage of this bill.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 821.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SENSENBRENNER. 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 the following bills:

H.R. 809, H.R. 741, H.R. 860, S. 320, H.R. 861 and H.R. 802.

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

There was no objection.

## ANTITRUST TECHNICAL CORRECTIONS ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 809) to make technical corrections to various antitrust laws and to references to such laws.

The Clerk read as follows:

H.R. 809

*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 ''Antitrust Technical Corrections Act of 2001''.

**SEC. 2. AMENDMENTS.**

(a) ACT OF MARCH 3, 1913.—The Act of March 3, 1913 (chapter 114, 37 Stat. 731; 15 U.S.C. 30) is repealed.

(b) PANAMA CANAL ACT.—Section 11 of the Panama Canal Act (37 Stat. 566; 15 U.S.C. 31) is amended by striking the undesignated paragraph that begins ''No vessel permitted''.

(c) SHERMAN ACT.—Section 3 of the Sherman Act (15 U.S.C. 3) is amended—

(1) by inserting ''(a)'' after ''SEC. 3.'', and

(2) by adding at the end the following:

''(b) Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce in any Territory of the United States or of the District of Columbia, or between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia, and any State or States or foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.''.

(d) WILSON TARIFF ACT.—

(1) TECHNICAL AMENDMENT.—The Wilson Tariff Act (28 Stat. 509; 15 U.S.C. 8 et seq.) is amended—

(A) by striking section 77, and

(B) in section 78—

(i) by striking ''76, and 77'' and inserting ''and 76''; and

(ii) by redesignating such section as section 77.

(2) CONFORMING AMENDMENTS TO OTHER LAWS.—

(A) CLAYTON ACT.—Subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)) is amended by striking ''seventy-seven'' and inserting ''seventy-six''.

(B) FEDERAL TRADE COMMISSION ACT.—Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by striking ''77'' and inserting ''76''.

(C) PACKERS AND STOCKYARDS ACT, 1921.—Section 405(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 225(a)) is amended by striking ''77'' and inserting ''76''.

(D) ATOMIC ENERGY ACT OF 1954.—Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by striking ''seventy-seven'' and inserting ''seventy-six''.

(E) DEEP SEABED HARD MINERAL RESOURCES ACT.—Section 103(d)(7) of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1413(d)(7)) is amended by striking ''77'' and inserting ''76''.

(e) CLAYTON ACT.—The first section 27 of the Clayton Act (15 U.S.C. 27) is redesignated as section 28 and is transferred so as to appear at the end of such Act.

(f) YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT.—Section 5(a)(2) of the Year 2000 Information and Readiness Disclosure Act (Public Law 105–271) is amended by inserting a period after ''failure''.

**SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION TO CASES.—(1) Section 2(a) shall apply to cases pending on or after the date of the enactment of this Act.

(2) The amendments made by subsections (b), (c), and (d) of section 2 shall apply only with respect to cases commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 809, the Antitrust Technical Corrections Act of 2001, which I have introduced along with the committee's ranking member, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE).

This bill makes six separate technical corrections to our antitrust laws. Three of these corrections repeal outdated provisions of the law. One clarifies a long existing ambiguity relating to the application of the law to the District of Columbia and the territories, and two correct typographical errors in recently passed laws.

This bill is identical to a bill which the House passed by a voice vote last year, except that two typographical corrections have been added. The committee has informally consulted with the antitrust enforcement agencies, the Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission, and the agencies indicate that they do not object to any of these changes.

In response to written questions following the committee's November 5, 1997 oversight hearing on the antitrust enforcement agencies, the Department of Justice recommended two of the repeals and the clarification contained in this bill.

First, H.R. 809 repeals the Act of March 3, 1913. That act requires all depositions taken in Sherman Act cases brought by the government be conducted in public. In the early days, the courts conducted such cases by deposition without any formal trial proceeding. Thus, Congress required that the depositions be open as a trial would be. Under the modern practice of broad discovery, depositions are generally taken in private and then made public if they are used at trial.

Under our system, section 30 causes three problems: First, it maintains a special rule for a narrow class of cases when the justification for that rule has disappeared.

Second, it makes it hard for a court to protect proprietary information that may be at issue in an antitrust case.

And, third, it can create a circus atmosphere in the deposition of a high profile figure. In an appeal in the Microsoft case, the U.S. Court of Appeals for the District of Columbia Circuit invited Congress to repeal this law.

Second, H.R. 809 repeals the antitrust provision in the Panama Canal Act. Section 11 of the Panama Canal Act provides no vessel owned by someone who is violating the antitrust laws may pass through the Panama canal.

The committee has not been able to determine why this provision was added to the act or whether it has ever been used. However, with the return of the canal to Panamanian sovereignty at the end of 1999, it is appropriate to repeal this outdated provision.

The House Committee on Armed Services has jurisdiction over the Panama Canal Act, and I appreciate the willingness of that committee's chairman, the gentleman from Arizona (Mr. STUMP), to expedite this noncontroversial bill.

Third, H.R. 809 clarifies that section 2 of the Sherman Act applies to the District of Columbia and its territories. Two of the primary provisions of antitrust law are section 1 and section 2 of the Sherman Act. Section 1 prohibits conspiracies in restraint of trade, and section 2 prohibits monopolization.

Section 3 of the Sherman Act was intended to apply these provisions to the District and the various territories of the United States. Unfortunately, however, the ambiguous drafting in section 3 leaves it unclear whether section 2 applies to these areas. The committee is aware of at least one instance in which the Department of Justice declined to bring an otherwise meritorious section 2 claim in a Virgin Islands case because of this ambiguity.

This bill clarifies both section 1 and section 2 apply to the District and the Territories. All of the congressional representatives of the District and the Territories are cosponsors of this bill.

Finally, H.R. 809 repeals a redundant antitrust jurisdiction provision in section 77 of the Wilson Tariff Act. In 1955, Congress modernized the jurisdictional and venue provisions relating to antitrust suits by amending section 4 of the Clayton Act. At that time it repealed the redundant jurisdictional provision in section 7 of the Sherman Act but not the one in section 77 of the Wilson Tariff Act. It appears this was an oversight, because section 77 was never codified and has been rarely used.

Repealing section 77 will not diminish any jurisdiction or venue rights because section 4 of the Clayton Act provides any potential plaintiff with broader jurisdiction and venue rights in section 77. Rather, the repeal simply rids the law of a confusing, redundant, and little-used provision.

Finally, the bill corrects an erroneous section number designation in

the Curt Flood Act passed in 1998, and it inserts an inadvertently omitted period in the Year 2000 Information and Readiness Disclosure Act. Neither of these corrections makes any substantive change.

I believe that all of these provisions are noncontroversial and they will help clean up some underbrush in the antitrust laws and recommend that the House suspend the rules and pass the bill.

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

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

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

Mr. CONYERS. Mr. Speaker, I am pleased to join the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) in support of these technical corrections to antitrust law.

The gentleman has described them adequately. There are six noncontroversial changes. We are in total support. And I might add that we have had a very bipartisan experience in the Committee on the Judiciary during the period of time that we have been working on bills together, so I am happy to join with the chairman in support of the measure.

I am pleased to join the gentleman from Wisconsin (Mr. SENSENBRENNER) in support of H.R. 809, the ''Antitrust Technical Corrections Act of 2001.'' The Chairman and I have worked together on this bill, and we have consulted with the Department of Justice Antitrust Division and the Federal Trade Commission Bureau of Competition to ensure that the technical changes made in the bill will improve the efficiency of our antitrust laws.

When the gentleman from Wisconsin and I met at the beginning of this Congress, he spoke about creating a more bi-partisan approach on the Judiciary Committee. I am gratified that his conciliatory words were followed up by deeds, and I hope that this is the kind of cooperative relationship we can look forward to throughout the 107th Congress.

To briefly summarize, H.R. 809 makes six non-controversial changes in our antitrust laws to repeal some out-dated provisions of the law, to clarify that our antitrust laws apply to the District of Columbia and to the Territories, and to make some needed grammatical and organizational changes.

The bill will permit depositions taken in Sherman Act equity cases brought by the government to be conducted in private—just as they are in all other types of cases. It also repeals a little-known and little-used provision that prohibits vessels from passing through the Panama Canal if the vessel's owner is violating the antitrust laws. With the return of the Canal to Panama in 1999, it is appropriate to repeal this outdated provision.

H.R. 809 also clarifies that Sherman Act's prohibitions on restraint of trade and monopolization apply to conduct occurring in the District of Columbia and the various territories of the United States. It also repeals a redundant jurisdiction and venue provision in Section 77 of the Wilson Tariff Act. Finally, the bill makes two minor grammatical and organizational changes to the antitrust laws.

Again, I want to thank the chairman for his bi-partisan approach on this legislation, and I urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank Chairman SENSENBRENNER, and Ranking Member CONYERS for their work in bringing H.R. 809, the ''Antitrust Technical Corrections Act of 2001,'' before the House for consideration.

This bill seeks to make six technical corrections to United States antitrust laws. Three of these technical corrections repeal outdated provisions of the law, one clarifies a long existing ambiguity regarding the application of the law to the District of Columbia and the territories, one is organizational in nature, and one is grammatical. The Committee has informally consulted the antitrust enforcement agencies, the Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission, and the agencies have indicated that they do not object to any of these changes. In response to written questions following the Committee's November 5, 1997 oversight hearing on the antitrust enforcement agencies, the Department of Justice recommended two of the repeals and the clarification contained in this bill.

Those provisions of the Sherman Antitrust Act, which deal with conspiracies regarding the establishment of monopolies have not been clearly defined as they relate to the District of Columbia. The changes being made by this legislation will make it clear that the District of Columbia and other U.S. territories are included under the preview of the Justice Department as it relates to Antitrust Law enforcement in the United States.

Finally, this legislation will repeal the redundant Antitrust Jurisdictional Provision in Section 77 of the Wilson Tarrif Act. This repeal will not diminish any substantive rights because Section 4 of the Clayton Act provides any potential plaintiff with broader rights of jurisdiction and venue than does Section 77. This repeal will only rid the existing law of a confusing, redundant, and little used provision.

I am in support of these minor changes to our Nation's antitrust laws, and urge my colleagues on both sides of the aisle to vote in favor of this legislation.

Ms. NORTON. Mr. Speaker, I rise in strong support of H.R. 809, the Antitrust Technical Corrections Act of 2001. I want to thank Chairman SENSENBRENNER and Ranking Member CONYERS for their leadership in bringing this important corrective measure to the floor so early in the session. Because of the bill's beneficial impact on the District of Columbia and the territories, I am pleased to be an original cosponsor.

Section 2(c) of the Antitrust Technical Corrections Act would close a potentially dangerous loophole in the nation's antitrust laws with respect to the District of Columbia and the territories. Two of the most important provisions of the Sherman Act are 15 U.S.C. sections 1 and 2. Section 1 prevents conspiracy in restraint of trade and section 2 prevents monopoly, attempts to create a monopoly and conspiracy to create a monopoly. These provisions form the bedrock of our antitrust laws. However, section 3 of the Sherman Act, which was intended to apply these vital provisions to the District of Columbia and the territories, is ambiguous with respect to whether section 2, prohibiting monopolies, applies to these jurisdictions. Despite the ambiguous language in section 3 of the Sherman Act, we believe that Congress clearly intended the nation's antitrust laws to apply not only to the states, but to the territories and the District of Columbia as well. This bill would clarify that intent.

The committee has found at least one instance in which the Department of Justice decided not to bring a potentially meritorious monopoly claim under section 2 of the Sherman Act because of the ambiguous language in section 3. Although this case occurred in the Virgin Islands and not the District, the Antitrust Technical Corrections Act is necessary to safeguard against a similar occurrence in the District and to ensure the seamless application of our antitrust laws not only throughout the nation but also in the territories and the nation's capital.

I thank the chairman and ranking member once again for their attention to this important matter and urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 809.

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

A motion to reconsider was laid on the table.

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## MADRID PROTOCOL IMPLEMENTATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 741) to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes.

The Clerk read as follows:

H.R. 741

*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 ''Madrid Protocol Implementation Act''.

**SEC. 2. PROVISIONS TO IMPLEMENT THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS.**

The Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946, as amended (15 U.S.C. 1051 and following) (commonly referred to as the ''Trademark Act of 1946'') is amended by adding after section 51 the following new title:

''TITLE XII—THE MADRID PROTOCOL

**''SEC. 60. DEFINITIONS.**

''For purposes of this title:

''(1) MADRID PROTOCOL.—The term 'Madrid Protocol' means the Protocol Relating to the

Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid, Spain, on June 27, 1989.

''(2) BASIC APPLICATION.—The term 'basic application' means the application for the registration of a mark that has been filed with an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

''(3) BASIC REGISTRATION.—The term 'basic registration' means the registration of a mark that has been granted by an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

''(4) CONTRACTING PARTY.—The term 'Contracting Party' means any country or intergovernmental organization that is a party to the Madrid Protocol.

''(5) DATE OF RECORDAL.—The term 'date of recordal' means the date on which a request for extension of protection that is filed after an international registration is granted is recorded on the International Register.

''(6) DECLARATION OF BONA FIDE INTENTION TO USE THE MARK IN COMMERCE.—The term 'declaration of bona fide intention to use the mark in commerce' means a declaration that is signed by the applicant for, or holder of, an international registration who is seeking extension of protection of a mark to the United States and that contains a statement that—

''(A) the applicant or holder has a bona fide intention to use the mark in commerce;

''(B) the person making the declaration believes himself or herself, or the firm, corporation, or association in whose behalf he or she makes the declaration, to be entitled to use the mark in commerce; and

''(C) no other person, firm, corporation, or association, to the best of his or her knowledge and belief, has the right to use such mark in commerce either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods of such other person, firm, corporation, or association, to cause confusion, or to cause mistake, or to deceive.

''(7) EXTENSION OF PROTECTION.—The term 'extension of protection' means the protection resulting from an international registration that extends to a Contracting Party at the request of the holder of the international registration, in accordance with the Madrid Protocol.

''(8) HOLDER OF AN INTERNATIONAL REGISTRATION.—A 'holder' of an international registration is the natural or juristic person in whose name the international registration is recorded on the International Register.

''(9) INTERNATIONAL APPLICATION.—The term 'international application' means an application for international registration that is filed under the Madrid Protocol.

''(10) INTERNATIONAL BUREAU.—The term 'International Bureau' means the International Bureau of the World Intellectual Property Organization.

''(11) INTERNATIONAL REGISTER.—The term 'International Register' means the official collection of such data concerning international registrations maintained by the International Bureau that the Madrid Protocol or its implementing regulations require or permit to be recorded, regardless of the medium which contains such data.

''(12) INTERNATIONAL REGISTRATION.—The term 'international registration' means the registration of a mark granted under the Madrid Protocol.

''(13) INTERNATIONAL REGISTRATION DATE.—The term 'international registration date' means the date assigned to the international registration by the International Bureau.

''(14) NOTIFICATION OF REFUSAL.—The term 'notification of refusal' means the notice sent by an Office of a Contracting Party to the International Bureau declaring that an extension of protection cannot be granted.

''(15) OFFICE OF A CONTRACTING PARTY.—The term 'Office of a Contracting Party' means—

''(A) the office, or governmental entity, of a Contracting Party that is responsible for the registration of marks; or

''(B) the common office, or governmental entity, of more than 1 Contracting Party that is responsible for the registration of marks and is so recognized by the International Bureau.

''(16) OFFICE OF ORIGIN.—The term 'office of origin' means the Office of a Contracting Party with which a basic application was filed or by which a basic registration was granted.

''(17) OPPOSITION PERIOD.—The term 'opposition period' means the time allowed for filing an opposition in the Patent and Trademark Office, including any extension of time granted under section 13.

**"SEC. 61. INTERNATIONAL APPLICATIONS BASED ON UNITED STATES APPLICATIONS OR REGISTRATIONS.**

''The owner of a basic application pending before the Patent and Trademark Office, or the owner of a basic registration granted by the Patent and Trademark Office, who—

''(1) is a national of the United States;

''(2) is domiciled in the United States; or

''(3) has a real and effective industrial or commercial establishment in the United States,

may file an international application by submitting to the Patent and Trademark Office a written application in such form, together with such fees, as may be prescribed by the Director.

**"SEC. 62. CERTIFICATION OF THE INTERNATIONAL APPLICATION.**

''Upon the filing of an application for international registration and payment of the prescribed fees, the Director shall examine the international application for the purpose of certifying that the information contained in the international application corresponds to the information contained in the basic application or basic registration at the time of the certification. Upon examination and certification of the international application, the Director shall transmit the international application to the International Bureau.

**"SEC. 63. RESTRICTION, ABANDONMENT, CANCELLATION, OR EXPIRATION OF A BASIC APPLICATION OR BASIC REGISTRATION.**

''With respect to an international application transmitted to the International Bureau under section 62, the Director shall notify the International Bureau whenever the basic application or basic registration which is the basis for the international application has been restricted, abandoned, or canceled, or has expired, with respect to some or all of the goods and services listed in the international registration—

''(1) within 5 years after the international registration date; or

''(2) more than 5 years after the international registration date if the restriction, abandonment, or cancellation of the basic application or basic registration resulted from an action that began before the end of that 5-year period.

**"SEC. 64. REQUEST FOR EXTENSION OF PROTECTION SUBSEQUENT TO INTERNATIONAL REGISTRATION.**

''The holder of an international registration that is based upon a basic application filed with the Patent and Trademark Office or a basic registration granted by the Patent and Trademark Office may request an extension of protection of its international registration by filing such a request—

''(1) directly with the International Bureau; or

''(2) with the Patent and Trademark Office for transmittal to the International Bureau, if the request is in such form, and contains such transmittal fee, as may be prescribed by the Director.

**"SEC. 65. EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES UNDER THE MADRID PROTOCOL.**

''(a) IN GENERAL.—Subject to the provisions of section 68, the holder of an international registration shall be entitled to the benefits of extension of protection of that international registration to the United States to the extent necessary to give effect to any provision of the Madrid Protocol.

''(b) IF UNITED STATES IS OFFICE OF ORIGIN.—An extension of protection resulting from an international registration of a mark shall not apply to the United States if the Patent and Trademark Office is the office of origin with respect to that mark.

**"SEC. 66. EFFECT OF FILING A REQUEST FOR EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES.**

''(a) REQUIREMENT FOR REQUEST FOR EXTENSION OF PROTECTION.—A request for extension of protection of an international registration to the United States that the International Bureau transmits to the Patent and Trademark Office shall be deemed to be properly filed in the United States if such request, when received by the International Bureau, has attached to it a declaration of bona fide intention to use the mark in commerce that is verified by the applicant for, or holder of, the international registration.

''(b) EFFECT OF PROPER FILING.—Unless extension of protection is refused under section 68, the proper filing of the request for extension of protection under subsection (a) shall constitute constructive use of the mark, conferring the same rights as those specified in section 7(c), as of the earliest of the following:

''(1) The international registration date, if the request for extension of protection was filed in the international application.

''(2) The date of recordal of the request for extension of protection, if the request for extension of protection was made after the international registration date.

''(3) The date of priority claimed pursuant to section 67.

**"SEC. 67. RIGHT OF PRIORITY FOR REQUEST FOR EXTENSION OF PROTECTION TO THE UNITED STATES.**

''The holder of an international registration with an extension of protection to the United States shall be entitled to claim a date of priority based on the right of priority within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property if—

''(1) the international registration contained a claim of such priority; and

''(2)(A) the international application contained a request for extension of protection to the United States; or

''(B) the date of recordal of the request for extension of protection to the United States is not later than 6 months after the date of the first regular national filing (within the meaning of Article 4(A)(3) of the Paris Convention for the Protection of Industrial Property) or a subsequent application (within the meaning of Article 4(C)(4) of the Paris Convention).

**"SEC. 68. EXAMINATION OF AND OPPOSITION TO REQUEST FOR EXTENSION OF PROTECTION; NOTIFICATION OF REFUSAL.**

''(a) EXAMINATION AND OPPOSITION.—(1) A request for extension of protection described

in section 66(a) shall be examined as an application for registration on the Principal Register under this Act, and if on such examination it appears that the applicant is entitled to extension of protection under this title, the Director shall cause the mark to be published in the Official Gazette of the Patent and Trademark Office.

''(2) Subject to the provisions of subsection (c), a request for extension of protection under this title shall be subject to opposition under section 13. Unless successfully opposed, the request for extension of protection shall not be refused.

''(3) Extension of protection shall not be refused under this section on the ground that the mark has not been used in commerce.

''(4) Extension of protection shall be refused under this section to any mark not registrable on the Principal Register.

''(b) NOTIFICATION OF REFUSAL.—If, a request for extension of protection is refused under subsection (a), the Director shall declare in a notification of refusal (as provided in subsection (c)) that the extension of protection cannot be granted, together with a statement of all grounds on which the refusal was based.

''(c) NOTICE TO INTERNATIONAL BUREAU.—(1) Within 18 months after the date on which the International Bureau transmits to the Patent and Trademark Office a notification of a request for extension of protection, the Director shall transmit to the International Bureau any of the following that applies to such request:

''(A) A notification of refusal based on an examination of the request for extension of protection.

''(B) A notification of refusal based on the filing of an opposition to the request.

''(C) A notification of the possibility that an opposition to the request may be filed after the end of that 18-month period.

''(2) If the Director has sent a notification of the possibility of opposition under paragraph (1)(C), the Director shall, if applicable, transmit to the International Bureau a notification of refusal on the basis of the opposition, together with a statement of all the grounds for the opposition, within 7 months after the beginning of the opposition period or within 1 month after the end of the opposition period, whichever is earlier.

''(3) If a notification of refusal of a request for extension of protection is transmitted under paragraph (1) or (2), no grounds for refusal of such request other than those set forth in such notification may be transmitted to the International Bureau by the Director after the expiration of the time periods set forth in paragraph (1) or (2), as the case may be.

''(4) If a notification specified in paragraph (1) or (2) is not sent to the International Bureau within the time period set forth in such paragraph, with respect to a request for extension of protection, the request for extension of protection shall not be refused and the Director shall issue a certificate of extension of protection pursuant to the request.

''(d) DESIGNATION OF AGENT FOR SERVICE OF PROCESS.—In responding to a notification of refusal with respect to a mark, the holder of the international registration of the mark shall designate, by a written document filed in the Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person, or mailing to that person, a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Director.

**''SEC. 69. EFFECT OF EXTENSION OF PROTECTION.**

''(a) ISSUANCE OF EXTENSION OF PROTECTION.—Unless a request for extension of protection is refused under section 68, the Director shall issue a certificate of extension of protection pursuant to the request and shall cause notice of such certificate of extension of protection to be published in the Official Gazette of the Patent and Trademark Office.

''(b) EFFECT OF EXTENSION OF PROTECTION.—From the date on which a certificate of extension of protection is issued under subsection (a)—

''(1) such extension of protection shall have the same effect and validity as a registration on the Principal Register; and

''(2) the holder of the international registration shall have the same rights and remedies as the owner of a registration on the Principal Register.

**''SEC. 70. DEPENDENCE OF EXTENSION OF PROTECTION TO THE UNITED STATES ON THE UNDERLYING INTERNATIONAL REGISTRATION.**

''(a) EFFECT OF CANCELLATION OF INTERNATIONAL REGISTRATION.—If the International Bureau notifies the Patent and Trademark Office of the cancellation of an international registration with respect to some or all of the goods and services listed in the international registration, the Director shall cancel any extension of protection to the United States with respect to such goods and services as of the date on which the international registration was canceled.

''(b) EFFECT OF FAILURE TO RENEW INTERNATIONAL REGISTRATION.—If the International Bureau does not renew an international registration, the corresponding extension of protection to the United States shall cease to be valid as of the date of the expiration of the international registration.

''(c) TRANSFORMATION OF AN EXTENSION OF PROTECTION INTO A UNITED STATES APPLICATION.—The holder of an international registration canceled in whole or in part by the International Bureau at the request of the office of origin, under Article 6(4) of the Madrid Protocol, may file an application, under section 1 or 44 of this Act, for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration. Such an application shall be treated as if it had been filed on the international registration date or the date of recordal of the request for extension of protection with the International Bureau, whichever date applies, and, if the extension of protection enjoyed priority under section 67 of this title, shall enjoy the same priority. Such an application shall be entitled to the benefits conferred by this subsection only if the application is filed not later than 3 months after the date on which the international registration was canceled, in whole or in part, and only if the application complies with all the requirements of this Act which apply to any application filed pursuant to section 1 or 44.

**''SEC. 71. AFFIDAVITS AND FEES.**

''(a) REQUIRED AFFIDAVITS AND FEES.—An extension of protection for which a certificate of extension of protection has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Director—

''(1) at the end of the 6-year period beginning on the date on which the certificate of extension of protection was issued by the Director, unless within the 1-year period preceding the expiration of that 6-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Director; and

''(2) at the end of the 10-year period beginning on the date on which the certificate of extension of protection was issued by the Director, and at the end of each 10-year period thereafter, unless—

''(A) within the 6-month period preceding the expiration of such 10-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Director; or

''(B) within 3 months after the expiration of such 10-year period, the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with the fee described in subparagraph (A) and an additional fee prescribed by the Director.

''(b) CONTENTS OF AFFIDAVIT.—The affidavit referred to in subsection (a) shall set forth those goods or services recited in the extension of protection on or in connection with which the mark is in use in commerce and the holder of the international registration shall attach to the affidavit a specimen or facsimile showing the current use of the mark in commerce, or shall set forth that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

**''SEC. 72. ASSIGNMENT OF AN EXTENSION OF PROTECTION.**

''An extension of protection may be assigned, together with the goodwill associated with the mark, only to a person who is a national of, is domiciled in, or has a bona fide and effective industrial or commercial establishment either in a country that is a Contracting Party or in a country that is a member of an intergovernmental organization that is a Contracting Party.

**''SEC. 73. INCONTESTABILITY.**

''The period of continuous use prescribed under section 15 for a mark covered by an extension of protection issued under this title may begin no earlier than the date on which the Director issues the certificate of the extension of protection under section 69, except as provided in section 74.

**''SEC. 74. RIGHTS OF EXTENSION OF PROTECTION.**

''An extension of protection shall convey the same rights as an existing registration for the same mark, if—

''(1) the extension of protection and the existing registration are owned by the same person;

''(2) the goods and services listed in the existing registration are also listed in the extension of protection; and

''(3) the certificate of extension of protection is issued after the date of the existing registration.''.

**SEC. 3. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on the date on which the Madrid Protocol (as defined in section 60(1) of the Trademark Act of 1946) enters into force with respect to the United States.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. Speaker, I rise today in support of H.R. 741, the Madrid Protocol Implementation Act, and urge the House to pass the measure.

H.R. 741 is the implementing legislation for the Protocol Related to the Madrid Agreement on the Registration of Marks, commonly known as the Madrid Protocol. This bill is identical to legislation introduced in each of the preceding four Congresses and will again send a signal to the international business community, U.S. businesses and trademark owners that the 107th Congress is determined to help our Nation and particularly our small businesses become a part of an inexpensive, efficient system that allows the international registration of marks.

As a practical matter, Mr. Speaker, the ratification of the Protocol and the enactment of H.R. 741 will enable American trademark owners to pay a nominal fee to the U.S. Patent and Trademark Office which will then register the marks in the individual countries that comprise the European Union. Currently, American trademark owners must hire attorneys or agents in each individual country to acquire protection. This process is both laborious and expensive and discourages small businesses and individuals from registering their marks in Europe.

A final comment on an issue peripheral to this bill, Mr. Speaker. While there is no opposition to the bill, I note that two companies, Bacardi and Pernod, are in the process of attempting to settle a dispute over rights to a mark which each wishes to market. At least one of these companies believes that the implementing language should be amended to reflect its position on the matter. It is also my understanding that talks between the two companies are fluid and ongoing and that a resolution to this problem may be forthcoming in the near future.

I therefore urge my colleagues to pass this legislation today and to allow these talks to continue. Once a compromise is reached I am confident that the other body will shortly ratify the Protocol and pass the implementing language.

Mr. Speaker, H.R. 741 is an important and noncontroversial bill that will greatly help those American businesses and other individuals who need to register their trademarks overseas in a quick and cost-effective manner. I urge the House to support this measure.

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

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

I support the bill. It has been described very adequately by the chairman of the Committee on the Judiciary.

I might remind our colleagues that we passed the bill by voice vote twice under suspension of the rules. It is an important measure because it implements the provisions of the 1989 Madrid Protocol, which creates a low-cost and efficient system for registering marks internationally. The most important aspect of the Protocol is that it allows entities to file for mark protection with all member countries through one fee and one application. And so this international concept is an important one as we expand the understanding of the principles of copyright, trademark, and patent law around the world. I am very happy to join in support with the chairman of the committee.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

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

The gentleman from Wisconsin and the gentleman from Michigan have pretty clearly laid out what this entails, Mr. Speaker. The World Intellectual Property Organization, WIPO, administers the Protocol, which in turn operates the international system for the registration of trademarks. This system would assist our businesses in protecting their proprietary names and brand name goods while saving cost, time and effort. This is especially important to our small businesses which may only be able to afford worldwide protection for their marks through a low-cost international registration system.

Unfortunately, and as the gentleman from Wisconsin alluded to in his remarks, Senate ratification of the Protocol and passage of the implementing language were derailed the last term as a result of a private dispute over a mark between Bacardi, the rum distiller, and Pernod, a French concern which formed a joint venture with the Cuban government. Although negotiations to develop an acceptable compromise failed, it is my understanding that the Senate and trademark community will redouble their efforts to resolve this problem during the present term.

Mr. Speaker, it is important to move this legislation forward as a way of encouraging all parties involved in the Bacardi dispute to intensify their negotiations. House consideration of the Protocol will also assure American trademark holders that the United States stands ready to benefit imminently from its ratification. As the chairman pointed out and as the gentleman from Michigan pointed out, this matter has been before this House, and I think we have approved it three times before.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. BERMAN), ranking member of the Subcommittee on Courts and Intellectual Property.

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

H.R. 741 is an important piece of legislation because it implements the Protocol to the Madrid Agreement Concerning the International Registration of Marks. It will allow U.S. businesses and trademark owners to become part of a low-cost, efficient system to internationally register trademarks. U.S. membership in the Protocol would assist American businesses in protecting their proprietary names and brand name goods while saving money, time and effort. That is especially critical to small businesses that may otherwise lack the resources to acquire worldwide protection for their trademark.

This is the fourth Congress in which the Committee on the Judiciary has favorably reported, and I hope the House will pass this implementing legislation. In 1999, H.R. 769 passed by voice vote under suspension. While the Senate has failed to follow suit in the past, there is a reason to believe that this Congress will be different. A previous dispute over representation of the European community and its constituent nations has been resolved to the satisfaction of the State Department. Further, rum manufacturers embroiled in an unrelated trademark dispute have agreed not to interfere with House passage of this bill.

I urge my colleagues to join me in voting for H.R. 741.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 741, legislation known as the Madrid Protocol. I was pleased to support this legislation during a Judiciary Committee markup on March 8. The legislation concerning the Madrid Protocol advances U.S. interests in a bipartisan manner, and I urge my colleagues to support the bill.

As with many intellectual property rights, there are international agreements relating to the registration and protection of trademarks. Since 1891, the Madrid Agreement Concerning the International Registration of Marks ("Madrid Agreement") has provided an international registration system operated under the auspices of the International Bureau of the World Intellectual Property Organization (WIPO). The United States has never been a signatory to the Madrid Agreement.

On June 27, 1989, at a Diplomatic Conference in Madrid, Spain, the parties to the Madrid Agreement signed the Madrid Protocol. The United States was an observer and advisor to these talks. Practically speaking, there have been revisions to the original Madrid Agreement, in many respects by conforming its contents to existing provisions in U.S. law.

H.R. 741 represents implementing legislation for the Protocol. It is virtually identical to measures passed by the Congress over the past four Congresses, including H.R. 769, which was passed by voice vote under suspension of the rules on April 13, 1999, and reported favorably by the Judiciary Committee on March 24, 1999. In fact, the Clinton administration forwarded the treaty to the Senate for the ratification, thereby allowing the United States to become a member of the Protocol.

The passage of the bill will allow businesses and trademark owners to become part of a low-cost, efficient system to promote the international registration of marks. U.S. membership in the Protocol would also assist American businesses in protecting their proprietary names and brand-names while saving money, time, and effort. This is important for small businesses which may otherwise lack the resources to acquire worldwide protection for

their trademarks. Mr. Speaker, we must do everything we can to encourage small business to grow in this New Economy.

I urge my colleagues to support the legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 741.

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

A motion to reconsider was laid on the table.

## MULTIDISTRICT, MULTIPARTY, MULTIFORUM TRIAL JURISDICTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 860) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions, as amended.

The Clerk read as follows:

H.R. 860

*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 ''Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 2001''.

**SEC. 2. MULTIDISTRICT LITIGATION.**

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting ''or ordered transferred to the transferee or other district under subsection (i)'' after ''terminated''; and

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

''(i)(1) Subject to paragraph (2) and except as provided in subsection (j), any action transferred under this section by the panel may be transferred for trial purposes, by the judge or judges of the transferee district to whom the action was assigned, to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

''(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.''.

**SEC. 3. MULTIPARTY, MULTIFORUM JURISDICTION OF DISTRICT COURTS.**

(a) BASIS OF JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following new section:

**''§ 1369. Multiparty, multiforum jurisdiction**

''(a) IN GENERAL.—The district courts shall have original jurisdiction of any civil action involving minimal diversity between adverse parties that arises from a single accident, where at least 25 natural persons have either died or incurred injury in the accident at a discrete location and, in the case of injury, the injury has resulted in damages which exceed $150,000 per person, exclusive of interest and costs, if—

''(1) a defendant resides in a State and a substantial part of the accident took place in another State or other location, regardless of whether that defendant is also a resident of the State where a substantial part of the accident took place;

''(2) any two defendants reside in different States, regardless of whether such defendants are also residents of the same State or States; or

''(3) substantial parts of the accident took place in different States.

''(b) LIMITATION OF JURISDICTION OF DISTRICT COURTS.—The district court shall abstain from hearing any civil action described in subsection (a) in which—

''(1) the substantial majority of all plaintiffs are citizens of a single State of which the primary defendants are also citizens; and

''(2) the claims asserted will be governed primarily by the laws of that State.

''(c) SPECIAL RULES AND DEFINITIONS.—For purposes of this section—

''(1) minimal diversity exists between adverse parties if any party is a citizen of a State and any adverse party is a citizen of another State, a citizen or subject of a foreign state, or a foreign state as defined in section 1603(a) of this title;

''(2) a corporation is deemed to be a citizen of any State, and a citizen or subject of any foreign state, in which it is incorporated or has its principal place of business, and is deemed to be a resident of any State in which it is incorporated or licensed to do business or is doing business;

''(3) the term 'injury' means—

''(A) physical harm to a natural person; and

''(B) physical damage to or destruction of tangible property, but only if physical harm described in subparagraph (A) exists;

''(4) the term 'accident' means a sudden accident, or a natural event culminating in an accident, that results in death or injury incurred at a discrete location by at least 25 natural persons; and

''(5) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

''(d) INTERVENING PARTIES.—In any action in a district court which is or could have been brought, in whole or in part, under this section, any person with a claim arising from the accident described in subsection (a) shall be permitted to intervene as a party plaintiff in the action, even if that person could not have brought an action in a district court as an original matter.

''(e) NOTIFICATION OF JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.—A district court in which an action under this section is pending shall promptly notify the judicial panel on multidistrict litigation of the pendency of the action.''.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by adding at the end the following new item:

''1369. Multiparty, multiforum jurisdiction.''.

(b) VENUE.—Section 1391 of title 28, United States Code, is amended by adding at the end the following:

''(g) A civil action in which jurisdiction of the district court is based upon section 1369 of this title may be brought in any district in which any defendant resides or in which a substantial part of the accident giving rise to the action took place.''.

(c) MULTIDISTRICT LITIGATION.—Section 1407 of title 28, United States Code, as amended by section 2 of this Act, is further amended by adding at the end the following:

''(j)(1) In actions transferred under this section when jurisdiction is or could have been based, in whole or in part, on section 1369 of this title, the transferee district court may, notwithstanding any other provision of this section, retain actions so transferred for the determination of liability and punitive damages. An action retained for the determination of liability shall be remanded to the district court from which the action was transferred, or to the State court from which the action was removed, for the determination of damages, other than punitive damages, unless the court finds, for the convenience of parties and witnesses and in the interest of justice, that the action should be retained for the determination of damages.

''(2) Any remand under paragraph (1) shall not be effective until 60 days after the transferee court has issued an order determining liability and has certified its intention to remand some or all of the transferred actions for the determination of damages. An appeal with respect to the liability determination of the transferee court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the transferee court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination shall not be subject to further review by appeal or otherwise.

''(3) An appeal with respect to determination of punitive damages by the transferee court may be taken, during the 60-day period beginning on the date the order making the determination is issued, to the court of appeals with jurisdiction over the transferee court.

''(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

''(5) Nothing in this subsection shall restrict the authority of the transferee court to transfer or dismiss an action on the ground of inconvenient forum.''.

(d) REMOVAL OF ACTIONS.—Section 1441 of title 28, United States Code, is amended—

(1) in subsection (e) by striking ''(e) The court to which such civil action is removed'' and inserting ''(f) The court to which a civil action is removed under this section''; and

(2) by inserting after subsection (d) the following new subsection:

''(e)(1) Notwithstanding the provisions of subsection (b) of this section, a defendant in a civil action in a State court may remove the action to the district court of the United States for the district and division embracing the place where the action is pending if—

''(A) the action could have been brought in a United States district court under section 1369 of this title; or

''(B) the defendant is a party to an action which is or could have been brought, in whole or in part, under section 1369 in a United States district court and arises from the same accident as the action in State court, even if the action to be removed could not have been brought in a district court as an original matter.

The removal of an action under this subsection shall be made in accordance with section 1446 of this title, except that a notice of removal may also be filed before trial of the action in State court within 30 days after the date on which the defendant first becomes a party to an action under section 1369 in a United States district court that arises from the same accident as the action in State court, or at a later time with leave of the district court.

''(2) Whenever an action is removed under this subsection and the district court to which it is removed or transferred under section 1407(j) has made a liability determination requiring further proceedings as to damages, the district court shall remand the action to the State court from which it had been removed for the determination of damages, unless the court finds that, for the convenience of parties and witnesses and in the interest of justice, the action should be retained for the determination of damages.

''(3) Any remand under paragraph (2) shall not be effective until 60 days after the district court has issued an order determining liability and has certified its intention to remand the removed action for the determination of damages. An appeal with respect to the liability determination of the district court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the district court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination shall not be subject to further review by appeal or otherwise.

''(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

''(5) An action removed under this subsection shall be deemed to be an action under section 1369 and an action in which jurisdiction is based on section 1369 of this title for purposes of this section and sections 1407, 1697, and 1785 of this title.

''(6) Nothing in this subsection shall restrict the authority of the district court to transfer or dismiss an action on the ground of inconvenient forum.''.

(e) SERVICE OF PROCESS.—

(1) OTHER THAN SUBPOENAS.—(A) Chapter 113 of title 28, United States Code, is amended by adding at the end the following new section:

**''§ 1697. Service in multiparty, multiforum actions**

''When the jurisdiction of the district court is based in whole or in part upon section 1369 of this title, process, other than subpoenas, may be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.''.

(B) The table of sections at the beginning of chapter 113 of title 28, United States Code, is amended by adding at the end the following new item:

''1697. Service in multiparty, multiforum actions.''.

(2) SERVICE OF SUBPOENAS.—(A) Chapter 117 of title 28, United States Code, is amended by adding at the end the following new section:

**''§ 1785. Subpoenas in multiparty, multiforum actions**

''When the jurisdiction of the district court is based in whole or in part upon section 1369 of this title, a subpoena for attendance at a hearing or trial may, if authorized by the court upon motion for good cause shown, and upon such terms and conditions as the court may impose, be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.''.

(B) The table of sections at the beginning of chapter 117 of title 28, United States Code, is amended by adding at the end the following new item:

''1785. Subpoenas in multiparty, multiforum actions.''.

**SEC. 4. EFFECTIVE DATE.**

(a) SECTION 2.—The amendments made by section 2 shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

(b) SECTION 3.—The amendments made by section 3 shall apply to a civil action if the accident giving rise to the cause of action occurred on or after the 90th day after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

As the author of H.R. 860, I am grateful for the opportunity to consider it on the floor today. The bill before us has had a long legislative life, having been considered in one form or another since the 101st Congress in 1991.

This legislation addresses two important issues in the world of complex multidistrict litigation. Section 2 of the bill would reverse the effects of the 1998 Supreme Court decision in the so-called Lexecon case. It would simply amend the multidistrict litigation statute by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial for the purpose of determining liability and punitive damages or refer them to other districts as it sees fit. In fact, section 2 only codifies what had constituted ongoing judicial practice for nearly 30 years prior to the Lexecon decision.

Section 3 addresses a particular species of complex litigation, so-called disaster cases, such as those involving airline accidents. The language set forth in my bill is a revised version of a concept which, beginning in the 101st Congress, has been supported by the Department of Justice, the Administrative Office of the U.S. Courts, two previous Democratic Congresses, and one previous Republican Congress.

Section 3 will help reduce litigation costs as well as the likelihood of forum shopping in single-accident mass tort cases. All plaintiffs in these cases would ordinarily be situated identically, making the case for consolidation of their actions especially compelling. These types of disasters, with their hundreds or thousands of plaintiffs and numerous defendants, have the potential to impair the orderly administration of justice in Federal courts for an extended period of time.

This committee and the full House unanimously passed the precursor to H.R. 860 last term. During eleventh hour negotiations with the other body, I offered to make three changes in an effort to generate greater support for the bill. As a show of good faith, I have incorporated those changes into the bill we are considering today. They consist of the following:

First, a plaintiff must allege at least $150,000 in damages, up from $75,000, to file in U.S. district court.

Second, an exception to the minimum diversity rule is created. A U.S. district court may not hear a case in which a substantial majority of plaintiffs and the primary defendants are citizens of the same State and in which the claims asserted are governed primarily by the laws of that same State. In other words, only State courts may hear such cases.

Third, the choice-of-law section is stricken. Upon further reflection, I believe it confers too much discretionary authority on a Federal judge to select the relevant law that will apply in a given case.

In sum, this legislation speaks to process, fairness, and judicial efficiency. It will not interfere with jury verdicts or compensation rates for litigators. I therefore urge my colleagues to join me in a bipartisan effort to support the Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 2001.

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

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

I rise in support of the bill. I am willing to support the bill as described by the gentleman from Wisconsin with the understanding that section 3 pertaining to disaster litigation would expand Federal court jurisdiction in a very narrowly defined category of cases in order to improve the manageability of complex litigation.

My support of the bill does not in any way serve as a precedent for support of broader expansion of diversity jurisdiction that can be found in the class action reform bill which I do not support.

Section 3 of the bill expands Federal court jurisdiction for single accidents involving at least 25 people having damages in excess of $150,000 per claim and establishes new Federal procedures in these narrowly defined cases for selection of venue, service of process and issuance of subpoenas. I agree and thank the gentleman from Wisconsin for making the kinds of concessions that have made this measure more palatable.

As introduced in the Congress, this bill includes an additional safeguard to the limited expansion of Federal court jurisdiction. A United States District Court may not hear any case in which a ''substantial majority'' of plaintiffs and the primary defendants are all citizens of the same State and in which the claims asserted are governed primarily by the laws of that same State, another provision that the gentleman from Wisconsin provided us that we agreed to.

□ 1115

It is my understanding that under the bill, mass tort injuries that involve the same injury over and over again like asbestos cases, breast implant cases, would be excluded, and that the type of cases that would be included would be plane, train, bus, boat accidents, environmental spills, many of which may already be brought in Federal court.

So while I have traditionally opposed having Federal courts decide State tort

issues and disfavor the expansion of the jurisdiction of the already overloaded district courts, I will support the bill because unlike the class-action bill, it only expands Federal court jurisdiction in a much narrower class of actions, with the objective of judicial expedience.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me this time. The distinguished gentleman from Wisconsin (Mr. SENSENBRENNER) and the distinguished gentleman from Michigan (Mr. CONYERS) have very adequately explained this bill, Mr. Speaker, so I will be brief.

I have endorsed this bill during the preceding two Congresses, and I welcome the opportunity to voice my support for it today. I will not repeat what has already been said about it; but I would note, Mr. Speaker, that the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, did add three additional features to this year's version in an effort to compromise, and I think this good-faith gesture ought to be acknowledged.

I urge my colleagues to support H.R. 860. It will help the multidistrict litigation panel discharge its responsibilities and will ultimately streamline the adjudication of complex multidistrict cases in a manner that is fair to all litigants.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. BERMAN), our ranking member on the Subcommittee on Courts and Intellectual Property.

Mr. BERMAN. Mr. Speaker, one does not have to be an intellectual to be on that subcommittee.

Mr. Speaker, I rise in support of House passage of H.R. 860, the Multidistrict, Multiparty, Multiplatform Trial Jurisdiction Act of 2001.

Mr. Speaker, H.R. 860 is a narrow bill designed to improve judicial efficiency. Last Congress, the House passed a virtually identical bill, H.R. 2112, by voice vote under suspension. In three previous Congresses, the House-passed bills were comprised of section 3 of H.R. 860. The bill has two operative sections.

Section 2 overturns the U.S. Supreme Court decision in 1998, Lexecon v. Milberg, Weiss. Section 2 will improve judicial efficiency by allowing a transferee court to retain a case for purposes of deciding liability and punitive damages as well as for hearing pretrial motions. Through language I worked out with the chairman of the committee during committee consideration of a nearly identical bill last Congress, H.R. 860 creates a presumption that cases will be sent back to transferee courts for the purposes of determining compensatory damages.

Section 3 of this bill gives the Federal courts minimal diversity jurisdiction to hear cases arising out of single accidents involving death or injury to at least 25 persons where damages of $150,000 or more are claimed by each of those persons. Section 3 applies in very narrow, strictly circumscribed circumstances. As such, it is not a significant increase of Federal court jurisdiction, and it is justified by the judicial efficiencies it will occasion.

My colleagues should not confuse section 3 with the proposed class-action legislation which would cause a much greater and, to my way of thinking, more troubling increase in Federal court jurisdiction; nor should my colleagues see this bill as establishing a precedent in support of class-action legislation. Quite to the contrary, support for this bill is in no way an exception of support for class-action legislation.

With this understanding about the narrow reach of H.R. 860, I encourage my colleagues to vote in support of it.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the chairman and the ranking member.

I am certainly pleased that we have legislation on the floor that hopefully creates an opportunity to open the doors of the courthouse to plaintiffs and litigants in a manner that is expansive. There are a few parts of the legislation I would like to comment on and I think merit attention.

One provision of the bill allows a transferee court in multidistrict litigation to retain jurisdiction over all of the consolidated cases with the presumption that compensatory damages will be remanded to the transfer court. It also expands Federal court jurisdiction by requiring only minimal diversity as opposed to complete diversity for mass torts arising from a single incident. Lastly, the bill establishes new Federal procedures in these narrowly defined cases for the selection of venue, service of process, and issuance of subpoenas.

I am concerned, however, that this bill was marked up by the full committee only 2 days after it was introduced and received no consideration at the subcommittee level. I am aware, however, that this bill has traveled through many Congresses.

Currently, this bill could impact plaintiffs who file suit in a State court, because H.R. 860 could allow for that case to be involuntarily sent to a Federal court that may be hundreds of miles from his or her home. In this case, there is no reason to force a plaintiff into Federal court where the defendant resides or has a place of business in a State where the applicable law is the State law.

I am supportive, however, of the bill's expansion of jurisdiction over civil actions arising out of a single accident that resulted in death or injury of 25 or more persons, if the damages exceed $150,000 per claim and minimal diversity exists. While the bill contains a number of details, I am reassured that this bill would not apply to mass tort injuries that involve the same injury over and over again, such as asbestos or breast implants. This issue has been of real concern to me, having worked on these issues over the last couple of Congresses.

In this sense, H.R. 860 is a sharp distinction from the Interstate Class Action Jurisdiction Act of 1999. Unlike H.R. 860, the class-action bills require only minimal diversity for all civil actions brought as class actions in Federal court, regardless of the individual amounts in controversy, the number of separate incidents or injuries that may give rise to a class action or the state-based nature of the claim. Rather than providing a reasonable, limited modification to diversity jurisdiction, the class action bill, which I strongly oppose, represents a radical rewrite of the class-action rules and would ban most forms of State class actions. Not the bill today.

Mr. Speaker, in closing, let me say I know that this legislation is not a radical rewrite of existing law. It is my sincere hope that H.R. 860 will permit a genuine commitment to provide meaningful access to the courts as all Americans should have. Access to our courts and justice is simply the right thing to happen for everyone in America.

Mr. Speaker, I rise today in support of H.R. 860, the "Multidistrict, Multiparty, Multiforum Jurisdiction Act of 1999." I supported the legislation in a Judiciary Committee markup last week, with a few observations.

Clearly, consideration of H.R. 860 comes at a time where court dockets continue to rise yet pay salaries for federal judges appear inadequate to deal with the important questions that confront Americans. H.R. 860 is intended to improve the ability of federal courts to handle complex multidistrict litigation arising from a common set of facts. Last Congress the House passed a virtually identical bill, H.R. 2112, by voice vote under suspension of the rules; however, it stalled in the Senate.

There are a few parts of the legislation which merit attention. One provision of the bill allows a transferee court in multidistrict litigation to retain jurisdiction over all of the consolidated cases which the presumption that compensatory damages will be remanded to the transferor court. It also expands federal court jurisdiction by requiring only minimal diversity (as opposed to complete diversity) for mass torts arising from a single incident. Lastly, the bill establishes new federal procedures in these narrowly defined cases for the selection of venue, service of process and issuance of subpoenas.

I am concerned, however, that this bill was marked up by the full Committee only two days after it was introduced and received no consideration at the subcommittee level. Currently this bill could impact plaintiffs who file suit in a state court, because HR 860 could allow for that case to be involuntarily to a Federal court that may be hundreds of miles from

his home. In this case, there is no reason to force a plaintiff into Federal court where the defendant resides or has a place of business in the state and where the applicable law is the state law.

I am supportive however, of the bills expansion of jurisdiction over civil actions arising out of a single accident that result in the death or injury of 25 or more persons, if the damages exceed $150,000 per claim and minimal diversity exists. While the bill contains a number of details, I am reassured that this bill would not apply to mass tort injuries that involve the same injury over and over again, such as, asbestos or breast implants. This issue has been of real concern to me.

In this sense, H.R. 860 is a sharp distinction from the ''Interstate Class Action Jurisdiction Act of 1999.'' Unlike H.R. 860, the class action bill requires only minimal diversity for all civil actions brought as class actions in federal court, regardless of the individual amounts in controversy, the number of separate incidents or injuries that may give rise to a class action, or the state-based nature of the claim. Rather than providing a reasonable, limited modification to diversity jurisdiction, the class bill—which I strongly oppose—represents a radical rewrite of the class action rules and would ban most forms of state class actions. Such a bill is not before us today.

Mr. Speaker, I know that this legislation is not a radical rewrite of existing law. It is my sincere hope that H.R. 860 will permit a genuine commitment to providing meaningful access to our courts. Access to our courts is simply essential for every American.

Mr. CONYERS. Mr. Speaker, I am pleased to yield the remaining time to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, certainly I will not consume the remaining time that we have on this side, but I appreciate the opportunity to speak and I appreciate the gentleman yielding time to me.

I was one of several people in the committee who actually voted against reporting this bill favorably to the floor; and while I am not personally planning to ask for a vote on the floor if somebody else does not ask for it, if a vote is requested, I intend to vote against the bill again.

I think what has been said up to this point is correct. This bill is better in a number of respects than it was when it was originally introduced, and I want to applaud the chairman of the full committee and others who have worked to improve the bill.

I do believe, however, that the bill continues to have one blind spot in it, and the blind spot could have been addressed if the bill had received subcommittee attention or more thorough attention in the full committee; and I am hopeful that this blind spot will be addressed if this bill moves forward in the process, because I think it is a serious blind spot.

The blind spot really approaches this issue from a different end of the spectrum than the bill itself does, because the bill really talks about kind of a majority rule in big cases where the majority of the plaintiffs in a case can really control where the case is tried.

The problem with that is that cases by their very nature are individual cases, and so this bill leaves us with this kind of situation: we have an individual plaintiff who has been injured by a defendant who has a residence in the State in which the accident occurred. There is no diversity of jurisdiction between that plaintiff and that defendant. Yet, if it were a big accident and there were 25 people injured in the accident, they can take that case and it becomes a Federal issue under this bill, whereas if it were a small case, it would continue to be the case of the individual plaintiff and the plaintiff would have the right to litigate that case either in his own State court or in the jurisdiction that the plaintiff chooses to litigate the case in.

Now, for urban communities, this may not have significant implications, but there are some States in which the closest Federal district court is hundreds of miles away. While this bill does a good job of taking into account the convenience of the court and the expediency of cases on a gross basis, our courts were not made for the gross basis; our courts were made for individual litigants and for the convenience of individual litigants. In this rare circumstance where we have one plaintiff who is part of a bigger group, a defendant, who is resident in the same State as that one defendant, that plaintiff ought to be able to litigate that case in his home community, even though everybody else is moving to a Federal court, because the underlying proposition of our courts is that the courts are for the convenience of litigants, not for the convenience of judges or even for judicial efficiency. When judicial efficiency comes into conflict with the interests of an individual plaintiff or the individual parties in a case, the rights of the individual parties in that case should prevail.

So this is a small thing; it is not a Federal issue. This bill is better than it started off with. I am not at odds with anybody on this.

□ 1130

But I am hopeful that the people in control of this bill, between now and the time that it passes into law, can figure out a way, and it would be simple to do, I think, by changing one or two words in this bill, figure out a way to allow an individual plaintiff in the situation that I have described to continue to be able to litigate his case in the State courts in the community in which they live, and not have to travel miles away and become part of a big class action lawsuit that the plaintiff may not want to be associated with in the first place.

So I am hopeful that the spirit in which I am offering this, and I am not trying to be adverse to anybody, will be heard, and that somebody will try to correct this blind spot in the bill before this bill becomes law.

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

Mr. Speaker, I disagree with the arguments made by my friend, the gentleman from North Carolina (Mr. WATT), because I think that the purpose of this bill is to make the process of adjudicating a common disaster lawsuit, such as one arising from a plane crash or a train wreck, more convenient to all of the litigants concerned.

That provides for the consolidation of these cases in a manner that has been described for determining liability and punitive damages, but not for determining compensatory damages. So overall, it makes the system fairer for all litigants, although it might make the system a bit inconvenient to some litigants. So I think we have a balancing effect here.

I am just concerned over a common disaster case bringing about a huge plethora of lawsuits that would be filed in courts all over the country. Given where the plaintiffs would live who were injured or killed in the plane crash, or where the airline was located, where the crash occurred, or the manufacturer of the plane and its component parts were situated, we could have lawsuits on the same disaster going on in every court.

Sooner or later there would be appeals which would be expensive, that would have to be consolidated so there would be a single law that would be applicable to everybody.

We can short-circuit that problem by the type of consolidation that is being proposed in this bill. The administrative office of the U.S. courts and the multidistrict litigation panel of the judicial conference of the United States have supported this bill. They do not like to see an expansion of Federal jurisdiction, but they see this as necessary for the streamlining of the adjudication of these claims.

Someone said, ''Justice delayed is justice denied.'' Whenever we have a complex case like this, there are delays that are in and of the nature of the litigation. But I believe that this will speed up the final resolution in bringing to closure any litigation that may arise as a result of one of these disasters. I would hope that the bill would be passed for that reason.

Mr. Speaker, I include for the RECORD two letters related to this matter.

The letters referred to are as follows:

JUDICIAL CONFERENCE OF THE UNITED STATES,
*Washington, DC, March 13, 2001.*

Hon. F. JAMES SENSENBRENNER, Jr.,
*Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the Judicial Conference of the United States, I write to express the support of the federal judiciary for H.R. 860, the ''Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 2001.'' This bill was reported favorably on March 8, 2001, by the Committee you chair. H.R. 860 will facilitate the resolution of claims by citizens and improve the administration of justice.

Section 2 of the bill amends 28 U.S.C. §1407, the multidistrict litigation statute, to allow a judge with a transferred case to retain it for trial or to transfer it to another district. Presently, section 1407(a) authorizes the Judicial Panel on Multidistrict Litigation to transfer civil actions pending in multiple federal judicial districts with common questions of fact ''to any district for coordinated or consolidated pretrial proceedings.'' It also requires the Judicial Panel to remand any such action to the district court in which the action was filed at or before the conclusion of such pretrial proceedings, unless the action is terminated before then in the transferee court.

Although the federal courts had for nearly 30 years followed the practice of allowing a transferee court to invoke the venue transfer provision (28 U.S.C. §1404(a)) and transfer the case to itself for trial purposes, the Supreme Court in *Lexecon, Inc.* v. *Milberg Weiss Bershad Hynes & Lerach,* 523 U.S. 26 (1998), held that statutory authority did not exist for a district judge conducting pretrial proceedings to transfer a case to itself for trial. The Court noted that the proper venue for resolving the desirability of such self-transfer authority is ''the floor of Congress.''

A proposal to amend section 1407 in response to the *Lexecon* decision was approved by the Judicial Conference at its September 1998 session and is supported by the Judicial Panel on Multidistrict Litigation. As experience has shown, there is wisdom in permitting the judge who is familiar with the facts and parties and pretrial proceedings of a transferred case to retain the case for trial. Also, as with most federal civil actions, multidistrict litigation cases are typically resolved through settlement. Allowing the transferee judge to set a firm trial date promotes the resolution of these cases.

Section 3 of H.R. 860 adds a new section 1369 to title 28, United States Code, entitled ''multiparty, multiforum jurisdiction.'' It essentially provides that the United States district courts shall have jurisdiction over any civil action that arises from a single accident or event in which at least 25 persons have died or been injured at a particular location, where any such injuries result in alleged damages exceeding $150,000 by each plaintiff and which involves minimal diversity between adverse parties. The legislation also requires that one defendant must reside in a state that is different from the location of the accident or the residence of any other defendant or that substantial parts of the event took place in different states. The transferee court would be authorized to determine issues of liability and punitive damages and would remand cases to the transferor court for determinations of compensatory damages, unless the court finds, for the convenience of parties and witnesses and in the interest of justice, that the action should be retained for the determination of damages. The district court, however, must abstain from hearing an action under the bill if a substantial majority of all plaintiffs are citizens of a single state of which the primary defendants are also citizens and the claims asserted will be governed primarily by the laws of that state.

Upon consideration of related proposals during the 100th Congress, the Judicial Conference in March 1988 approved in principle the creation of federal jurisdiction that would rely on minimal diversity to consolidate multiple litigation in state and federal courts of cases involving personal injury or property damage and arising out of a single event. The Conference endorsed the idea of redirecting diversity jurisdiction to serve a purpose that state courts are not able to serve, namely to facilitate the consolidation of scattered actions arising out of the same accident or event and thereby ''to promote more expeditious and economical disposition of such litigation.''

Today, the Judicial Panel on Multidistrict Litigation can transfer to one judge for pretrial proceedings those cases involving common questions of fact that are pending in federal courts throughout the country. 28 U.S.C. §1407. Section 3 of H.R. 860 would expand federal jurisdiction by allowing state cases arising from a single event (such as a plane crash or hotel fire) to be brought into such process as a result of filing, removal, or intervention. Section 3 of the bill would avoid multiple trials on common issues, minimize litigation costs, and ensure that litigants are treated consistently and fairly. Thus, this legislation will promote the resolution of litigants' claims in these unique and related cases.

Thank you for taking prompt action on this important and necessary legislation. If you or your staff have any questions, please contact Mike Blommer, Assistant Director, Office of Legislative Affairs (202–502–1700).

Sincerely,

LEONIDAS RALPH MECHAM,
*Secretary.*

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JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION,
*March 13, 2001.*

Hon. F. JAMES SENSENBRENNER, Jr.,
*Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the Judicial Panel on Multidistrict Litigation, I am writing to urge support of H.R. 860, the Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 2001. As you know, my predecessor as Chairman of the Panel, Judge John F. Nangle, testified in favor of the previous version of this legislation on June 16, 1999, before the Subcommittee on Courts and Intellectual Property.

Section 2 of this legislation, to restore the options available to the litigants and the federal judiciary prior to the 1998 Supreme Court *Lexecon* decision, passed unanimously word-for-word in both the House of Representatives and the Senate in the last Congress. The previous version of Section 3 of the legislation, aimed at streamlining adjudication of single accident litigation, has passed the House of Representatives in bipartisan fashion on four prior occasions—twice when the Democrats were in the majority in the 101st and 102nd Congresses, and twice when the Republicans were in the majority in the 105th and 106th Congresses.

Surely the time has come to enact this clearly beneficial legislation for the reasons stated in Judge Nangle's testimony. Your continued leadership in this area is highly valued and appreciated.

Sincerely,

WM. TERRELL HODGES,
*Chairman.*

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

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BERMAN).

Mr. SENSENBRENNER. Mr. Speaker, I yield the gentleman from California 1 minute.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. BERMAN) is recognized for 6 minutes.

Mr. BERMAN. Mr. Speaker, I thank the ranking member and the gentleman from Wisconsin for their generous yielding of time to me.

Mr. Speaker, I just want to make a few comments in response to the gentleman from North Carolina, because he makes legitimate and accurate points about this legislation. But in response, I would make a few points.

Mr. Speaker, concerning H.R. 860, the circumstances which this bill applies to are so narrow and unique, and because so many civil actions which arise out of a single action are already subject to Federal jurisdiction, there really are in a practical sense very few plaintiffs who will find themselves in a Federal court who would not have already been there.

But even if they do, this bill has protection, because the bill preserves the ability of the transferee court, the Federal court to which this multi-party litigation has been assigned, it preserves the ability of that court to transfer back or dismiss an action on the ground of an inconvenient forum.

So that plaintiff has the ability to make his case that even though it is a result of that single accident, even though I am alleging $150,000, in my particular situation, notwithstanding the efficiencies that would justify a single trial, for purposes of liability and other issues, we should go back to the State court.

The gentleman from North Carolina says, but he has to get to that court in order to make that request. That is true.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I appreciate the gentleman yielding. I appreciate him taking seriously the comments that I am making.

I would just point out to him two things. Yes, this bill will make the system more efficient, but from 22 years of the practice of law, I will tell the gentleman that every single case is a unique case for the parties in that case.

So when we say that this applies only to a small number of cases, the gentleman is absolutely right. I do not argue that. But for that individual plaintiff who is coming into court, we ought to make the courts as conveniently available to that one individual as we can.

The gentleman says that this person can show up in the Federal court, make a motion to move it back, but here he is sitting there with 16 other plaintiffs who say, Please do not move this case. All I am saying is, that person ought to be allowed to go and litigate their case in a forum that is convenient to them, not have their case and the placement of it decided on the basis of some majority rule theory.

I understand efficiency of the court. I understand why the Judicial Conference would favor this. But in the interest of individual plaintiffs, I think it is important to have another exception in this bill, and it would be used so infrequently that it would not be an imposition. It could be done very easily in the context of this bill.

Mr. BERMAN. Reclaiming my time, Mr. Speaker, this is not just about efficiency. This is also about convenience of the parties.

We had a horrible accident recently with a private plane taking the Oklahoma State basketball team. That may not be applicable, because this requires 25 people. But think of a similar situation where a huge number of those passengers are from one State. The defendant is from some other State.

This allows the multi-party committee, the panel that decides these multi-district multi-party cases where they should be tried, to consider the convenience of the plaintiffs in this kind of a case, not simply the question of efficiency. So there are some real positive benefits from this legislation, as well.

Moreover, on the issue of damages, which can be particularly a matter to be determined by local communities and peers in the community where that plaintiff resides, this creates the presumption that that issue, the compensatory damages issue, will go back, in the case of the hypothetical that you cited, to the State court for determination.

Yes, the bill will cause some plaintiffs to find themselves in Federal court, while without the bill those plaintiffs would have been able to remain in State courts. I think there are several policy considerations. I have mentioned them. As the chairman said earlier, we have to draw a balance. Having the very complicated and complex issue of liability tried in one place makes sense.

As we balance these things, Mr. Speaker, I come down on the side of having the complicated, expensive, and controversial issue litigated in one court.

And I might just add in the remaining seconds I have that from what I understand from plaintiff's attorneys involved in these accident cases and other cases like this that this bill addresses, that the problem is, sometimes that guy who wants to file in the State court, the lawyer who wants to file in the State court because it is an in-State defendant, he really wants to be the free rider in this. He wants the whole thing tried and all the discovery, all that done by others. Then, after that issue is settled, he will come in with a State action, not having put up his share of the costs and his efforts, and cash in. I am told that is one aspect of why some plaintiff's lawyers, no one in this room, I am sure, would actually prefer to file in the State court.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 860, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## INTELLECTUAL PROPERTY AND HIGH TECHNOLOGY TECHNICAL AMENDMENTS ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 320) to make technical corrections in patent, copyright, and trademark laws, as amended.

The Clerk read as follows:

S. 320

*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 ''Intellectual Property and High Technology Technical Amendments Act of 2001''.*

***SEC. 2. OFFICERS AND EMPLOYEES.***

*(a) RENAMING OF OFFICERS.—(1)(A) Except as provided in subparagraph (B), title 35, United States Code, other than section 210(d), is amended—*

*(i) by striking ''Director'' each place it appears and inserting ''Commissioner''; and*

*(ii) by striking ''Director's'' each place it appears and inserting ''Commissioner's''.*

*(B) Section 3(b)(5) of title 35, United States Code, is amended by striking ''Director'' the first place it appears and inserting ''Commissioner''.*

*(C) Section 3(a) of title 35, United States Code, is amended in the subsection heading, by striking ''DIRECTOR'' and inserting ''COMMISSIONER''.*

*(D) Section 3(b)(1) of title 35, United States Code, is amended in the paragraph heading, by striking ''DIRECTOR'' and inserting ''COMMISSIONER''.*

*(2) The Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1051 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Commissioner''.*

*(3)(A) Title 35, United States Code, other than subsection (f) of section 3, is amended by striking ''Commissioner for Patents'' each place it appears and inserting ''Assistant Commissioner for Patents''.*

*(B) Title 35, United States Code, other than subsection (f) of section 3, is amended by striking ''Commissioner for Trademarks'' each place it appears and inserting ''Assistant Commissioner for Trademarks''.*

*(C) Section 3(b)(2) of title 35, United States Code, is amended—*

*(i) in the paragraph heading, by striking ''COMMISSIONERS'' and inserting ''ASSISTANT COMMISSIONERS'';*

*(ii) in subparagraph (A), in the last sentence—*

*(I) by striking ''a Commissioner'' and inserting ''an Assistant Commissioner''; and*

*(II) by striking ''the Commissioner'' and inserting ''the Assistant Commissioner'';*

*(iii) in subparagraph (B)—*

*(I) by striking ''Commissioners'' each place it appears and inserting ''Assistant Commissioners'';*

*(II) by striking ''Commissioners' '' each place it appears and inserting ''Assistant Commissioners' ''; and*

*(iv) in subparagraph (C), by striking ''Commissioners'' and inserting ''Assistant Commissioners''.*

*(D) Section 3(f) of title 35, United States Code, is amended in subparagraphs (A) and (B) of paragraph (2)—*

*(i) by striking ''the Commissioner'' each place it appears and inserting ''the Assistant Commissioner''; and*

*(ii) by striking ''a Commissioner'' each place it appears and inserting ''an Assistant Commissioner''.*

*(E) Section 13 of title 35, United States Code, is amended—*

*(i) by striking ''Commissioner of'' each place it appears and inserting ''Assistant Commissioner for''; and*

*(ii) by striking ''Commissioners'' and inserting ''Assistant Commissioners''.*

*(F) Chapter 17 of title 35, United States Code, is amended by striking ''Commissioner of Patents'' each place it appears and inserting ''Assistant Commissioner for Patents''.*

*(G) Section 297 of title 35, United States Code, is amended by striking ''Commissioner of Patents'' each place it appears and inserting ''Commissioner''.*

*(4) Section 5314 of title 5, United States Code, is amended by striking*

*''Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.''*

*and inserting*

*''Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office.''.*

*(5) Section 5315 of title 5, United States Code, is amended by striking*

*''Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.''*

*and inserting*

*''Deputy Under Secretary of Commerce for Intellectual Property and Deputy Commissioner of the United States Patent and Trademark Office.''.*

*(6)(A) Sections 303 and 304 of title 35, United States Code, are each amended in the section headings by striking ''**Director**'' and inserting ''**Commissioner**''.*

*(B) The items relating to sections 303 and 304 in the table of sections for chapter 30 of title 35, United States Code, are each amended by striking ''Director'' and inserting ''Commissioner''.*

*(7)(A) Sections 312 and 313 of title 35, United States Code, are each amended in the section headings by striking ''**Director**'' and inserting ''**Commissioner**''.*

*(B) The items relating to sections 312 and 313 in the table of sections for chapter 31 of title 35, United States Code, are each amended by striking ''Director'' and inserting ''Commissioner''.*

*(8) Section 17(b) of the Trademark Act of 1946 (15 U.S.C. 1067) is amended by striking ''Commissioner for Patents, the Commissioner for Trademarks'' and inserting ''Assistant Commissioner for Patents, the Assistant Commissioner for Trademarks''.*

*(b) ADDITIONAL CLERICAL AMENDMENTS.—*

*(1) The following provisions of law are amended by striking ''Director'' each place it appears and inserting ''Commissioner''.*

*(A) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B).*

*(B) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r).*

*(C) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)).*

*(D) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)).*

*(E) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)).*

*(F) Section 1295(a)(4)(B) of title 28, United States Code.*

*(G) Section 1744 of title 28, United States Code.*

*(H) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181).*

*(I) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).*

*(J) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).*

*(K) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)), the last place such term appears.*

*(L) Section 10(i) of the Trading with the enemy Act (50 U.S.C. App. 10(i)).*

*(M) Sections 4203, 4506, 4606, and 4804(d)(2) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113.*

*(2) The item relating to section 1744 in the table of sections for chapter 115 of title 28, United States Code, is amended by striking ''generally'' and inserting '', generally''.*

*(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—*

*(1) to the Director of the United States Patent and Trademark Office or to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office;*

*(2) to the Commissioner for Patents is deemed to refer to the Assistant Commissioner for Patents; and*

*(3) to the Commissioner for Trademarks is deemed to refer to the Assistant Commissioner for Trademarks.*

***SEC. 3. CLARIFICATION OF REEXAMINATION PROCEDURE ACT OF 1999; TECHNICAL AMENDMENTS.***

*(a) OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—Title 35, United States Code, is amended as follows:*

*(1) Section 311 is amended—*

*(A) in subsection (a), by striking ''person'' and inserting ''third-party requester''; and*

*(B) in subsection (c), by striking ''Unless the requesting person is the owner of the patent, the'' and inserting ''The''.*

*(2) Section 312 is amended—*

*(A) in subsection (a), by striking the last sentence; and*

*(B) in subsection (b), by striking '', if any''.*

*(3) Section 314(b)(1) is amended—*

*(A) by striking ''(1) This'' and all that follows through ''(2)'' and inserting ''(1)'';*

*(B) by striking ''the third-party requester shall receive a copy'' and inserting ''the Office shall send to the third-party requester a copy''; and*

*(C) by redesignating paragraph (3) as paragraph (2).*

*(4) Section 315(c) is amended by striking ''United States Code,''.*

*(5) Section 317 is amended—*

*(A) in subsection (a), by striking ''patent owner nor the third-party requester, if any, nor privies of either'' and inserting ''third-party requester nor its privies''; and*

*(B) in subsection (b), by striking ''United States Code,''.*

*(b) CONFORMING AMENDMENTS.—*

*(1) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Subsections (a), (b), and (c) of section 134 of title 35, United States Code, are each amended by striking ''administrative patent judge'' each place it appears and inserting ''primary examiner''.*

*(2) PROCEEDING ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: ''In an ex parte case or any reexamination case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.''.*

*(c) CLERICAL AMENDMENTS.—*

*(1) Section 4604(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended by striking ''Part 3'' and inserting ''Part III''.*

*(2) Section 4604(b) of that Act is amended by striking ''title 25'' and inserting ''title 35''.*

*(d) EFFECTIVE DATE.—The amendments made by sections 4605(c) and 4605(e) of the Intellectual Property and Communications Omnibus Reform Act, as enacted by section 1000(a)(9) of Public Law 106–113, shall apply to any reexamination filed in the United States Patent and Trademark Office on or after the date of the enactment of Public Law 106–113.*

***SEC. 4. PATENT AND TRADEMARK EFFICIENCY ACT AMENDMENTS.***

*(a) DEPUTY COMMISSIONER.—*

*(1) Section 17(b) of the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1067(b)), is amended by inserting ''the Deputy Commissioner,'' after ''Commissioner,''.*

*(2) Section 6(a) of title 35, United States Code, is amended by inserting ''the Deputy Commissioner,'' after ''Commissioner,''.*

*(b) PUBLIC ADVISORY COMMITTEES.—Section 5 of title 35, United States Code, is amended—*

*(1) in subsection (i), by inserting '', privileged,'' after ''personnel''; and*

*(2) by adding at the end the following new subsection:*

*''(j) INAPPLICABILITY OF PATENT PROHIBITION.—Section 4 shall not apply to voting members of the Advisory Committees.''.*

*(c) MISCELLANEOUS.—Section 153 of title 35, United States Code, is amended by striking ''and attested by an officer of the Patent and Trademark Office designated by the Commissioner,''.*

***SEC. 5. DOMESTIC PUBLICATION OF FOREIGN FILED PATENT APPLICATIONS ACT OF 1999 AMENDMENTS.***

*Section 154(d)(4)(A) of title 35, United States Code, as in effect on November 29, 2000, is amended—*

*(1) by striking ''on which the Patent and Trademark Office receives a copy of the'' and inserting ''of''; and*

*(2) by striking ''international application'' the last place it appears and inserting ''publication''.*

***SEC. 6. DOMESTIC PUBLICATION OF PATENT APPLICATIONS PUBLISHED ABROAD.***

*Subtitle E of title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:*

*(1) Section 4505 is amended to read as follows:*

***''SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.***

*''Section 102(e) of title 35, United States Code, is amended to read as follows:*

*'''(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or'.''.*

*(2) Section 4507 is amended—*

*(A) in paragraph (1), by striking ''Section 11'' and inserting ''Section 10'';*

*(B) in paragraph (2), by striking ''Section 12'' and inserting ''Section 11''.*

*(C) in paragraph (3), by striking ''Section 13'' and inserting ''Section 12'';*

*(D) in paragraph (4), by striking ''12 and 13'' and inserting ''11 and 12'';*

*(E) in section 374 of title 35, United States Code, as amended by paragraph (10), by striking ''confer the same rights and shall have the same effect under this title as an application for patent published'' and inserting ''be deemed a publication''; and*

*(F) by adding at the end the following:*

*''(12) The item relating to section 374 in the table of contents for chapter 37 of title 35, United States Code, is amended to read as follows:*

*'''374. Publication of international application.'''.*

*(3) Section 4508 is amended to read as follows:*

***''SEC. 4508. EFFECTIVE DATE.***

*''Except as otherwise provided in this section, sections 4502 through 4507, and the amendments made by such sections, shall be effective as of November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date. The amendments made by sections 4504 and 4505 shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Commissioner. If an application is filed on or after November 29, 2000, or is published pursuant to a request from the applicant, and the application claims the benefit of one or more prior-filed applications under section 119(e), 120, or 365(c) of title 35, United States Code, then the amendment made by section 4505 shall apply to the prior-filed application in determining the filing date in the United States of the application.''.*

***SEC. 7. MISCELLANEOUS CLERICAL AMENDMENTS.***

*(a) AMENDMENTS TO TITLE 35.—The following provisions of title 35, United States Code, are amended:*

*(1) Section 2(b) is amended in paragraphs (2)(B) and (4)(B), by striking '', United States Code''.*

*(2) Section 3 is amended—*

*(A) in subsection (a)(2)(B), by striking ''United States Code,'';*

*(B) in subsection (b)(2)—*

*(i) in the first sentence of subparagraph (A), by striking '', United States Code'';*

*(ii) in the first sentence of subparagraph (B)—*

*(I) by striking ''United States Code,''; and*

*(II) by striking '', United States Code'';*

*(iii) in the second sentence of subparagraph (B)—*

*(I) by striking ''United States Code,''; and*

*(II) by striking '', United States Code.'' and inserting a period;*

*(iv) in the last sentence of subparagraph (B), by striking '', United States Code''; and*

*(v) in subparagraph (C), by striking '', United States Code''; and*

*(C) in subsection (c)—*

*(i) in the subsection caption, by striking '', UNITED STATES CODE''; and*

*(ii) by striking ''United States Code,''.*

*(3) Section 5 is amended in subsections (e) and (g), by striking '', United States Code'' each place it appears.*

*(4) The table of chapters for part I is amended in the item relating to chapter 3, by striking ''**before**'' and inserting ''**Before**''.*

*(5) The item relating to section 21 in the table of contents for chapter 2 is amended to read as follows:*

*''21. Filing date and day for taking action.''.*

*(6) The item relating to chapter 12 in the table of chapters for part II is amended to read as follows:*

***''12. Examination of Application ..... 131''.***

*(7) The item relating to section 116 in the table of contents for chapter 11 is amended to read as follows:*

*''116. Inventors.''.*

*(8) Section 154(b)(4) is amended by striking '', United States Code,''.*

*(9) Section 156 is amended—*

*(A) in subsection (b)(3)(B), by striking ''paragraphs'' and inserting ''paragraph'';*

*(B) in subsection (d)(2)(B)(i), by striking ''below the office'' and inserting ''below the Office''; and*

*(C) in subsection (g)(6)(B)(iii), by striking ''submittted'' and inserting ''submitted''.*

*(10) The item relating to section 183 in the table of contents for chapter 17 is amended by striking ''of'' and inserting ''to''.*

*(11) Section 185 is amended by striking the second period at the end of the section.*

*(12) Section 201(a) is amended—*

*(A) by striking ''United States Code,''; and*

*(B) by striking ''5, United States Code.'' and inserting ''5.''.*

*(13) Section 202 is amended—*

*(A) in subsection (b)(4), by striking ''last paragraph of section 203(2)'' and inserting ''section 203(b)''; and*

*(B) in subsection (c)—*

*(i) in paragraph (4), by striking ''rights;'' and inserting ''rights,''; and*

*(ii) in paragraph (5), by striking ''of the United States Code''.*

*(14) Section 203 is amended—*

*(A) in paragraph (2)—*

*(i) by striking ''(2)'' and inserting ''(b)'';*

*(ii) by striking the quotation marks and comma before ''as appropriate''; and*

*(iii) by striking ''paragraphs (a) and (c)'' and inserting ''paragraphs (1) and (3) of subsection (a)''; and*

*(B) in the first paragraph—*

*(i) by striking ''(a)'', ''(b)'', ''(c)'', and ''(d)'' and inserting ''(1)'', ''(2)'', ''(3)'', and ''(4)'', respectively; and*

*(ii) by striking ''(1.'' and inserting ''(a)''.*

*(15) Section 209 is amended in subsections (d)(2) and (f), by striking ''of the United States Code''.*

*(16) Section 210 is amended—*

*(A) in subsection (a)—*

*(i) in paragraph (11), by striking ''5901'' and inserting ''5908''; and*

*(ii) in paragraph (20) by striking ''178(j)'' and inserting ''178j''; and*

*(B) in subsection (c)—*

*(i) by striking ''paragraph 202(c)(4)'' and inserting ''section 202(c)(4)''; and*

*(ii) by striking ''title..'' and inserting ''title.''.*

*(17) The item relating to chapter 29 in the table of chapters for part III is amended by inserting a comma after ''**Patent**''.*

*(18) The item relating to section 256 in the table of contents for chapter 25 is amended to read as follows:*

*''256. Correction of named inventor.''.*

*(19) Section 294 is amended—*

*(A) in subsection (b), by striking ''United States Code,''; and*

*(B) in subsection (c), in the second sentence by striking ''court to'' and inserting ''court of''.*

*(20) Section 371(b) is amended by adding at the end a period.*

*(21) Section 371(d) is amended by adding at the end a period.*

*(22) Paragraphs (1), (2), and (3) of section 376(a) are each amended by striking the semicolon and inserting a period.*

*(b) OTHER AMENDMENTS.—*

*(1) Section 4732(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999 is amended—*

*(A) in paragraph (9)(A)(ii), by inserting ''in subsection (b),'' after ''(ii)''; and*

*(B) in paragraph (10)(A), by inserting after ''title 35, United States Code,'' the following: ''other than sections 1 through 6 (as amended by chapter 1 of this subtitle),''.*

*(2) Section 4802(1) of that Act is amended by inserting ''to'' before ''citizens''.*

*(3) Section 4804 of that Act is amended—*

*(A) in subsection (b), by striking ''11(a)'' and inserting ''10(a)''; and*

*(B) in subsection (c), by striking ''13'' and inserting ''12''.*

*(4) Section 4402(b)(1) of that Act is amended by striking ''in the fourth paragraph''.*

***SEC. 8. TECHNICAL CORRECTIONS IN TRADEMARK LAW.***

*(a) AWARD OF DAMAGES.—Section 35(a) of the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1117(a)), is amended by striking ''a violation under section 43(a), (c), or (d),'' and inserting ''a violation under section 43(a) or (d),''.*

*(b) ADDITIONAL TECHNICAL AMENDMENTS.—The Trademark Act of 1946 is further amended as follows:*

*(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended in the first sentence by striking ''specifying the date of the applicant's first use'' and all that follows through the end of the sentence and inserting ''specifying the date of the applicant's first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce.''.*

*(2) Section 1(e) (15 U.S.C. 1051(e)) is amended to read as follows:*

*''(e) If the applicant is not domiciled in the United States the applicant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.''.*

*(3) Section 8(f) (15 U.S.C. 1058(f)) is amended to read as follows:*

*''(f) If the registrant is not domiciled in the United States, the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.''.*

*(4) Section 9(c) (15 U.S.C. 1059(c)) is amended to read as follows:*

*''(c) If the registrant is not domiciled in the United States the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.''.*

*(5) Subsections (a) and (b) of section 10 (15 U.S.C. 1060(a) and (b)) are amended to read as follows:*

*''(a)(1) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing.*

*''(2) In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.*

*''(3) Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office, the record shall be prima facie evidence of execution.*

*''(4) An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office within 3 months after the date of the assignment or prior to the subsequent purchase.*

*''(5) The United States Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.*

*''(b) An assignee not domiciled in the United States may designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the assignee does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served upon the Commissioner.''.*

*(6) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking the second comma after ''numeral''.*

*(7) Section 33(b)(8) (15 U.S.C. 1115(b)(8)) is amended by aligning the text with paragraph (7).*

*(8) Section 34(d)(1)(A) (15 U.S.C. 1116(d)(1)(A)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''.*

*(9) Section 34(d)(1)(B)(ii) (15 U.S.C. 1116(d)(1)(B)(ii)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code''.*

*(10) Section 34(d)(11) is amended by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.*

*(11) Section 35(b) (15 U.S.C. 1117(b)) is amended—*

*(A) by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''; and*

*(B) by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.*

*(12) Section 44(e) (15 U.S.C. 1126(e)) is amended by striking ''a certification'' and inserting ''a true copy, a photocopy, a certification,''.*

***SEC. 9. PATENT AND TRADEMARK FEE CLERICAL AMENDMENT.***

*The Patent and Trademark Fee Fairness Act of 1999 (113 Stat. 1537–546 et seq.), as enacted by section 1000(a)(9) of Public Law 106–113, is amended in section 4203, by striking ''111(a)'' and inserting ''1113(a)''.*

***SEC. 10. COPYRIGHT RELATED CORRECTIONS TO 1999 OMNIBUS REFORM ACT.***

*Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:*

*(1) Section 1007 is amended—*

*(A) in paragraph (2), by striking ''paragraph (2)'' and inserting ''paragraph (2)(A)''; and*

*(B) in paragraph (3), by striking ''1005(e)'' and inserting ''1005(d)''.*

*(2) Section 1006(b) is amended by striking ''119(b)(1)(B)(iii)'' and inserting ''119(b)(1)(B)(ii)''.*

*(3)(A) Section 1006(a) is amended—*

*(i) in paragraph (1), by adding ''and'' after the semicolon;*

*(ii) by striking paragraph (2); and*

*(iii) by redesignating paragraph (3) as paragraph (2).*

*(B) Section 1011(b)(2)(A) is amended to read as follows:*

*''(A) in paragraph (1), by striking 'primary transmission made by a superstation and embodying a performance or display of a work' and inserting 'performance or display of a work embodied in a primary transmission made by a superstation or by the Public Broadcasting Service satellite feed';''.*

***SEC. 11. AMENDMENTS TO TITLE 17, UNITED STATES CODE.***

*Title 17, United States Code, is amended as follows:*

*(1) Section 119(a)(6) is amended by striking ''of performance'' and inserting ''of a performance''.*

*(2)(A) The section heading for section 122 is amended by striking ''**rights; secondary**'' and inserting ''**rights: Secondary**''.*

*(B) The item relating to section 122 in the table of contents for chapter 1 is amended to read as follows:*

*''122. Limitations on exclusive rights: Secondary transmissions by satellite carriers within local markets.''.*

*(3)(A) The section heading for section 121 is amended by striking ''**reproduction**'' and inserting ''**Reproduction**''.*

*(B) The item relating to section 121 in the table of contents for chapter 1 is amended by striking ''reproduction'' and inserting ''Reproduction''.*

*(4)(A) Section 106 is amended by striking ''107 through 121'' and inserting ''107 through 122''.*

*(B) Section 501(a) is amended by striking ''106 through 121'' and inserting ''106 through 122''.*

*(C) Section 511(a) is amended by striking ''106 through 121'' and inserting ''106 through 122''.*

*(5) Section 101 is amended—*

*(A) by moving the definition of ''computer program'' so that it appears after the definition of ''compilation''; and*

*(B) by moving the definition of ''registration'' so that it appears after the definition of ''publicly''.*

*(6) Section 110(4)(B) is amended in the matter preceding clause (i) by striking ''conditions;'' and inserting ''conditions:''.*

*(7) Section 118(b)(1) is amended in the second sentence by striking ''to it''.*

*(8) Section 119(b)(1)(A) is amended—*

*(A) by striking ''transmitted'' and inserting ''retransmitted''; and*

*(B) by striking ''transmissions'' and inserting ''retransmissions''.*

*(9) Section 203(a)(2) is amended—*

*(A) in subparagraph (A)—*

*(i) by striking ''(A) the'' and inserting ''(A) The''; and*

*(ii) by striking the semicolon at the end and inserting a period;*

*(B) in subparagraph (B)—*

*(i) by striking ''(B) the'' and inserting ''(B) The''; and*

*(ii) by striking the semicolon at the end and inserting a period; and*

*(C) in subparagraph (C), by striking ''(C) the'' and inserting ''(C) The''.*

*(10) Section 304(c)(2) is amended—*

*(A) in subparagraph (A)—*

*(i) by striking ''(A) the'' and inserting ''(A) The''; and*

*(ii) by striking the semicolon at the end and inserting a period;*

*(B) in subparagraph (B)—*

*(i) by striking ''(B) the'' and inserting ''(B) The''; and*

*(ii) by striking the semicolon at the end and inserting a period; and*

*(C) in subparagraph (C), by striking ''(C) the'' and inserting ''(C) The''.*

*(11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking ''licensure'' and inserting ''licensing''.*

***SEC. 12. OTHER COPYRIGHT RELATED TECHNICAL AMENDMENTS.***

*(a) AMENDMENT TO TITLE 18.—Section 2319(e)(2) of title 18, United States Code, is amended by striking ''107 through 120'' and inserting ''107 through 122''.*

*(b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94–553 is amended by striking ''section 290(e) of title 15'' and inserting ''section 6 of the Standard Reference Data Act (15 U.S.C. 290e)''.*

*(2) Section 6(a) of the Standard Reference Data Act (15 U.S.C. 290e) is amended by striking ''Notwithstanding'' and all that follows through ''United States Code,'' and inserting ''Notwithstanding the limitations under section 105 of title 17, United States Code,''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. Speaker, Senate bill 320 consists of noncontroversial, technical amendments to the patent, trademark, and copyright laws. This bill corrects clerical and other technical drafting errors, and makes important clarifications in the American Inventors Protection Act which was enacted into law during the 106th Congress.

It also makes technical changes to title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, title 17, and other copyright and related technical amendments.

On February 14, 2001, S. 320 passed the other body by a recorded vote of 98 to 0. However, upon further review, drafting errors were discovered in the bill. The Committee on the Judiciary adopted an amendment in the nature of a substitute which corrected the drafting errors. The amendment and S. 320, as amended, were unanimously agreed to by voice vote in the committee.

These are important and necessary amendments to our intellectual property laws, and I urge Members to support S. 320.

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

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

Mr. Speaker, I rise in support of the amendment, and so do all of the Members on our side. This is noncontroversial. We support the chairman's description.

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

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

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding time to me. I will be very brief.

Mr. Speaker, as the gentleman from Wisconsin stated, S. 320 consists of noncontroversial technical amendments to the patent, trademark, and copyright laws. They are important improvements.

I want to thank my friend, the distinguished gentleman from California (Mr. BERMAN), the ranking member on the subcommittee, for his work, as well, on this bill, both in the 106th Congress and the 107th Congress. I also want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for expeditiously moving this legislation along, because it is important. I urge my colleagues to support S. 320.

Mr. BERMAN. Mr. Speaker, I rise in support of S. 320.

This bill, as amended by the Judiciary Committee last week, is comprised of language from two bills, H.R. 4870 and H.R. 5106, that the House passed by voice vote on suspension last year. As were those bills last year, the current version of S. 320 is wholly noncontroversial and technical. It makes technical changes to patent, trademark, and copyright law and streamlines the operations of the PTO and Copyright Office.

As amended, S. 320 will do such things as change the title of the head of the PTO from ''Director'' to ''Commissioner.'' It will also harmonize capitalizations, alphabetize definition sections, and correct punctuation.

I urge my colleagues to vote in favor of his bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 320, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

## MAKING TECHNICAL AMENDMENTS TO SECTION 10 OF TITLE 9, UNITED STATES CODE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 861) to make technical amendments to section 10 of title 9, United States Code.

The Clerk read as follows:

H.R. 861

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

**SECTION 1. VACATION OF AWARDS.**

Section 10 of title 9, United States Code, is amended—

(1) by indenting the margin of paragraphs (1) through (4) of subsection (a) 2 ems;

(2) by striking ''Where'' in such paragraphs and inserting ''where'';

(3) by striking the period at the end of paragraphs (1), (2), and (3) of subsection (a) and inserting a semicolon and by adding ''or'' at the end of paragraph (3);

(4) by redesignating subsection (b) as subsection (c); and

(5) in paragraph (5), by striking ''Where an award'' and inserting ''If an award'', by inserting a comma after ''expired'', and by redesignating the paragraph as subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. Speaker, I rise in support of H.R. 861, and in so doing, feel inclined to paraphrase Daniel Webster, who, in defending Dartmouth College, noted that ''It may be small, but there are those who love it.''

Nothing could be more true with this bill, as H.R. 861 makes a truly technical correction of the most noncontroversial nature. It simply corrects section 10 of title 9 of the United States Code, which is a typographical flaw that has long evaded detection.

This section enumerates several grounds for vacating an arbitrator's award, with each ground beginning with the word ''where.'' The fifth clause of section 10, however, is obviously not a ground for vacating an award, but rather, the beginning of a new sentence. This bill corrects this error.

However small this change may be, through the years this bill, which has come to be known as ''the comma bill,'' has engendered great affection.

□ 1130

Some may try to diminish the importance of this bill, but one should never underestimate the importance of a comma.

To paraphrase the late Everett Dirksen, a comma here, a comma there, and pretty soon you have got a full sentence.

Let us be honest with ourselves, when used properly, a comma can be devastatingly effective. For those, especially school children, who think that grammar and punctuation do not matter and tune themselves out during English class, today's action shows clearly that it does.

Thankfully, not every grammar mistake, not every misplaced comma takes an act of Congress to correct, but this particular section of the United States Code does.

This bill has been passed by each of the past two Congresses, only to be held hostage by unrelated issues in the other body.

To my colleagues here and on the other side of the Capitol who have previously loaded up this bill with unrelated legislation, I say free the comma, and I urge my colleagues to pass H.R. 861.

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

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

Mr. Speaker, I rise in total unanimous support for the comma bill.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 861.

The question was taken.

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

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

The yeas and nays were ordered.

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 725, by the yeas and nays; and

H.R. 861, by the yeas and nays.

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

## MADE IN AMERICA INFORMATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 725, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 725, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 3, not voting 22, as follows:

[Roll No. 48]

YEAS—407

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
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
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering

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
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Schaffer

NOT VOTING—22

Ackerman
Barton
Becerra
Brown (FL)
Cannon
Davis (IL)
Edwards
Ferguson
Frelinghuysen
Holt
Hunter
Jefferson
Johnson, E. B.
Keller
Lee
Meek (FL)
Miller, George
Moakley
Roukema
Saxton
Smith (NJ)
Towns

□ 1211

Mr. JONES of North Carolina changed his vote from ''nay'' to ''yea''.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

''A bill to direct the Secretary of Commerce to provide for the establishment of a toll-free telephone number to assist consumers in determining whether products are American-made.''.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## MAKING TECHNICAL AMENDMENTS TO SECTION 10 OF TITLE 9, UNITED STATES CODE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 861.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 861, 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. 49]

YEAS—413

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

NOT VOTING—19

Ackerman
Barton
Becerra
Brown (FL)
Cannon
Davis (IL)
Edwards
Ferguson
Frelinghuysen
Holt
Johnson, E. B.
Keller
Meek (FL)
Miller, George
Moakley
Roukema
Saxton
Smith (NJ)
Towns

□ 1221

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## APPOINTMENT OF MEMBER TO THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, and pursuant to clause 11 of rule X and clause 11 of rule I, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. BOSWELL of Iowa.

There was no objection.

APPOINTMENT OF MEMBER TO THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 4(a) of Public Law 94–118 (22 U.S.C. 2903), the Chair announces the Speaker's appointment of the following Member of the House to the Japan-United States Friendship Commission:

Mr. MCDERMOTT of Washington.

There was no objection.

SPECIAL ORDERS

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

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

(Mr. MORAN of Kansas 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 North Dakota (Mr. POMEROY) is recognized for 5 minutes.

(Mr. POMEROY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BRING FINANCIAL SECURITY AND STABILITY TO TAXPAYERS

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, I am delighted to be here today to try and urge my colleagues here in this Chamber and the one across the hall on the urgency of the tax package laid before us, passed by this House, supported obviously by the President who is in New Jersey today trying to urge the Senators from that particular State to be supportive.

Obviously as you watch Wall Street and look at the Dow Jones Industrial Average and you look at the Nasdaq and all of the economic indicators, and also the job losses occurring throughout the country, it becomes more clear and apparent of the urgency of the Economic Growth and Tax Relief Act passed by our body.

We have been certainly applauded and ridiculed by some Members for the speed we brought that bill to the Committee on Ways and Means and then ushered it to its passage on the floor. I will add that we lost not one Republican in the Tax Relief Act, and in fact gained 10 Democrats and one Independent.

Now it is obviously a major, important issue for us to have the Senators consider the important ramifications of not adopting this very important tax relief effort of the President. First and foremost, giving everyone a raise is important because it allows taxpayers to keep more money in their pockets, support their families better, and reduce the burden placed on them by government.

Should Americans spend 40 percent of their income in Federal, State and local taxes? That is a basic question. That is a fairness question and needs to be answered by all parties. I think it is unfair that 40 percent of American's income is paid in Federal, State and local taxes.

Should families pay more in taxes than for food, clothing, and shelter combined? That makes no sense whatsoever. Wasteful Washington spending is a dangerous road to travel in a weaker economy. We are concerned. We hear the notion of triggers that have been advocated by some, and we suggest if you use a trigger on anything, use it on spending as well, to make sure that budget surpluses do not continue and we do not spend our way back into the days of a $5.7 trillion accumulated debt which we witnessed when we came to Congress in 1994 and quickly reversed.

We should let the American people spend their own money to meet their own needs. There are too many people in this Chamber and too many people in this Capitol who believe that the money sent to us is Washington's money not the people's money. People every day go to work and work very hard to make a living for themselves and their families only to see so much money taken out in the form of taxation: Income tax, estate tax, excise taxes, property taxes, you name the litany of taxes, whether it is on your cable bill, TV bill or other charges such as gasoline taxes.

What will happen if we pass our tax relief bill. We believe more jobs, more take-home pay, a stronger economy. It will save the average family of four earning $55,000 a year, certainly not rich, approximately $1,930. To some that may be small, but to the family earning $55,000, that is a watershed of new moneys to help save for college or pay for prescription drugs.

At least 60 million women income-tax payers will save money with our plan. More than 60 million African American income-tax payers will save money with our plan. More than 50 million Hispanic income-tax payers will save money on our plan. This means more money for college, a second car, or even a much-needed vacation.

So let us not have the constant politics-over-people argument that seems to resonate in our capital city. Let us put people before politics and pass a bill that will help us bring financial security and stability to our taxpayers. Let us return their hard-earned money to them so they can spend it in their community, on their families and on their priorities. Let us not make our priorities forced upon them. We can balance Social Security and secure it for the future. We can save Medicare. We can do so many things, including a prescription drug policy, but we also have to recognize that every priority a Member of Congress assumes is so does not need to be that of every American.

Mr. Speaker, let us balance the objective and rule with fairness and provide relief, fiscal strength and security, and move this bill forward so that the President of the United States can have a chance to pass this very important legislation.

□ 1230

COMBATING AIDS

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, recently drug companies announced that they would sell anti-AIDS drugs in southern Africa at a considerable discount. This would still entail hundreds of dollars per person. The recent experience of Bristol-Myers Squibb gives me caution. A $100 million, 5-year initiative that was meant to donate money for AIDS drugs in Africa has boiled down to almost nothing. The reasons are not entirely clear. Although this was to be a charitable gift, the money has come down to $1.3 million per year to five participating countries.

I recall that when Prime Minister Mbeki of South Africa was here for a visit last year, we all wondered why Mbeki was embroiled in a torturous notion about the cause of AIDS. I wish he had been more forthright about what his real problem was, and when he met with the Congressional Black Caucus I believe I was able to extract from him what his real problem was. South Africa offers free medical care, and on cross-examination it became clear that if South Africa were to even use the rather inexpensive drugs to combat mother-to-infant transmission it would use up its entire medical budget.

We must not forget that with the great importance we attach to drugs and especially the agreement of some of these companies to offer drugs at discount rates in southern Africa, that in developing countries nothing can replace prevention. In this country, Medicaid is overwhelmed with the costs of AIDS, but it is an entitlement, so people are going to get it. In developing countries, where there is TB and malaria and hundreds of other diseases, to superimpose our notion of how to combat the disease is not going to work. I hate to consider it, but it is true. It seems to me that it is time to face the importance of continuing to stress prevention as the most important strategy not only in this country but especially in developing countries.

Developing countries are being set back decades because of the AIDS crisis. To the great credit of some of the companies and others around the world, we want drugs to be made available to developing countries as well. It

will be important to prioritize which drugs to which people. Mother-to-children drugs that are especially effective in keeping children from getting AIDS at all would be very, very important. But, beyond that, we have got to tailor strategies for combating AIDS to the environment in which those strategies are expected to work.

In Africa, we greet the decision of the drug companies to offer drugs at discount rates. At the same time, we must remind ourselves that most of our effort must go into preventing AIDS, which has already become a catastrophe of epidemic proportions in southern Africa.

## CONDEMNING DESTRUCTION OF BUDDHAS IN AFGHANISTAN

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

Mr. ENGLISH. Mr. Speaker, all too often we in Washington are insulated from major events that are going on around the world, events that directly or indirectly impact us. But there are few events more grotesque than something that happened just over the last couple of weeks in Afghanistan, an act of barbarism, an act of mindless iconoclasm by a regime noted for its intolerance of all values that do not precisely conform to their own. Here I am referring to the decision of the Taliban outlaw government in Afghanistan to sanction and encourage the destruction of two standing Buddhas of enormous importance to world culture.

The Bamiyan standing Buddha statues in Afghanistan up until this point have been one of the greatest wonders of the world and one of the marvels of that region and one of the remaining gifts that the cultures of that part of central Asia had given the entire world. They were a magnificent example of human artistry and skill.

Mr. Speaker, those statues had represented a common heritage of all mankind. The Bamiyan Buddhas had survived hostile onslaughts over the centuries, but they did not survive destruction at the hands of religious zealots and heretics.

Afghanistan is a country with a very rich and enormously complicated history. Because of its mountainous terrain, it was often on the border of different empires that washed across the history of the world. It was briefly a Greek region under Alexander the Great, and it was also a Buddhist region in the third century B.C., Buddhism having been launched there by the Emperor Ashoka of the Mauryan empire.

At that time, Afghanistan lay at the heart of the silk route, which was a source of trade that moved from east to west.

Accompanying the caravans of precious goods, Buddhist monks came and went, teaching their religion along the route. From this very part of the world Buddhism established itself over the centuries in China, Korea, Japan, Tibet, Nepal, Bhutan and Mongolia.

In the early centuries of the Christian era, a new art form emerged, the art of Gandhara, the ancient name for part of Afghanistan. During this period, the earliest Buddhist images in human form evolved in this Kushan/Saka area.

The caravans on the silk route often stopped in the Bamiyan Valley. It was one of the major Buddhist centers from the second century up to the time that Islam entered the Valley in the ninth century.

There these two giant Buddhas, one of them the largest standing image of Buddha in the world, more than 120 feet high, stood, until this week. These symbols of their ancient faith were cut out of the rock sometime between the third and fifth centuries A.D. The smaller statue of Buddha was carved during Kanishka the Great's reign. It was estimated that two centuries later the large Buddha statue was carved.

I have to tell you, it is striking to me as an archaeology buff that both of these statues were dressed in togas of the Greek style imported into India by the soldiers of Alexander the Great when he invaded the region between 334 and 327 B.C.

The features of these statues of Buddha had disappeared. During the centuries, undoubtedly, there had been earlier bouts of iconoclasm. The idea behind the destruction was to take away the soul of the hated image by obliterating, or at least deforming, the head and hands.

The intolerance of the Taliban in leading to this destruction needs to have a strong international response. The Taliban has clearly failed to recognize the value of any art that does not conform precisely to their religious purposes. The Taliban are only the temporary holders. Their government is only a custodian of this area. We cannot tolerate their willful destruction of international treasures that are really holdings of the entire world. We cannot allow them to get away with this action.

The action of the Taliban regime represents the worst case of vandalism in recent history of our ancient past. Today, more and more people are awakening to their heritage and the importance of preserving these sorts of relics. We have in Christian countries many examples of Islamic art that are protected, like the Alhambra in Spain. We know that in Egypt, now an Islamic country, there are relics, there are statues, there are temples that are of enormous significance to the culture of the world.

We need in Congress to send a clear message to the Taliban that this is unacceptable, and we need to bring together all of the nations of the world to express our outrage and take firm action against this cultural imperialism.

## ELECTION REFORM

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

Mr. LANGEVIN. Mr. Speaker, I am pleased to be here today to talk on a special order on election reform.

Today I am proud to introduce my first piece of legislation in the United States House of Representatives, a resolution calling on Congress to take swift and meaningful action on election reform so we can implement significant improvements before 2002. I am committed to making election reform a top priority and ensuring that America's faith in democracy is not diminished by pervasive problems in our voting system. We must enter the next Federal election cycle with full confidence in our Nation's voting technology. That is why I urge my colleagues on both side of the aisle to work together to ensure that in 2002 each and every vote counts.

Exactly 1 month ago, I addressed this House on this very same issue. At that time I spoke of my work as Rhode Island's Secretary of State in modernizing our State's antiquated voting equipment. During my tenure, Rhode Island upgraded its voting machines from the worst in the Nation to among the best. We improved our technology, we improved accessibility, we improved accuracy in our elections and achieved a significant increase in voter participation. Furthermore, all of these reforms were cost effective.

Models exist for accurate and cost-effective election reform that States can replicate to assure true democracy. In fact, my former staff has been working with election officials in Florida and New York as well as researchers at MIT to discuss how they can emulate our success.

Many of our Nation's election administrators right now are working tirelessly to improve their voting systems, and I applaud their efforts to ensure that no voter is disenfranchised and that all ballots are counted accurately. However, I know from personal experience that upgrading an entire State's election system is no small feat. It requires a great deal of planning, investment of time and resources, and the coordination of efforts with different levels of government.

Fortunately, 21 Members of this House have introduced legislation to help improve our Nation's overall voting system. The sponsors of these bills hold a variety of ideological views. However, we all share one common goal, to ensure that our Nation's election system does not undermine citizens' confidence in the democratic process and that every vote counts.

For this reason, Mr. Speaker, I am introducing this sense of the Congress resolution encouraging Congress to make this vision a reality by the 2002 election. Though we may disagree about some of the details, my colleagues and I are willing to put aside

our differences and work for the betterment of our Nation. We must act now to ensure that the United States has an accurate and open election system, we must act now to ensure that our elderly and disabled voters can cast their votes independently, and we must act now to ensure that every one of our Nation's military voters counts.

We can attain all of these goals, but we must begin our efforts immediately to reach them by 2002. One person, one vote is the fundamental principle upon which American democracy stands. Please join me in cosponsoring this resolution and in learning about the various voting technologies at the secretaries of state demonstration I am sponsoring next week which will give us an up-close look at the various types of voting technology available and in taking an open-minded, bipartisan approach to resolving this national problem. Nothing can be more important to Congress than guaranteeing every American free and fair access to our democratic process.

□ 1245

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY 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 Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois 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. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## FOCUS ON SPECIAL EDUCATION FUNDING

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

Mr. KIND. Mr. Speaker, as a member of the Committee on Education and the Workforce, I was delighted to see in last year's campaign all the attention that candidates, whether it was for Congressional or Senate offices, but especially at the Presidential level, devote so much time and attention and substance to education policy. In fact, this is a reflection of the concerns that the American people have genuinely, certainly the constituents who I represent in western Wisconsin. I am continuously reminded by them of the importance of education. They recognize, as I think we all do in this Chamber, that education must be a local responsibility, that there is a strong State interest, but it should be a national priority.

That is why I am hopeful that as we are beginning work on the Committee on Education and the Workforce in this session of Congress, especially trying to reauthorize the elementary and secondary education bill, that there can be a lot of ground for bipartisan agreement, providing needed resources back to the local school districts with flexibility on how best to use those resources, but along with some accountability, so we see the desired results in student achievement in the classroom.

However, one area of education policy that previous Congresses have woefully fell short on has been our responsibility to fully fund our share, our obligation, to special education needs throughout the country. In the last couple of sessions of Congress, there was a recognition that we were underfunding the IDEA, Individuals With Disabilities Education Act, and we were not living up to the promises that we made to so many children across the country. In the last session of Congress, we, in fact, increased the appropriation level by 27 percent for special education needs. But nevertheless, we have a responsibility to fund that at 40 percent of the per pupil expenditure throughout the country. Even with that 27 percent increase last year, we are still only funding our share at slightly less than 15 percent of the 40 percent that we should be doing for local school districts.

This is the number one issue I hear about back home from teachers and administrators and parents, that if we can do one thing right in this session of Congress, that is to live up to our responsibility and fully fund IDEA. But the fact that we are not funding it at the appropriate level has a dramatic impact on countless students across the country.

Just some quick numbers. Roughly 6.4 million disabled children in America receive special education services. There are 116,000 of these students in my home State of Wisconsin alone identified as needing special education services. By 2010, it is expected that there will be an additional half a million students served by special education nationwide.

With the advancement of medical technology and medical breakthroughs, school funding is on a collision course with modern medicine. Children who normally would not have survived to school age are now entering the public school system, increasing the responsibility of providing a quality education for these kids, along with the incumbent expense that comes along with it. I believe that this is more than just an education issue, it is a civil rights issue, that we make good by these students who, through particular needs, require more attention and more resources to meet their educational potential.

As elected officials here in Congress, I believe it is our obligation to ensure that funding for programs assisting students with special needs meets the needs of the schools struggling to be fair and inclusive for these students in the school system. In fact, it is one of the fastest growing areas of virtually every school district budget throughout the country, and will continue to be so. Special education services will require a greater responsibility for us here in Washington and to live up to the commitment and the promises that we have made in the past. First, with the passage of the Education for All Handicapped Children Act of 1975, and then with the act which was renamed the Individuals With Disabilities Act back in 1990.

Now, recently, 40 of my new Democratic colleagues here in Congress wrote to President Bush calling for the administration to commit greater resources to the IDEA mission. We are striving to see that that 40 percent Federal responsibility in special education funding as required by law is, in fact, honored. We believe it is a matter of budgetary priorities, and we hope that the administration, when they finally submit a detailed budget plan, will show that commitment to IDEA funding. But, at the very least, we hope it will show the continued commitment that we have established now over the last couple of years in Congress for increasing Federal appropriations so we can finally achieve full funding at 40 percent.

We also advocate increasing the Federal appropriations for part D of IDEA, which is used to provide professional development opportunities to special education instructors and staff. Again, it is a constant refrain that we hear from the school officials back in our school districts.

It is imperative, however, that we do not embrace full funding of IDEA in exchange for reduced Federal funding for other ESEA-related programs. In this era of unprecedented budget surpluses, we have a unique opportunity to provide effective government support that is most sought after by American families and we should not squander this opportunity by shortchanging any of our children's educational potential.

## FULL FUNDING FOR IDEA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY of Oregon) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to speak briefly about an issue that has become very near and dear to my heart. I spent the last several months speaking to superintendents, teachers, parents, and community leaders across my district, and one of the issues they say is the most important to them is full funding. When I talk about full funding, this is for the Individuals With Disabilities Education Act, full funding which, in this

case, means going up to 40 percent of the excess cost.

Mr. Speaker, we began this discussion 26 years ago when we agreed with States and local education agencies that we should provide a free and appropriate education to every child who has a disability. We knew this was going to require a large investment, not only by the States and local school districts, but by the Federal Government as well. The Federal Government made a promise. They said, we are going to pay up to 40 percent of the excess costs for every student. However, we have not done that. In fact, this year we are doing the most we have ever done, and we are up to less than 15 percent.

I participated in a lot of conversations regarding full funding of IDEA in the past couple of months with my colleagues, committee staff and leadership. Full funding is a large investment, I understand that, and it raises some concerns. One of the concerns I have heard is that if we increase the amount of money going to the States to educate children with disabilities, that the school districts will over-identify these children to get more money. Well, I want to tell my colleagues that that is simply not true. Let us talk about the real situation that is happening in our schools.

Again, the Federal Government right now is giving a little over one-third of the money that they promised 26 years ago; and as a result of this underfunding, what has happened is schools have had to pull money out of other programs to make up for it. They have had to pull money out of textbooks and after-school programs and additional teachers. As a consequence, what we are seeing is an under-identification of children with disabilities. School districts hesitate to label a child with learning disabilities or behavioral problems or mental disorders because they cannot afford to provide them the services they need. Fully funding IDEA will not result in a mass frenzy of school districts to label as many children as they can with disabilities. In fact, just the opposite will happen. If we can get young children the services they need early on, we may prevent a need for more drastic intervention later on.

Mr. Speaker, I have introduced bipartisan legislation with the gentlewoman from Connecticut (Mrs. JOHNSON) and many of my colleagues here today. Our bill would authorize funding to bring the Federal Government's share of educating children with disabilities up to the 40 percent mark by 2006, so we are trying to do it over a period of time. It is expensive. This increase will cost about $3 billion a year. It is a large investment, but we must remember, if we do not pay our fair share of the cost, our share does not just go away; someone else is covering for us.

Mr. Speaker, it is time we kept the promise that we made to our children 26 years ago and invest in the education of every child.

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

(Mr. HONDA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## REINTRODUCTION OF SPOUSAL REUNIFICATION ACT

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 today to ask that my colleagues join me in supporting legislation that I reintroduced today that would permit the admission into the United States of nonimmigrant visitors who are the spouses and children of permanent resident aliens residing and working in this country.

This legislation is intended to fill a void in our current immigration policy that has resulted in permanent resident aliens, people who have come into this country legally and who are gainfully employed, being separated from their spouses and children often for periods of several years. This bill would simply make it easier for family members to come to the United States on a temporary basis with provisions to penalize those who overstay their visas. Its goal is to alleviate the human hardship of prolonged family separation.

Mr. Speaker, the legislation would eliminate the implication that the existence of a petition for permanent residence implies that an applicant will not return to his or her home nation and would remain in the United States after the expiration of a temporary visa. This equitable solution simply grants to immigrant family members the same opportunity to visit the United States as all others desiring to come here as visitors or students. The legislation anticipates the possibility that some may violate the terms of their visas by overstaying the period for which the visa provides. It penalizes spouses or children of permanent residents who overstay their visas by allowing the Secretary of State to delay their permanent visa petitions for one year if visa durations are violated.

Mr. Speaker, as my colleagues may remember, last year in the Omnibus Appropriations bill, Congress took a step in alleviating this hardship. The Omnibus bill created a new V nonimmigrant visa category. This new visa would be available to spouses and minor children of legal permanent residents who have been waiting 3 years or more for an immigrant visa. The recipients of this temporary visa would be protected from deportation and granted work authorization until immigration visa or adjustment of status processing is completed.

However, while this new program has good intentions, Mr. Speaker, 3 years is still too long to be apart from one's loved ones. My bill would immediately expedite the process in allowing foreign-born immigrants to see their family for a short period of time before they are eligible for the V visa. My legislation would not nullify the V visa, but rather provide for temporary visas in the interim.

Mr. Speaker, I am hoping that this proposal will receive strong support from Members of Congress, particularly members of our Caucus on India and Indian-Americans, and other Members who agree with the need to address this inequity. The issue of spousal and child reunification has been identified as one of the top domestic priorities of the Asian-Indian community in the United States. With the India caucus members working together, enactment of this bill would be an opportunity for the caucus to make its presence felt in another substantive way. Furthermore, this proposal has already received significant support from some of America's major corporations, particularly in the information and communications sectors, who recognize the importance of allowing their valued employees to have greater contact with their families.

The bill is, by its very nature, an interim measure in order to allay some of the misunderstandings that may arise. It should be pointed out that the legislation will not result in an increase in the number of immigrants admitted annually. It will not have an impact on the labor market, and it will not have any adverse effects on any government social programs since the spouses would not be entitled to these benefits. It is a very modest proposal intended only to bring some relief to families separated by unfortunate administrative delays.

## SUPPORTING FULL FUNDING FOR SPECIAL EDUCATION

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

Mr. ALLEN. Mr. Speaker, I rise here today to support full funding of special education, not next year, not the year after, not 10 years from now, but this year. I want to begin with a few comments that should be obvious.

First, the Individuals With Disabilities Education Act of 1975 authorized Congress to cover 40 percent of the cost of special education in order to provide students with disabilities a free and appropriate education.

□ 1300

That was in 1975. It has been a long time, but we have not come close to fully funding special education.

The points I want to make at the beginning are these:

First, the mandate to provide a free and appropriate education to students with disabilities was a Federal mandate. It was passed by this Congress, and it required the States and local school districts to spend more than

they had on students with disabilities. It was a Federal mandate that has never been matched by appropriate Federal funding.

Second, the funds that pass through our special education program are not spent in Washington, D.C. They are spent in local school districts in local schools for teachers, for supplies, for all those things that help strengthen our local education programs.

Third, this year the money is available. No one can say that we cannot find the money to fully fund special education this year because the size of the surpluses that are in front of us make it clear that if we do not fully fund special education it will only be because there are other priorities.

Now, when I listen to some of the rhetoric from my Republican friends on the other side of the aisle, I sometimes wonder, for this reason. We learned in school that the thighbone is connected to the hipbone, and we learned as adults that expenditures are connected to revenues. What we have coming into our family, our business, our government is matched, is related to, what our family, our business or our government spends.

But we hear our friends say that it is not the government's money, it is our money. They say things like, we do not want money spent in Washington. Well, special education funds are spent in local school districts. Our education systems belong to all of us. It is our education system, just as it is our national debt, our air traffic control system, our Medicare, our Social Security. These are the things that we own and we cherish in common.

When I have been traveling around my district back in Maine holding meetings. The number one priority of educators in Maine, of people who care about improving our public schools, is full funding of special education: Get Federal funding up to that 40 percent level. Where is it right now? It is 14.9 percent, the highest level it has ever been since 1975. It is today at 14.9 percent. That is after 3 successive years of billion-dollar increases.

We have done more in the last 3 years for special education than ever before. But today, if the tax cut that the President has proposed goes through, we will not be able to fully fund special education. In all probability, if the projections hold, we will not be able to fund it this year or next year or any time in the next decade.

So that is why we have a unique opportunity today to fully fund special education. If we do, it will help special education kids, it will help regular kids, because it will free up funding for improvements in our regular education programs; and it will provide real relief in the future for our property taxpayers, who right now, certainly in my State of Maine and around the country, are really under a great deal of pressure to fund students that they are required to fund and should be funding, but because of a mandate passed by Congress, by the Federal government, in 1975, we have never, we have never lived up to our responsibilities.

The other two items that I hear a great deal about from people in Maine who care about education have to do with how we are going to find teachers, how we are going to find, hire, and retain teachers to teach these children and how we are going to renovate and build new schools when we need to do that. But, always, special ed is at the top of the list.

I urge my colleagues on both sides of the aisle to take this historic opportunity that may not come again to fully fund special education, not next year, not 10 years from now, but this year. We can do that with $11 billion; and $11 billion as compared to the $1.6 trillion tax cut, that is no comparison at all.

There is no reason why we cannot fully fund special education this year. I urge my colleagues to do just that.

## WOMEN'S HISTORY MONTH; AND THE HIV/AIDS VIRUS AS IT AFFECTS WOMEN AND CHILDREN

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I am very pleased to be here this afternoon for this important special order to celebrate Women's History Month. I know my colleague, the gentlewoman from Illinois (Mrs. BIGGERT), will be continuing with this special order.

I would like to point out that, as we approach a new century, there is no doubt that women have made great strides in business, the professions and trades and as leaders in government. Society is the richer for it.

Although women have made enormous strides, discrimination in the workplace still exists. So does discrimination in health research and in the delivery of health care or the lack thereof, steadfastly remaining our problem, ''a woman's problem.'' We have to continue to improve the lives of women and children, which ultimately will benefit everyone.

Mr. Speaker, we are going to hear from my colleagues the history of women's health, and I do want to say that women are not little men. I am pleased, with my colleagues many years ago, we celebrated the 10th anniversary of the Office of Research on Women's Health at the National Institutes of Health. Prior to that time, women were not included in clinical trials or protocols.

There was the famous aspirin test with regard to cardiovascular disease. It was done with about 44,000 male medical students. Yet the extrapolation was that this is the way women would be affected by it. Well, there is breast cancer, ovarian cancer, osteoporosis, lupus. We now are beginning to concentrate on research with regard to women and the implications of those diseases and diagnoses and treatments.

But I thought that I would devote my time now to speak about a silent epidemic which is not often spoken about, a kind of silent genocide, if you will, the death and dying that no one is really addressing: those that occur to women and children who carry the HIV virus and represent the growing face of the AIDS epidemic.

We are at a crossroads in the history of the AIDS epidemic. Thanks to dramatic new treatments and improvements in care, the number of AIDS-related deaths has begun to decline. However, while we have made great strides, the crisis has not yet abated. Continued research is needed to provide better, cheaper treatments and eventually a vaccine or a cure.

Remarkable medical advances have done nothing to stem the rise in new infections among adolescents, women, and minority communities. In fact, the well-publicized success of new drug therapies has encouraged some to believe that the epidemic has peaked, making it harder than ever to reinforce the need for prevention among those who are most at risk.

As a result, HIV/AIDS remains a major killer of young people and the leading cause of death for African Americans and Hispanics between the ages of 25 and 44. Across this country and around the world, AIDS is rapidly becoming a woman's epidemic. Women constitute the fastest-growing group of those newly infected with HIV in the United States. Worldwide, almost half of the 14,000 adults infected daily with HIV, for example, in 1998, were women, of whom nine out of the 10 live in developing countries.

In Africa, teenage girls have infection rates five to six times that of teenage boys, both because they are more biologically vulnerable to infection and because older men often take advantage of young women's social and economic powerlessness.

Statistics of the economic, social and personal devastation of HIV and AIDS in subSaharan Africa are staggering. Now 22.3 million of the 33.6 million people with AIDS worldwide reside in Africa, and 3.8 million of the 5.6 million new HIV infections occurred in Africa in 1999. By the year 2010, 40 million children will be orphaned by HIV and AIDS. Children are being infected with HIV and AIDS, many through maternal-fetal transmission.

Biologically and socially, women are more vulnerable to HIV and AIDS than men. Many STDs and HIV are transmitted more easily from a man to a woman and are more likely to remain undetected in women, resulting in delayed diagnosis and treatment and even more severe complications. Yet, more than 20 years into the AIDS crisis and at a time when the incidence of HIV and STDs is reaching epidemic proportions, the only public health advice to women about preventing HIV

and other STDs is to be monogamous or to use condoms.

I have been working very hard and we have had many results with regard to the development of microbicides to help to prevent the spread of HIV and other STDs and have legislation to do so. So much more needs to be done.

I do hope that all of us in Congress will look at what we can do to stop that hemorrhage of HIV and AIDS, especially in women and young people.

## WOMEN'S HISTORY MONTH AND WOMEN'S HEALTH ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, as we know, we proclaimed Women's History Month last week; and the topic last week was on education, women and education. Today I rise to speak about women's health issues as part of our Women's History Month series.

Since the earliest days of the Nation, women have acted as the health gatekeepers of their families. In recent years, however, it has become clear that women have significant health concerns of their own, such as breast and cervical cancer, heart disease and osteoporosis.

But women's health issues are much more than individual diseases. It is a lifespan issue, beginning with the delivery of high-quality prenatal care services to when a woman lives out of her final days, hopefully after a full, productive and healthy life.

Sadly, though, Mr. Speaker, the health of the Nation's women is severely jeopardized by preventable illnesses, inadequate access to health care, poverty, domestic violence, chronic disease and a host of other factors.

Currently, nearly 18 percent of nonelderly women have no health insurance. Even worse, more than 30 percent of Hispanic women and nearly 25 percent of African American women between the ages of 19 and 24 have no health insurance.

Cardiovascular disease is the number one cause of death among all women. Lung cancer is the number one cancer killer of women, and its rate continues to increase. Battering is the number one cause of injury to women today, causing more injuries that require medical treatment than car crashes and mugging combined.

In addition, one study found that 25 to 45 percent of battered women experience physical violence while they are pregnant.

Much shame, Mr. Speaker. So much work needs to be done to help alleviate these startling statistics. There needs to be increased funding and more major national projects for women's health research, services and education. There is also a need to be a focus on women's health through the life cycle: adolescent, reproductive, middle-aged and older women, since their needs are different.

Last but not least, Mr. Speaker, we need to work to eliminate barriers to health care services for underserved women.

Mr. Speaker, much work has been done in the last couple of decades concerning research and education about women's health, but there is much more to be done. When the President spoke at the State of the Union, he mentioned an increase in funding for NIH. I was pleased to hear that, because I felt that we can have an increase in funding for cervical cancer, breast cancer, lung cancer, heart disease and diabetes. So Mr. Speaker, I will be introducing a bill suggesting the increased funding for those areas.

I would also call on the President to provide the health insurance for those over 10 million children who are without health insurance and the women who are without health insurance.

So, as we celebrate Women's History Month, let us be mindful of the need for increased funding for women's health.

## WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, as the Republican co-chair of the Congressional Women's Caucus, I am very excited about what the 107th Congress promises for women, particularly in the area of health care. There have been great strides made in recent years in the area of women's health care, and I think that since the month of March is Women's History Month, I would like to thank my colleagues from the Congressional Women's Caucus who are taking the time to come down here this afternoon out of their busy schedules to discuss women's health issues.

□ 1315

I think that a number of women will be discussing issues from eating disorders, breast cancer, and long-term care; and these are issues that affect all women, no matter their age, race, nationality or sexual orientation. I commend my colleagues for continually taking the lead on these important issues and look forward to continuing our work in the 107th Congress.

Mr. Speaker, I would like to, I think, look at one issue, but I cannot begin really without talking about that, for the first time in history, that the House Subcommittee on Health will be chaired by a women, the gentlewoman from Connecticut (Mrs. JOHNSON), our friend and colleague. That is very fitting when the issues that affect women have become so dramatic.

One of the issues that I would like to address in the area of women's health care that I care deeply about is long-term care. I think long-term care has long been called the sleeping giant of all U.S. social problems. This issue affects all Americans but particularly women for three reasons: Number 1 is we live longer; number 2, we are the ones who take care of our aging relatives; and, number 3, we are much more likely to retire with little or no pension savings. That makes us especially vulnerable to the high costs of long-term care.

The Census Bureau estimates that there are currently 34 million Americans aged 65 and older living in the United States. By 2030, that number is expected to more than double to 70 million, some 20 percent of the population. The fact that Americans are living longer and living more healthy lifestyles than at any time before should be celebrated. However, it does present a challenging public policy problem.

These numbers demonstrate the demand for long-term home or institutional care is going to grow exponentially. Neither the public nor the private sectors have adequately planned to meet the overwhelming future demand for long-term care services.

We must increase the public's awareness of the importance of preparing for long-term needs, as well as encourage individuals to save for their future, to invest in IRAs and mutual funds and to purchase long-term care insurance policies.

In addition, we must encourage employers to provide long-term care coverage as part of their employee benefit plans.

This is why I plan to reintroduce legislation that I introduced in the 106th Congress, the Live Long and Prosper Act, Long-term Care and Retirement Enhancement to address this issue.

There are several ways my bill addresses the problem facing long-term care.

First, my bill provides an above-the-line deduction, starting with 60 percent in 2002 and rising to 100 percent in 2006, for the cost of long-term care insurance premiums paid during a given year for the taxpayer, his or her spouse and dependents.

These provisions will make long-term care insurance more financially accessible, particularly for the young and those with lower incomes.

Second, my bill gives employers the option of providing long-term care insurance coverage as part of a cafeteria plan, in which employees are able to choose from a variety of medical care or other benefits, or flexible spending account, in which employees set aside pretax dollars for copayments or deductibles on insurance plans.

Third, my bill provides an additional personal exemption to the estimated 7 million Americans who provide custodial care to an elderly relative living in their home. The exemption was valued at $2,750 in 1999 and should help to alleviate some of the financial burdens involved with caring for a loved one at home.

These are just a few of the provisions of the bill, and they represent a market-based solution to an ever-growing demand for long-term care services and financing. But the financial incentives alone will not be enough to address the potential long-term care delivery and financial crisis.

Mr. Speaker, I urge all of my colleagues to take a look at that bill and to look at the women's health issues that are involved therein.

## MANAGED CARE REFORM—MEDICAL NECESSITY

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

Mr. GREEN of Texas. Mr. Speaker, I would like to congratulate my colleagues, the congressional women, for making this effort today for special orders for women's health care. I would like to associate myself with their remarks, because everything they have said on a bipartisan basis is so important.

The reason I am here today, Mr. Speaker, is that the third time I have talked about the importance of managed care reform, real managed care reform, 3, 4 weeks ago I talked about the independent review process, and the accountability 2 weeks ago, and today I want to talk about medical necessity.

Every patient in America deserves to have important medical decisions made by his or her doctor, not by an HMO bureaucrat. Unfortunately, managed care personnel, who often have no substantial medical training, are determining what is medically necessary.

This practice endangers patients, threatens the sanctity of the doctor-patient relationship and undermines the foundation of our health care system.

Most managed care companies base treatment decisions on professional standards of medical necessity. But we often hear cases where HMO plans write their own standards into their contracts, and these standards often conflict with the patients' needs.

The case of Jones v. Kodak clearly demonstrates how a clever insurance health plan can keep patients from getting the needed medical care.

Mrs. Jones' employer provided health insurance coverage for in-patient substance abuse treatment. Unfortunately, the health plan determined that she did not qualify for this treatment. Even after an independent reviewer stated that the plan's criteria was too rigid and did not allow for tailoring of case management, Mrs. Jones was still denied treatment.

To add insult to injury, the courts stated that the health plan did not have to disclose its protocols or its rationale for making that decision.

A health plan's decision does not have to be based on sound medical science, standard practices or even basic logic. In fact, a health plan can make medical necessity decisions using this child's toy called the Magic 8 Ball and not have to disclose the rationale, and when you turn this around and it says what do they suggest you are going to do, this is no way to practice medicine in our country.

Mr. Speaker, unless Congress enacts meaningful patient protection legislation, the outlook will not be good for our patients.

H.R. 526, the Bipartisan Patient Protection Act will ensure that treatment decisions are based on good medical practice and take individual patient circumstances into account.

This legislation will protect patients from arbitrary and capricious decisions and will put health care decision-making back in the hands of the doctors and the patients. The patients should not have to be behind this eight ball when it comes to their health care, and we should not have to depend on the system that is patterned after this Magic 8 Ball when it says do not count on it for adequate health care treatment.

Congress must act now to protect them.

## WOMEN'S HEALTH ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I want to commend my colleagues, the cochairs of the Women's Caucus in Congress, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from California (Ms. MILLENDER-MCDONALD), for organizing this time to speak on women's health issues.

Mr. Speaker, I am pleased that many members of the Women's Caucus are participating today on this important topic.

As a nurse, I have made access to health care one of my highest priorities in Congress, and I think it is particularly important to focus attention on women's health.

Last year, we had a number of victories for women's health. The House was able to pass the Breast and Cervical Cancer Treatment Act. This legislation will allow us to provide the necessary resources for low-income women to fight these deadly diseases. We were also successful in reauthorizing the Violence Against Women Act.

These are two major accomplishments, but we still have such a long way to go. Until recently, women's health resources were often concentrated on women during their reproductive years. However, with the average life expectancy of women now in the United States approaching 80 years, it is increasingly clear that we need the resources to protect a woman's health at every stage of development.

Each new life stage poses its own unique developmental demands upon a women's body. This is why further research on women's health is so critical. Certain diseases and conditions are more prevalent among women than in men or affect women differently. Studies show that women are suffering from heart disease, breast cancer and depression at alarming rates. And as women live longer they are more likely to suffer from chronic conditions such as arthritis, diabetes and osteoporosis.

There are countless initiatives here in Congress that seek to improve the health of women. I want to touch on just a few.

For example, President Bush's recent reinstatement of the Mexico City policy is, I believe, a huge step backwards for millions of women around the world.

The Mexico City language imposes a gag rule on other countries who wish to use their own reproductive resources for abortion and instead use the needed assistance from the United States to assist with family planning.

Family planning saves lives by helping women plan their pregnancies for the healthiest and safest time. Of course, in so doing, it reduces the need for abortions.

As my colleague, the gentleman from Texas (Mr. GREEN), was just speaking about, we need to pass the Patients' Bill of Rights. This legislation would guarantee that patients and doctors control critical health care decisions, not HMOs. This will improve health care options for millions of American women.

We also need to provide prescription drug coverage for Medicare recipients. The majority of seniors are women, and many of them cannot afford the skyrocketing costs of multiple prescriptions.

Proper treatment of depression and mental illness is another important issue for women. Depression afflicts twice as many women as men.

As many as 400,000 women each year suffer from postpartum depression alone. We need to raise awareness about postpartum depression in order to lower the chances that women and their families will suffer from this condition.

Parity for mental health is another important topic and an issue that affects women. It is time that health insurance plans recognize mental illness as just that, an illness.

I am so pleased that courageous women like Tipper Gore and the gentlewoman from Michigan (Ms. RIVERS), our own colleague here in Congress, have worked hard to increase public awareness about mental illness and to work on destigmatizing depression.

Another major concern for health concern for women is hypertension. It is a major risk factor in cardiovascular disease, and it is two to three times more common in women than in men.

Mr. Speaker, I am now the cochair of the Congressional Heart and Stroke Coalition, and I am working closely with American Heart Association to

raise awareness of and response to cardiovascular disease and stroke.

This spring here in the House of Representatives we will be conducting some hearings on the effect of women and heart disease together. Increased research on these and other women's health issues can and will improve the quality and length of our lives.

Mr. Speaker, I, along with my colleagues in the Women's Caucus, are committed to raising awareness about women's health issues and to increase funding for women's health research; and today is an opportunity for us to speak on different topics but with a united voice. We, colleagues in the Women's Caucus and men as well and Members of Congress, are talking about and raising the awareness of issues pertaining to women's health.

## HEALTH INITIATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I rise today to speak about the state of public health in America. Although we know more about health hazards and the importance of a healthy life-style today than we did 25 years ago, our health is actually getting worse in many respects.

Chronic diseases account for three out of four deaths in the United States annually; and 100 million Americans, more than a third of the population, suffer from some sort of chronic disease.

Chronic conditions are on the rise. The rate of learning disabilities rose 50 percent in this last decade. Endocrine and metabolic diseases such as diabetes and neurologic diseases such as migraine headaches and multiple sclerosis increased 20 percent between 1986 and 1995.

The rising incidence of disease can be attributed partly to the environment. This means not only air pollution and the rising $CO_2$ levels, which affect the quality of the air we breath, but factors such as industrial chemicals and plasticizers, increased exposure to low-dose radiation from sources that range from toasters to aircrafts, certain medications which affect the hormone production, and especially a person's life-style, including the diet, tobacco and alcohol use.

Mr. Speaker, I was proud recently to introduce the Women's Health Environmental Research Centers Act, a bill that enhances scientific research in women's health.

□ 1330

There has been a lack of initiatives to especially look at women's health in connection with the environment. Women may be at a greater risk for disease associated to environmental exposures due to several factors, including body fat and size, a slower metabolism of toxic substances, hormone levels, and, for many, more exposure for household cleaning reagents.

Over the past decade, evidence has accumulated linking effects of the environment on women and reproductive health, cancer, injury, asthma, autoimmune diseases such as rheumatoid arthritis and multiple sclerosis, birth defects, Parkinson's, mental retardation and lead poisoning. Lead and other heavy metals found in the environment have been implicated in increased bone loss and osteoporosis in post-menopausal women.

In one interesting study in New York, researchers found that women carrying a mutant form of a breast cancer gene are at higher risk of developing breast or ovarian cancer if they were born after 1940, as compared to women with the same mutant genes before 1940. This suggests that environmental factors are affecting the rates of incidence.

The interaction between environmental factors and one's genes also affect the susceptibility to disease. This will be a major area of research now that the Human Genome Project has been completed and new disease-related genes are being found at a rapid pace.

The evidence is clear and accumulating daily that the by-products of our technology are linked to illness and disease and that women are especially susceptible to these environmental health-related problems.

We need health research programs that are specifically targeted towards women's health. The passage of the Women's Health Environmental Research Centers Act will be a crucial step toward establishing the valuable and needed basic research on the interactions between women's health and environment.

The second initiative needed is to increase awareness and access for Americans to preventive screening tests for diseases such as cancer. Screening will save thousands of lives if it is detected at its earliest and most treatable stage.

I will soon introduce, along with the gentlewoman from Maryland (Mrs. MORELLA), the Colorectal Cancer Screening Act. Often colorectal cancer does not present any symptoms at all until late in the disease's progression. When discovered through screening tests, benign polyps can be removed, preventing colorectal cancer from ever occurring. But, unfortunately, fewer than 40 percent of colorectal cancer patients have ever their cancer diagnosed early.

Colorectal cancer is the second leading cause of cancer death in the United States for men and women combined. An estimated 56,700 people will die from colorectal cancer this year; and 135,400 new cases will be diagnosed. These newly diagnosed cases that will be divided nearly evenly among men and women are particularly tragic because they could be prevented.

Medicare began covering colorectal cancer screening in 1998, and many insurers now cover them also. However, all insurers must give enrollees access to this life-saving benefit, similar to what has been done for mammography screening.

Finally, I would like to mention that Congress has asked the Centers for Disease Control to develop a nationwide tracking network so we can begin to draw the critical link between disease and environmental toxins, genetic susceptibility and life-style. The Women's Caucus followed up with a letter to the CDC director, Jeffrey Koplan, to reiterate our interest in this important initiative.

Although we do not have cures for the most devastating disease that affects women, we can minimize our chances of developing them or at least prolong the years that we are healthy by the understanding of the risk factors, both environmental and genetic, as well as taking control of our health by having preventive screening tests before it is too late.

As a public servant and a scientist, I believe that one of the most important concerns of Congress should be to help to promote America's public health. Congress should commit itself to provide all Americans access to medical technologies that save lives, and Congress must provide continued funding for scientific research across all disciplines.

## NEW ADMINISTRATION IS NOT SERIOUS ABOUT ADDRESSING GLOBAL CLIMATE CHANGES

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

Mr. INSLEE. Mr. Speaker, I, as a Democrat, have an admission to make. I have come before the House to admit that I was fooled into believing that the new administration was actually serious about doing something about global climate change. I was fooled into having hopes that this administration would abide by its promises to show some leadership to do something about carbon dioxide, which is polluting our atmosphere and warming our planet.

I had those hopes until yesterday. I want to tell my colleagues why I had those hopes. The new director of the Environmental Protection Agency, former Governor Christie Todd Whitman, said last week that she wanted to work to do something to reduce carbon dioxide emissions from our polluting plants. A few weeks ago, the Secretary of the Treasury said that he believed that this was a serious problem, that it needed to be addressed, and the government could no longer afford to ignore it.

The President of the United States last September told the American people and promised the American people that, if elected President of the United States, he would work to curtail carbon dioxide emissions from our power

generating plants in this country. A promise, a pledge, a commitment that yesterday was sadly broken when he bowed down to the oil and gas industry and said he was not going to lift a finger to reduce these $CO_2$ emissions, to reduce the pollution that is coming out of our plants.

I was fooled, and I am greatly disappointed. But I have not given up, and the reason I have not given up is because I believe that there are good Members on both sides of the aisle in this Chamber who are willing to show some leadership in moving forward on climate change issues.

I am just alerting Members of the House to this fact that I do not think we can look to leadership from the White House on this after yesterday's stunning reneging on a promise to the American people, and that we need to show some leadership.

I am telling the House this because, if we are going to have action by the Federal Government of doing something about the climate change problem in this country, we in the House are going to need to get out in front of this issue.

I know there are Members on both sides of the aisle who are willing to do this. The gentleman from Maryland (Mr. GILCHREST), who is in the chair today, has shown a recognition and some leadership in this regard.

To do this, I am urging my fellow Members to do a few things: first, to join our Global Climate Change Caucus, a bipartisan group of Members who are committed to finding common sense and workable means of reducing climate change emissions.

Second, I would ask our Members during this tax cut debate that is going on that, no matter what happens in the tax cut, we devote a portion of it to creating incentives for efficient clean energy sources of new technology, wind, solar, fuel cell technology; to bring those technologies to market-based prices; and to use this tax cut debate in a meaningful way on an environmental basis.

I ask Members to join the bipartisan group that is working to try to fashion some package of tax cuts that can help these new technologies become a market base so that we can put them in our homes and our houses.

I ask Members to cosponsor a bill I have called the Home Energy Generation Act that will allow one when one puts a solar panel on one's home to sell one's excess power back to one's utility and have one's meter run backwards so one gets a credit.

There are a lot of things we can do, but I am urging Members of the House to come to the forefront and be leaders because there is going to be a vacuum, unfortunately, out of the White House.

Let me tell my colleagues another thing very disturbing that happened yesterday. The President of the United States, when he decided to ignore the explicit promise to the American people on this $CO_2$ emission issue, said the reason he did so was because he was concerned about prices of electricity going up.

Well, frankly, that is a surprise to us because, for the last 2 months, we have been asking the President of the United States to do something about electrical prices in the West, and he has refused to do anything about it.

We have asked him to adopt a short-term wholesale price cap, to have a circuit breaker to reduce these extraordinary price increases that we are having on the western United States right now. He has refused to even consider it.

We let the greatest transfer of wealth from the western United States to generators of electricity since Bonnie and Clyde roamed the prairies because of these huge run-ups in prices, unprecedented, unjustified, and unreasonable. By the way, this is not just me talking. Our own FERC, the Federal Energy Regulation Commission, under the Bush administration made a finding that these prices were unreasonable, unconscionable. I think unconscionable is my language, but at least they said unreasonable.

Despite that finding, the administration has refused to lift a finger to limit these extraordinary increases in electrical rates. We believe we are going to ask the administration, we have been asking for 2 months to do that.

Let me tell my colleagues why that is so dangerous, Mr. Speaker. I am going to read from the Wall Street Journal article in yesterday's paper, which I will now summarize. We have the possibility of losing 43,000 jobs, this the State of Washington alone, if the administration does not work with this Congress in a bipartisan fashion to adopt wholesale price caps. I hope all my Members will join me in this effort.

## CONGRESS NEEDS TO KEEP ITS 25–YEAR PROMISE

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

Mr. MOORE. Mr. Speaker, I have been in Congress for 2 years, and I have learned a lot of things after I got here. For example, 25 years ago, the Congress passed and the President signed into law a new bill called IDEA, which stands for Individuals With Disabilities Education Act. In that new law, the Congress promised to the State and local school districts, if they would take special-needs children out of hospitals and institutions and bring them into local public schools, that Congress and the Federal Government would fund the cost of education to the tune of 40 percent.

Mr. Speaker, 25 years later, last year, Congress was up to 14.9 percent, not 40 percent, 14.9 percent; and that is outrageous. That is what we call an unfunded mandate, and that is what gets people back home in the real world so upset with Congress. They promised that they would do this and that. The people locally did this, and Congress did not fulfill their portion of the promise.

Well, 25 years later, Mr. Speaker, I think it is time that Congress stepped up it the plate and filled the promise it made 25 years ago.

I wrote President-elect at the time Bush on January 25 and said to President-elect Bush: ''I hope you will set this a priority funding measure in your new budget as the new President.''

I had the opportunity 4 weeks ago to go to the White House and speak with President Bush; and at that time, I said to him, ''Mr. President, this is one of the most important things we can do that I think will beneficially affect education, not only through every State, but throughout our Nation in public schools; and that is full funding of special education the way Congress promised 25 years ago.''

The President said, ''I understand, but we would like to have a little more flexibility and give the States and local school districts an opportunity if they need to build schools or use it for special education.'' Well, 25 years later, again, somebody needs to speak up for special needs children and say Congress should fulfill its promise.

The President has a program he calls Leave No Child Behind. Well, I say to the President that, if we do not do this when we have the opportunity this year or next year, then we will never do this. We will not leave one child behind. We will leave thousands of children behind, and that is disgraceful.

We have projected by the Congressional Budget Office over the next 10 years a budget surplus of $5.6 trillion. The President has recommended a $1.6 trillion tax cut. Surely if we can find the political will to do a $1.6 trillion tax cut, we can find the political will and the backbone to fund a program that is 25 years old for special-needs children in our country.

It does not impact just special-needs children. It will affect virtually every child in public schools in our country, because I have talked throughout my district in every school district throughout my district to school administrators and teachers; and a disproportionate share of the present school funding goes to special-needs children. Nobody begrudges that. God knows they need it. But sometimes the people who are shortchanged are the other kids, and not one child in our public schools should be shortchanged by Congress' failure to perform its promise.

This is not a partisan issue. When one looks at a special-needs child, one does not see a Republican, one does not see a Democrat, one sees a child, a child with needs, and needs that should be addressed by this body.

If at this time in our Nation's history, when we have these huge projected surpluses, we do not step up to the plate and fulfill our promise, shame on us. Shame on us. I hope and believe that the President and the Congress this year will do the right thing.

I talked just yesterday before the Committee on the Budget hearing to Secretary of Education Paige, and Secretary Paige told us that the President had recommended an increase in funding in special education, but far short of the promise Congress made 25 years ago.

We have got to do what is right. I hope and believe we will do what is right. We are a better Nation than the way we have acted for the last 25 years.

□ 1345

## LACK OF HEALTH INSURANCE FOR LOW-INCOME WOMEN

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, today I rise to talk about the deplorable lack of health insurance for low-income women. Nearly 4 in 10 poor women are uninsured. Four in ten.

We know that health care coverage is critically important for low-income women because they cannot afford to pay for health care out of their own pockets. Without health insurance, women may decide not to get needed health care because they cannot afford it. Despite the fact that our country has experienced large economic growth over the past few years, the proportion of low-income women who are uninsured actually rose 32 percent to 35 percent. Clearly, our Nation's economic growth has not reached all segments of our society.

This problem is even more pronounced for immigrant and minority low-income women. Mr. Speaker, 51 percent of low-income Latinas are uninsured. That is more than half. Among uninsured Latino adults in fair to poor health, 24 percent of women have not visited a doctor in the past year. These are women who are not in good health yet nearly a quarter of them have not seen a doctor in 12 months. 42 percent of low-income Asian- American women are uninsured.

Nearly 1 in 5 low-income women are immigrants, and over half of those are noncitizens and they are uninsured. Without health insurance, where can they go for quality health care? Less than a quarter of low-income noncitizen women have job-based health coverage.

Medicaid, or Medi-Cal as we know it in California, has traditionally been a source of support for these women, helping them to receive needed health care services. Unfortunately the changes made in the 1996 welfare law hurt low-income women. The 1996 welfare law separated Medi-Cal from welfare and put new requirements on people receiving cash assistance.

Although the new law pushed people into leaving welfare and onto the job rolls, many of those jobs are low skilled and low paying. Many of those women remain without any form of health care coverage and so do their families. Let us provide them with affordable health care.

## CARDIOVASCULAR DISEASE, NUMBER ONE KILLER OF WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I am pleased to address this august body and this Nation in celebration of Women's History Month. As we celebrate women's history, we have many women who have made major contributions to the advancement of this country. We have Sojourner Truth, Harriet Tubman, Rosa Parks and Barbara Jordan, and other women who have been enormously progressive in terms of advancing the work and the lives of people across this Nation.

In Women's History Month, however, we must remember the importance of keeping women's bodies healthy. Cardiovascular diseases are the number one killer of women. These diseases currently claim the lives of more than 500,000 women a year. Although these statistics are enormous, many women still are not aware of their risk for heart disease. Why is this the case. Studies have shown that women and doctors may not know that cardiovascular disease is the main killer of women, the leading cause of death among women, not breast cancer, or any of the other diseases that we try to find cures for, but cardiovascular disease is the main killer of women.

Women and doctors may not realize the risk factors for cardiovascular disease because it is different in women than men. Women's symptoms of cardiovascular disease may not be recognized because they may be different than men, and women do not receive the same levels of prevention, care and treatment as men. It is important that women understand the risks, recognize the symptoms and reduce the risk of a heart attack. We must also ensure that doctors are provided with the proper educational tools and sensitivity understanding that they need in order to help women make the right decisions about their health and well-being.

It is time, I believe, to reduce the numbers and to focus on living healthy and productive lives. Knowledge about our health is powerful, and working towards having and keeping good health is the first step in living a powerful and productive life.

## WORKING WOMEN DESERVE HEALTH INSURANCE COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Mr. Speaker, it is estimated that 19 percent of women in the United States lack health insurance coverage. Women and their children are disproportionately represented among the Nation's uninsured population, primarily due to the number of women in service jobs and retail jobs which have low rates of employer-provided insurance and lower wages. Many working women have part-time jobs where health benefits are not offered by the employer or cannot afford the premiums to purchase the insurance.

Women who are insured through their spouse's employment are often more susceptible to disruptions in health care coverage. Divorce, death of a spouse, change in job status of a spouse or a change in the dependent coverage through an employer could result in a woman and her children losing health insurance.

We also know that women are living longer, yet the quality of their lives is not always better. Women are more likely to be uninsured than men, and this lack of health insurance is a public health risk.

Studies show that people without health insurance are less likely to receive care and more likely to delay seeking care for acute medical problems. This ultimately adds to the cost because in many cases their medical conditions become more serious producing adverse outcomes that will need extensive follow-up care. Uninsured individuals are less likely to receive primary care or preventive services, which would keep medical conditions from becoming worse.

We all know that women who are diagnosed with breast or gynecological cancers at a later stage are more likely to die from those conditions and diseases than those who detect it early. This is an even greater health risk because we know women disproportionately take care of the family. And as caretakers, women simply do not have the time to be sick. That is why education and prevention and proper health insurance is so vital.

Working women deserve health insurance coverage for themselves and for their children. I am optimistic that we can begin to address the problem of the 43 million people in America who are uninsured and the many more who are underinsured, so that no man, woman or child in this country has health care needs that are not being addressed. No one should be left behind.

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

(Mr. BACA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## GLOBAL WARMING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa

(Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, headlines in USA Today scream: ''Global Warming Is Evident Now.'' U.S. News and World Report's cover story proclaims: ''Scary Weather: Scientists Issue a Startling Forecast of Global Climate Change,'' and they feature a picture of the Earth surrounded by stormy weather.

On television, we see chunks of ice the size of Connecticut breaking off of the Antarctic ice shelf and melting. The New York Times shows us the North Pole as a lake. Glaciers are melting and the snows of Kilimanjaro will soon become a memory.

Mr. Speaker, mosquitoes are living at higher altitudes than they have ever been seen before because it is warmer. Tropical bugs are moving north along with the diseases they carry. And if Iowa, my home State, becomes tropical, will dengue fever or malaria become a problem?

The oceans are warmer and coral reefs are dying. Will we see the oceans rise from one to three feet and flood the 70 percent of the United States population that lives within 50 miles of the ocean? Will global warming cause extreme weather, with droughts in some areas and floods in others? Will heat waves hit cities like Chicago and cause hundreds of deaths?

Will Iowa's farmers find that rainfall comes in monsoons and that growing zones are pushed hundreds of miles north? Will tropical agricultural pests that we have never seen before become common in Iowa? What will global warming do to the world's food supply? Will we see widespread famine?

Will global warming destabilize nations and become a national security problem? Will it cause massive migrations from some countries to others? Will we see a further gap between rich nations who can cope better with climate changes than poor nations that cannot handle disasters?

Mr. Speaker, what is global warming? Is it real? How do we deal with it? Can we alter it? Will it require lifestyle changes? Should we be afraid?

On the other hand, Mr. Speaker, anyone who has paid their most recent monthly energy bills knows that energy prices this winter have gone through the roof. The Des Moines Register headlines proclaim that ''Iowans Are Hurting From High Prices.''

Every national weekly news magazine has stories on the shortages of energy. California is going through rolling blackouts now, and we could see those types of blackouts around the country this summer if we have hot weather.

Fifty percent of the electric energy in this country is produced by coal, which releases four times as much carbon dioxide in the atmosphere per Btu as natural gas, but natural gas prices are at all-time highs because of the shortages of supply. And the greenest of energy resources, nuclear, is hobbled because we cannot store its waste in a safe place in the desert.

We have only been working on this for about 10 or 15 years in Congress. So, Mr. Speaker, what does a policymaker do? How do we, in a democracy, deal with immediate concerns that are causing real hardships, while at the same time look for long-term solutions to potential problems?

□ 1400

Well, my friends, the first thing we have to have is an educated public; and I might add to that, we need educated lawmakers. I want to learn from my constituents, and I want to learn from my colleagues, and I want to learn from experts on this issue, and so I hope that some of my following thoughts will stimulate discussion.

One thing is for sure, Mr. Speaker, and that is that the debate on global warming has generated an awful lot of heat. The unknown can generate much fear. But I think that the more we talk about this issue in a rational way, the better off we will be. Problems present opportunities for solutions that may be beneficial in unforeseen ways if we are creative. So let us look at some of the science and some of the facts.

The Earth's temperature is rising. That is a fact. According to the National Academy of Sciences, the surface temperature of Earth has risen about 1 degree Fahrenheit in the last 100 years. Some regions around the Earth have become warmer. Others have become colder. But if you take all of the Earth in aggregate, including the oceans, the Earth is getting warmer, and it is getting warmer faster than ever before measured.

It is also a fact that carbon dioxide, $CO_2$, atmospheric concentrations have increased about 30 percent since they were first recorded; and in the last 50 years, the concentrations are increasing faster and faster. That, Mr. Speaker, is a scientific fact that no one disputes. Whatever your position on global warming is, no one disputes those facts.

And no one disputes, Mr. Speaker, that carbon dioxide, $CO_2$, is a greenhouse gas. You do not have to be a scientist to understand how the greenhouse effect works.

Under normal conditions when the sun's rays warm the Earth, part of that heat is reflected back into space. The rest of the heat is absorbed by the oceans and the soils and warms the surrounding areas, and that makes our weather. But the recent buildup of carbon dioxide in the atmosphere traps heat that otherwise would be reflected back into space. The resulting warmth expands ocean water, causing sea levels to rise. The heating also accelerates the process of evaporation, even as it expands the air to hold more water. The resulting water vapor, the largest component of greenhouse gases, traps more heat, making for a vicious cycle. The more heat is trapped, the more intense the greenhouse effect.

The international panel of planet scientists that is considered the most authoritative voice on global warming has now concluded that mankind's contribution to the problem is greater than originally believed. Earlier reports said that man-made fossil fuels like coal and oil had probably contributed to the gradual warming of the earth's atmosphere by releasing $CO_2$ trapped beneath the Earth into the atmosphere. The intergovernmental panel on climate change's latest report, with inputs from thousands of scientists around the world and reviewed by 150 countries, more confidently asserts that man-made gases have ''contributed substantially to the observed warming over the last 50 years.''

During the presidential campaign, President Bush said, ''Global warming should be taken seriously but will require any decisions to be based on the best science.'' Today, Vice President CHENEY told me that he thinks global warming is a serious problem, too. I appreciate their concern.

Mr. Speaker, let me read from President Bush's letter to Senator HAGEL:

''My administration takes the issue of global climate change very seriously.'' He talks about various things related to the energy crisis but then closes with this statement. President Bush says, ''I am very optimistic that with the proper focus and working with our friends and allies we will be able to develop technologies, market incentives and other creative ways to address global climate change.''

The President and the Vice President are not alone in their concern. In the last year, Ford, DaimlerChrysler, Dow Chemical, IBM, and Johnson and Johnson have pledged to make big cuts in the greenhouse gases they produce.

Recently, DuPont, Shell, British Petroleum and four other multinational energy companies joined in a voluntary plan to reduce wasteful use of energy and to produce cleaner products. They would like to get credit for their reductions in $CO_2$.

Just last year, I attended a conference put on by the Iowa Farm Bureau. They held a symposium on carbon sequestration and how farmers can get credit for reducing $CO_2$. The chief executive officer of enRon, one of our country's largest energy companies, has said, ''First, the science, although not conclusive, is substantial, and the absence of ironclad certainty certainly does not justify apathy. Second, the cost of obtaining dead certain proof could be high. And, third, I believe that with the right policy, such as carbon credit trading programs and incentives to start reducing emissions sooner rather than later, the cost of control for the next 5 years would be negligible.''

Mr. Speaker, let me say a few words about the Kyoto Treaty on global warming which would attempt to reduce worldwide carbon dioxide emissions. I have traveled to many Third

World countries. They are among the worst polluters. I remember in Lima, Peru, at rush hour hardly being able to see four or five blocks and hardly being able to breathe the air because of the pollutants. Friends tell me that Beijing is even worse.

Now it is true that the United States consumes about 25 percent of the world's energy, but it is also true that our country has invested significantly in energy efficiency and cleaner air. For example, Iowa industries such as Maytag are actually significantly prospering because they have invested in developing energy efficient products. Iowa also leads the country in the production of renewable fuels, like ethanol which recycles carbon dioxide; and Iowa is also a leader in the production of electricity by wind power.

Now, an international treaty has to treat all participants fairly or you will not get compliance. I do not believe that the Kyoto Treaty as it stands today does that. I would have voted with Senator GRASSLEY when the Senate rejected the Treaty 95–0. I think that we need to improve that Treaty.

But, in the meantime, there is much that we can do, both individually and collectively, to help reduce carbon dioxide emissions and to reduce energy consumption. There are many steps that we could do in our own homes to reduce leakage of heat for energy efficiencies, common things that certainly with the high energy costs now would prove cost effective.

I think that collectively through public policy we should promote renewable fuels such as ethanol, promote wind power, fuel cells, geothermal and other 21st century technology. We should invest, both privately and through public grants, in energy efficiency technology. We should look at setting up a carbon credit trading system similar to the acid rain system that has worked so well. We should start to reduce carbon dioxide emissions now by rewarding people for saving energy, and we should try to build a culture that identifies and corrects inefficient use of resources.

If the global warming problem turns out to be not so serious, then, Mr. Speaker, at the least we have helped make our country's industry more competitive with lower energy costs. If the problem becomes more severe than expected, we can phase in larger reductions in greenhouse gases.

Mr. Speaker, as a physician, before I came to Congress, I think this is one area where an ounce of near-term prevention will be worth a lot more than a pound of cure later on. I hope that my colleagues and constituents share their thoughts with me on this issue.

Mr. Speaker, I want to talk for a few minutes today about what I think is the number one public health problem facing the country, and that is the death and morbidity associated with the use of tobacco. I want to discuss why the use of tobacco is so harmful, what the tobacco companies have known about the addictiveness of nicotine in tobacco, how tobacco companies have targeted children to get them addicted, what the Food and Drug Administration proposed, the Supreme Court's decision on FDA authority to regulate tobacco, and on bipartisan legislation that I and the gentleman from Michigan (Mr. DINGELL) will introduce tomorrow that would give the Food and Drug Administration authority to regulate the manufacture and marketing of tobacco.

Mr. Speaker, the number one health problem in our country, the use of tobacco, is well captured in this editorial cartoon that shows the Grim Reaper, big tobacco, with a cigarette in his hand, a consumer on the cigarette, and the title is, ''Warning: The Surgeon General is right.''

Here is some cold data on this peril. It is undisputed that tobacco use greatly increases one's risk of developing cancer of the lungs, the mouth, the throat, the larynx, the bladder, and other organs. Mr. Speaker, 87 percent of lung cancer deaths and 30 percent of all cancer deaths are attributed to the use of tobacco products. Tobacco use causes heart attacks, causes strokes, causes emphysema, peripheral vascular disease and many others. More than 400,000 people die prematurely each year from diseases associated and attributable to tobacco use.

In the United States alone, tobacco really is the Grim Reaper. More people die each year from tobacco use in this country than die from AIDS, automobile accidents, homicides, suicides, fire, alcohol and illegal drugs combined. More people in this country die in 1 year from tobacco than all the soldiers killed in all the wars this country has ever fought.

Mr. Speaker, treatment of tobacco-related illnesses will continue to drain over $800 billion from the Medicare trust fund. The VA spends more than one-half billion dollars each year on inpatient care of smoking-related diseases.

But these victims of nicotine addiction are statistics that have faces and names. Before coming to Congress, I practiced as a surgeon. I have held in these hands the lungs filled with cancer and seen the effects of decreased lung capacity on patients who have smoked. Unfortunately, I have had to tell some of those patients that their lymph nodes had cancer in them and that they did not have very long to live.

□ 1415

As a plastic and general surgeon, I have had to remove patients' cancerous jaws, like this surgical specimen. The poor souls who have had to have this type of surgery to have their jaws removed go around like the cartoon character Andy Gump. Many times, they breathe through a hole in their throat. I have had to do some pretty extensive reconstructions on patients who have lost half of their face to cancer. I have reconstructed arteries in legs in patients that are closed shut by tobacco and are causing gangrene, and I have had to amputate more than my share of legs that have gone too far for reconstruction.

Mr. Speaker, not too long ago, I was talking to a vascular surgeon who is a friend of mine back in Des Moines, Iowa. His name is Bob Thompson. He looked pretty tired that day. I said, Bob, you must be working pretty hard. He said, Greg, yesterday I went to the operating room at about 7 in the morning, I operated on 3 patients, I finished up about midnight, and every one of those patients I had to operate on to save their legs. So I asked him, were they smokers, Bob? And he said, you bet. And the last one I operated on was a 38-year-old woman who would have lost her leg to atherosclerosis related to heavy tobacco use. I said to Bob, what do you tell those people? He said, Greg, I talk to every patient, every peripheral vascular patient that I have and I try to get them to stop smoking. I ask them a question. I say, if there were a drug available on the market that you could buy that would help to save your legs, that would help prevent you from having a coronary artery bypass, that would significantly decrease your chances of having lung cancer or losing your throat, would you buy that drug? And every one of those patients say, you bet I would buy that drug, and I would spend a lot of money for it. And you know what my friend says to patients then? He says, well, you know what? You can save an awful lot of money by quitting smoking and it will do exactly the same thing as that magical drug would have done.

Mr. Speaker, my mother and father were both smokers. They are both alive today because they had coronary artery bypass surgery to save their lives. But, I have to tell my colleagues, it took an event like that to get them to quit smoking, even though I harped on them all the time. It is a really addicting product.

Mr. Speaker, I will never forget the thromboangiitis obliterans patients that I treated at VA hospitals who were addicted to tobacco. It would cause them to thrombose the little blood vessels in their fingers so they would lose one finger after another, one toe after another. I remember one patient who had lost both lower legs, all the fingers on his left-hand, and all of the fingers on his right hand, except for his index finger. Why? Because tobacco caused those little blood vessels to clot. This patient, even though he knew that if he stopped smoking, it would stop his disease, had devised a little wire cigarette holder with a loop on one end and a loop on the other end, and he would have a nurse stick a cigarette through the loop on one end and light it and put the other loop over his one remaining finger, and that is how he would smoke.

I will tell my colleagues, I have told this story on the floor before. This is a

fact. My colleagues can talk to any of the doctors that have ever worked at a VA hospital and they will have seen patients with thromboangiitis obliterans. I am not making up this story. When I spoke on the floor once before on this, I got a letter from an angry smoker who said, you are just making up a lot of stuff. I wish I were. I wish I were. Unfortunately, these are the facts, and statistics show the magnitude of this problem.

Over a recent 8-year period, tobacco use by children increased 30 percent; more than 3 million American children and teenagers now smoke cigarettes. Every 30 seconds, a child in the United States becomes a regular smoker. In addition, more than 1 million high school boys use smokeless chewing tobacco, mainly as a result of advertising focusing on flavored brands and on youth-oriented themes and on seeing some of their sports heroes out on the ball diamond or somewhere else chewing a cud. Mr. Speaker, it is that chewing tobacco that leads to the oral cancers that results in losing a jaw.

The sad fact is, Mr. Speaker, that each day, 3,000 kids start smoking, many of them not even teenagers, younger than teenagers, and 1,000 out of those 3,000 kids will have their lives shortened because of tobacco.

So why did it take a life-threatening heart attack to get my parents to quit? I nagged them all the time. It took that near death experience. Why would not my patient with one finger, the only finger he had left, quit smoking? Why do fewer than 1 in 7 adolescents quit smoking, even though 70 percent say they regret starting? And I say to my colleagues, it is sadly because of the addictive properties of the drug nicotine in tobacco.

The addictiveness of nicotine has become public knowledge. It has become public knowledge only in recent years as a result of painstaking scientific research that demonstrates that nicotine is similar to amphetamines. Nicotine is similar to cocaine. Nicotine is similar in addictiveness to morphine, and it is similar to all of those drugs in causing compulsive, drug-seeking behavior. In fact, Mr. Speaker, there is a higher percentage of addiction among tobacco users than among users of cocaine or heroin.

Recent tobacco industry deliberations show that the tobacco industry had long-standing knowledge of nicotine's effects. It is clear that tobacco company executives did not tell the truth before the Committee on Commerce just a few years ago when they raised their right hands, they took an oath to tell the truth, and then they denied that tobacco and nicotine were addicting. Internal tobacco company documents dating back to the early 1960s show that tobacco companies knew of the addicting nature of nicotine, but withheld those studies from the Surgeon General.

A 1978 Brown & Williamson memo stated, ''Very few customers are aware of the effects of nicotine; i.e., its addictive nature, and that nicotine is a poison.''

A 1983 Brown & Williamson memo stated, ''Nicotine is the addicting agent in cigarettes.''

Indeed, the industry knew that there was a threshold dose of nicotine necessary to maintain addiction, and a 1980 Lorilard document summarized the goals of an internal task force whose purpose was not to avert addiction, but to maintain addiction. Quote: ''Determine the minimal level of addition that will allow continued smoking. We hypothesize that below some very low nicotine level, diminished physiologic satisfaction cannot be compensated for by psychological satisfaction. At that point, smokers will quit or return to higher tar and nicotine brands.''

Mr. Speaker, we also know that for the past 30 years, the tobacco industry manipulated the form of nicotine in order to increase the percentage of free base nicotine delivered to smokers as a naturally-occurring base. I have to say, Mr. Speaker, that this takes me back to my medical school biochemistry. Nicotine favors the salt form at low pH levels, and the free-based form at higher pHs. So what does that mean? Well, the free base nicotine crosses the alveoli in the lungs faster than the bound form, thus giving the smoker a greater kick, just like the drugee who freebases cocaine, and the tobacco companies knew that very well.

A 1966 British American tobacco report noted, ''It would appear that the increased smoker response is associated with nicotine reaching the brain more quickly. On this basis, it appears reasonable to assume that the increased response of a smoker to the smoke with a higher amount of extractable nicotine, not synonymous with, but similar to free-based nicotine, may be either because this nicotine reaches the brain in a different chemical form, or because it reaches the brain more quickly.''

Tobacco industry scientists were well aware of the effect of pH on the speed of absorption and on the physiologic response. In 1973, an RJR report stated, ''Since the unbound nicotine is very much more active physiologically and much faster acting than bound nicotine, the smoke at a high pH seems to be strong in nicotine.'' Therefore, the amount of free nicotine in the smoke may be used for at least a partial measure of the physiologic strength of the cigarette.

Indeed, Mr. Speaker, Philip Morris commenced the use of ammonia in their Marlboro brand in the mid 1960s to raise the pH of the cigarettes, and it then emerged as the Nation's leading brand. Well, the other tobacco companies saw this rise in Marlboro construction, so they reverse-engineered and caught on to the nicotine manipulation. They copied it. The tobacco companies hid that fact for a long time, even though they privately called cigarettes ''nicotine delivery devices.''

Claude Teague, assistant director of research at RJR said in a 1972 memo, ''In a sense, the tobacco industry may be thought of as being a specialized, highly ritualized and stylized segment of the pharmaceutical industry. Tobacco products uniquely contain and deliver nicotine, a potent drug with a variety of physiologic effects. Thus, a tobacco product is, in essence, a vehicle for the delivery of nicotine.''

In 1972, a Philip Morris document summarized an industry conference attended by 25 tobacco scientists from England, Canada and the United States. Quote: ''The majority of conferees would accept the proposition that nicotine is the active constituent of tobacco smoke. The cigarette should be conceived not as a product, but as a package.'' Then they said, ''The product is nicotine.''

Mr. Speaker, does anyone believe that the tobacco CEOs who testified before Congress that tobacco was not addicting were telling the truth?

As I said, Mr. Speaker, most adult smokers start smoking before the age of 18.

□ 1430

Mr. Speaker, most adult smokers start smoking before the age of 18. That has been known by the tobacco industry and its marketing divisions for decades.

A report to the board of directors of RJR on September 30, 1974, entitled ''1975 Marketing Plans Presentation . . .'' said that one of the key opportunities to accomplish the goal of reestablishing RJR's market share was ''to increase our young adult franchise.''

First, let us look at the growing importance of this young adult group in the cigarette market.

In 1960, what did they call the young adult market? They called it ''the young adult franchise.'' What was the age group they were talking about? Ages 14 to 24. They say, ''This represents 21 percent of our population. They will represent 27 percent of the population in 1975, and they represent tomorrow's cigarette business.''

An adult, Mr. Speaker? These are 14-year-olds. Those are pretty young adults.

In a 1990 RJR document entitled ''MDD Report on Teenager Smokers Ages 14 Through 17,'' a future RJR CEO, G. H. Long, wrote to the CEO at that time, E.A. Horrigan, Jr.

In that document, Long laments the loss of market share of 14-to-17-year-old smokers to Marlboro, and says, ''Hopefully, our various planned activities that will be implemented this fall will aid in some way in reducing or correcting these trends.'' The trends they were losing market share to were in the 14-to-17-year-old age group.

Mr. Speaker, the industry has indisputably focused on ways to get children to smoke in surveys for Phillip Morris in 1974 in which children 14 years old or younger were interviewed about their smoking behavior. Or how

about the Phillip Morris document that bragged, ''Marlboro dominates in the 17 and younger category, capturing over 50 percent of the market.''

Speaking about Marlboro, I wonder how many Members have seen on television lately the commercials about the Marlboro man, narrated by his brother, who spoke about his good-looking brother, the Marlboro man. Then, at the end of the commercial, we see him dying of lung cancer.

Mr. Speaker, when Joe Camel was associated with cigarettes by 30 percent of 3-year-olds and nearly 90 percent of 5-year-olds a few years ago, we know that marketing efforts directed at children are successful.

Mr. Speaker, children that begin smoking at age 15 have twice the incidence of lung cancer as those who start smoking after the age of 25. For those youngsters who start at such an early age and have twice the incidence of cancer, for them, Joe Cool becomes Joe chemo, pulling around his bottle of chemotherapy.

If that is not enough, it should not be overlooked that nicotine is an introductory drug, as smokers are 15 times more likely to become alcoholic, to become addicted to hard drugs, to develop a problem with gambling.

Mr. Speaker, in response to this, the Food and Drug Administration in August, 1996, issued regulations aimed at reducing smoking in children on the basis that nicotine is addicting, that it is a drug, manufacturers have marketed that drug to children, and that tobacco is deadly.

Most people now are familiar with those regulations. They received a lot of press a few years ago. It is hard to think, Mr. Speaker, that 4 or 5 years have gone by since those regulations came out. Those regulations said tobacco companies would be restricted from advertising aimed at children; that retailers would need to do a better job of making sure they were not selling cigarettes to children; that the FDA would oversee tobacco companies' manipulation of nicotine.

But the tobacco companies challenged those regulations. They ended up taking it all the way to the Supreme Court. So last year, Justice Sandra Day O'Connor, in writing for the majority, five to four, held that Congress had not granted the FDA authority to regulate tobacco. However, her closing sentences in that opinion bear reading: ''By no means do we question the seriousness of the problem that the FDA has sought to address. The agency has amply demonstrated that tobacco use, particularly among children and adolescents, poses perhaps the most significant threat to public health in the United States.''

That was the Supreme Court. Justice O'Connor was practically begging Congress to grant the FDA authority to regulate tobacco.

So as I said earlier today, tomorrow we will hold a press conference. I encourage my friends to come. We have a good bipartisan group. We are going to reintroduce the bill that the gentleman from Michigan (Mr. DINGELL) and I drew up last year on this.

This is not a tax bill. It would not increase the price of cigarettes. It is not a liability bill. It is not a prohibition bill. It would not prohibit cigarettes, because everyone in the public health area knows that prohibition did not work with alcohol and it would not work with cigarettes. It has nothing to do, our bill, with the tobacco settlement from the attorneys general.

The bill simply recognizes the facts: Nicotine and tobacco are addicting. Tobacco kills over 400,000 people in this country each year. Tobacco companies have and are targeting children to get them addicted to smoking. Just look at the ads in some of the magazines that we will see, like Rolling Stone.

I think, and many of our colleagues on the floor think, that the FDA should have congressional authority to regulate that drug and those delivery devices.

Mr. Speaker, I will have to say there have been some very interesting new developments on this. Five years ago, cigarette makers howled in protest as the Food and Drug Administration geared up to regulate tobacco as a drug. But some influential players in the industry, including Phillip Morris, the Nation's largest cigarette maker, are now pushing Congress, let me repeat that, Phillip Morris is now pushing Congress to give the FDA much of the authority that it sought.

That remarkable reversal has been driven in part by a hope that government-sanctioned products could bring some legitimacy and stability to an industry that has been fighting lawsuits and declining demand in the United States.

In news stories last month, the world's biggest cigarette maker said it would support government regulation of tobacco that includes advertising limits on cigarettes, rewritten warning labels, and additional disclosure of ingredients. Phillip Morris, the maker of Marlboro, Virginia Slims, and other popular brands, presented its most detailed plan to date in response to a Presidential Commission's preliminary report due later this spring on how government should regulate tobacco.

This is from Phillip Morris: ''The company views its proposal as a starting point for discussion,'' thus said Phillip Morris spokesman Brendan McCormick. He said that the company would oppose giving regulators the power to ban cigarettes.

I repeat, there is nothing in my bill that would say cigarettes have to be banned.

In a letter responding to the Commission's proposals, Phillip Morris largely endorsed the panel's work, suggesting, for example, that the FDA is best suited to decide which cigarettes should be labeled ''reduced-risk cigarettes.''

Mr. Speaker, that is what my bill, the FDA tobacco Authority Amendments Act of 2001, does. It simply gives the FDA authority to regulate tobacco. It is not a tax bill. It does not ban tobacco. In fact, it contains a specific clause to protect against a ban.

I would like to point out to my colleagues that the Presidential commission I referred to before will explicitly state that the goal of FDA regulation ''should be the promotion of public health,'' not the banning of tobacco products.

Well, it is a new day, Mr. Speaker, when one can see Phillip Morris advertisements or visit a Phillip Morris website and find the following statements. These are statements on Phillip Morris's website:

''There is overwhelming medical and scientific consensus that cigarette smoking causes cancer, heart disease, emphysema, and other serious diseases. Smokers are far more likely to develop serious diseases like lung cancer than nonsmokers. There is no safe cigarette. We do not want children to smoke. Smoking is a serious problem, and we want to be part of the solution.''

Finally, Mr. Speaker, this is on the Phillip Morris website now, ''Cigarette smoking is addictive.''

Mr. Speaker, a poll of 800 likely voters shows overwhelming support for giving the U.S. Food and Drug Administration the authority to regulate tobacco products. The poll was conducted by the Mellman Group of 800 likely voters at the time of the Supreme Court ruling last year.

In the wake of last year's Supreme Court ruling that the FDA does not currently have the authority to regulate tobacco, the poll also shows that two-thirds of voters would prefer a candidate for Congress who supports legislation granting FDA authority over tobacco to a candidate who opposes such legislation. By a three-to-one margin, 75 percent to 25 percent, voters want Congress to pass a bill that would give the FDA the authority to regulate tobacco products, including 61 percent who strongly favor congressional action.

That support crosses all geographic, demographic, gender, and political lines with voters from every region, every age bracket, income group, educational level, and political party favoring FDA regulation. Even 60 percent of smokers favor congressional action. Let me repeat that: Even 60 percent of smokers want Congress to do something on this.

Congressional action is supported by 78 percent of Independents, 77 percent of Democrats, 70 percent of Republicans, including 65 percent of conservative Republicans. Support for congressional action is especially strong among key voter groups of suburban women, 80 percent of whom say it is important that Congress pass a bill giving the FDA authority to regulate tobacco products.

Mr. Speaker, voter support of FDA regulation is not surprising, given the electorate's acute concern over the use

of tobacco by children. Eighty-eight percent of voters say they are at least somewhat concerned about youth tobacco use, including 60 percent who say they are very concerned. Among suburban women, 70 percent say they are very concerned about youth tobacco use.

Mr. Speaker, this poll shows voters want Congress to act. They are sending a message to Congress: Protect our kids, and not the tobacco companies. Voters clearly agree with the view that tobacco use is the most significant public health threat in the United States. They are telling us loud and clear they want Congress to enact legislation like the bill myself and the gentleman from Michigan (Mr. DINGELL) which would grant the FDA authority to regulate tobacco and protect America's families and children.

Mr. Speaker, it is now up to Congress to provide strong protections for America's families. I ask my colleagues to join me in fighting America's number one health care threat, the death and morbidity associated with the use of tobacco products.

So as I finish, Mr. Speaker, let me just show a few of the recent cartoons that we have seen. Here are two little kids looking at this billboard. It says, ''Yes, smoking is addictive and causes cancer, heart disease, emphysema, and other serious diseases.'' Then we have this beautiful lady in a bikini. The little boy is saying to the little girl, ''What exactly is the message here?''

Finally, Mr. Speaker, here is big tobacco standing giving a talk with their own chart that says, ''Fantastic Lights. Warning, these babies will kill ya,'' and big tobacco says, ''. . . and as a good-faith gesture . . .''.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 327, SMALL BUSINESS PAPERWORK RELIEF ACT

Mr. HASTINGS of Washington (during the special order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 107–22) on the resolution (H. Res. 89) providing for consideration of the bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, which was referred to the House Calendar and ordered to be printed.

□ 1445

## ELECTION OF MEMBER TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. TURNER. Mr. Speaker, I offer a resolution (H. Res. 90) and I ask unanimous consent for its immediate consideration in the House.

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

The Clerk read as follows:

H. RES. 90

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

Committee on Standards of Official Conduct: Mrs. Jones of Ohio.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## THE BUDGET AND TAXES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, during this next hour of Special Order time, a group of House Democrats known as the Blue Dog Coalition would like to talk about the subject of the budget and taxes. The Blue Dog Democrats led the effort during this past week to try to urge this Congress to adopt a budget first before we take the important votes on tax cuts for the American people.

The Blue Dogs and the 33 Members that are members of that coalition believe very strongly that our future prosperity depends upon our ability as a Congress to stay on the course of fiscal responsibility.

In order to provide tax cuts to the American people, in order to ensure our future prosperity, we believe that we must look at the whole budget picture of the United States before we can determine what size tax cuts we can afford.

The Blue Dogs as fiscal conservatives want the largest tax cut that we can afford. We believe very strongly that we need tax relief, and we want to vote for tax relief for the American people; but we also understand very clearly that it is important to give equal priority to paying down our $5.5 trillion national debt.

A lot of folks do not understand all of this talk about the national debt. Why does it matter? The truth of the matter is, you might conclude that the Congress and the Presidents for the last 30 years did not understand it either, because the Congress and the Presidents who have served over the last 30 years are the ones that created the $5.5 trillion national debt by running deficit spending in every year in those last 30 years. Only last year did the Congress and the President see a balanced Federal budget.

For the first time, we have been able to return this country to a course of fiscal responsibility and the Blue Dog Democrats believe very strongly that we should not return to those days of deficit spending.

There are basically two ways we can return to deficit spending in this country. We can start spending too much money, and if we do not hold down spending, we are going to see deficits return.

Another way we can return to deficit spending is to cut taxes larger in a larger amount than we can actually afford, because both spending and tax cuts, if pursued in excess, will result in deficit spending on an annual basis by the Federal Government and return us to those days from which we just departed only last year.

Some people say, how big is the national debt? Frankly, the number is $5.6 trillion, but I have no way of fairly reflecting to you how much $5.6 trillion is, except to tell you that it is a whole lot of money. And it is going to take us a long time of fiscal discipline to pay it down.

Now, when I was a boy growing up, my dad always told me that the first order of business in terms of managing my finances is to pay my debts. I think the Federal Government should operate by the same maxim, pay our debts. After all, the debts that we are unwilling and unable to pay today will be paid some day by the younger generation who will follow us.

Our Federal Government, we are told, has a surplus. But do you realize that the surplus that we are talking about is only an estimate of what may occur over the next 10 years? The surplus is only an estimate. There is no place in Washington where you can go to a lock box or to a safe and find the surplus. It is an estimate of what may happen.

The surplus from last year was the first we have had in 30 years. It is very small. The surplus we are going to have this year is a little bit larger, but when you hear these optimistic discussions about tax cuts coming your way based on the surplus, keep in mind it is only an estimate of the surplus.

The surplus estimates we are talking about over the next 10 years largely comes in the second 5 years of this decade. Very little of the surplus comes in the short term.

When I was in a town meeting in my district in east Texas a few months ago, I was trying to explain all of these numbers, and a gentleman in the back row in overalls stood up and he said, Congressman, how can you folks in Washington talk about a surplus when you owe over $5 trillion? Frankly, he stumped me for a few minutes.

It is hard to imagine how we can talk about a surplus when we owe over $5.5 trillion. But that is what we are doing. In fact, if all the numbers on the projected surplus turned out to be true and we enacted the President's tax cut, it would be the last tax cut we could vote on in this Congress for the next 10 years, because it would virtually spend the entire surplus that is estimated to show up in Washington.

I have a chart here to my right that depicts a little bit about the uncertainty of that surplus. The surplus that I want to talk to you today about is the non-Social Security surplus, because we have surpluses projected over the next 10 years in the Social Security trust fund. We have surpluses projected in the Medicare trust fund; but Congress, at least half a dozen times in the last year, has voted that we should never, ever again spend the Social Security or the Medicare trust fund surplus. And we should not.

When the baby boomers begin to retire, and I am one of them, we are going to see a real financial crisis in Washington, because the Social Security trust fund and the Medicare trust fund, whose funds have been used during all these 30 years of deficit spending to finance things other than Social Security and Medicare, those funds are going to be needed.

Mr. Speaker, in fact, in about 14 years, for the first time in our history, the payroll tax that is collected to pay your Social Security and mine will be less than the amount of money we spend every year for Social Security benefits. You may say we have been real lucky for a long time.

We took more in payroll taxes every year than we paid out in benefits, but that is going to change in the year 2014.

Some people wonder what is the deal on this trust fund if you all have been taking all of this money in. Where is the money? Frankly, there is no money in the Social Security trust fund. It has been used for other things. The Social Security fund, if you went and looked at it today, it simply is an IOU backed by the taxpayers of the United States saying all that money that we borrowed we are going to promise that we will put it back some day, and it is backed by the taxing power of the Federal Government.

It does not sound too promising for those of you who are here who are under 30, because you are the ones that have to figure out how to pay it back if your Social Security is going to be there for you.

The Blue Dog Democrats believe we need to start now to pay back that money that we borrowed from Social Security and borrowed from Medicare and get ready for the retirement of the baby boomers when the Social Security trust fund is going to be the biggest financial problem faced by the Federal Government.

The Social Security Administration estimates that by 30 years from now, that if we kept everything the same, the same Social Security benefits for everybody, we would have to have a payroll tax that equalled 50 percent of your payroll check.

Now, you know we are not going to have a 50 percent tax on your paycheck to support Social Security, but it simply indicates the degree of the crisis that we are going to face as more and more people retire and become eligible for Social Security. In fact, in about 50 years, there will be two people collecting Social Security for every 1 person that is working in the workforce.

That is the real problem that Washington needs to be talking about. I think you can see from the discussion thus far that to say we have a short-term, 10-year estimated surplus that may not show up yet is telling only half the story. Because if you look out about 30 years, there is no surplus. Let us talk about 10 years.

This chart shows the 10-year non-Social Security surplus projections. The Congressional Budget Office has given us the estimate that there will be $3.22 trillion in surplus over the next 10 years. That is their estimate.

They also warn us that they could be wrong. They say they could be wrong because it could be more than that. Their most optimistic projection is that there will be a $6 trillion surplus outside Social Security and Medicare over the next 10 years. Their most pessimistic scenario is that we will be back into deficit spending by half a trillion dollars. That is without any tax cuts, by the way. This is just going forward like we are going now.

You can see the unreliability of the estimate of the surplus that everybody in Washington seems so anxious, as we say, to give back to the American people.

To be honest about the rhetoric, you cannot give back something that you do not even have yet. We do not have that surplus yet. It is a projection, and an iffy projection at best.

Here is the chart that shows you a little bit about the projected surplus, even assuming that the surplus turns out to be just as projected. Forget about the uncertainty, 84 percent of the projected non-Social Security surplus comes after the next Presidential election.

I have heard some people tell me that folks in Washington might be a little bit bold to suggest that we are going to project the surplus for the next 10 years and we are going to give 80 percent or 90 percent of that in the tax cut which, as I said, would be the last tax cut we could vote on for 10 years if the projections even turned out to be true, because the truth of the matter is, 84 percent of the surplus occurs after President Bush's first term.

Mr. Speaker, now, a lot of us may not be here to see these numbers in future years, the average tenure for a Member of Congress is about 6 years, and there may be some folks who are serving here in later years who might also like the opportunity to vote for a tax cut. But if we go down the course that the President is proposing, and even if the numbers turn out to be true, we are going to spend all of this surplus estimated for 10 years in one tax cut.

Some people say that is just not fair. Others behind us may have an interest in voting on tax cuts, too. Some have suggested that perhaps a tax cut to spend the surplus that is going to accrue over the next 2 years, 3 years, or 4 years might be an appropriate thing for us to do. But to think about granting tax cuts based on a surplus that is not here yet, that will not arrive for 10 years, may be a little bit more than this Congress should be doing.

□ 1500

The next chart looks ahead 5 years and then looks back and shows us how far off the projections have been in the past. Now I should have mentioned when I started showing my colleagues these charts where they came from. They are not charts that I put together or anybody in the Blue Dog Coalition. All of these charts were provided to us by a nonpartisan group called the Concord Coalition.

The Concord Coalition is made up of a respected group of business executives who try to provide the Congress the truth with regard to these numbers. The Concord Coalition has brought these charts to the floor to allow us to show you what they project with regard to the surplus and the tax and the budget issue.

So here are the projections, and it shows us how far off they have been in the last 20 years. Fortunately, in the most recent time frame, the estimates by the Congressional Budget Office have been conservative, and we have had larger surpluses than were projected. But in all of the years prior to 1995, the surpluses or the estimates of the Federal financial condition was off, and it was off in the wrong direction; and we found out that there were deficits there that the Congressional Budget Office had not projected.

In order to have surpluses into the future, the economy has to stay strong, because the budget projection is based on an assumption about economic growth. The Congressional Budget Office, when they told the Congress a month or so ago that we are going to have a surplus, were estimating that the economy was going to continue to grow at close to the rate that it was growing about a year ago.

I know all of my colleagues have seen what is happening to the economy, and right now they say that growth is zero. If growth is zero and stays there very long, all of these estimates of the surplus are going to be flown out of the window because they will not be worth the paper they are written on.

This chart shows us based on the past track record of the Congressional Budget Office for 5-year projections what the variation could be in the estimated surplus just for the next 5 years, not the next 10, just the next 5.

Here we are at the year 2001. We have been given this optimistic projection of a surplus right here on this middle line. But the CBO says, well, it could be up here; and it could be down here. Should we bet the future on a surplus estimate that is as uncertain as this is, even in the hands of the Congressional Budget Office that prepared it? I think not.

Here is what some of the experts have to say about the estimate of the

surplus. The Congressional Budget Office that prepared it says looking forward 5 or 10 years allows the Congress to consider the longer-term implications of policy changes. But it also increases the likelihood that the budgetary decisions will be made on the basis of projections that later turn out to have been far wrong. That is the folks that prepared the estimate.

How about the Controller General of the United States, David Walker. He recently warned members of the Senate Committee on the Budget, and I quote, ''No one should design tax or spending policies pegged to the precise numbers in any 10-year forecast, no matter who prepares it.''

Let us read what Alan Greenspan, the chairman of the Federal Reserve Board, told the Congress, specifically the Senate Committee on the Budget on January 25 of this year. Mr. Greenspan said, ''Until we receive full detail on the distribution by income of individual tax liabilities for 1999, 2000, and perhaps 2001, we are making little more than informed guesses.'' Informed guesses. That is what your Congress is using to determine the financial future of your Federal Government.

We have several other Blue Dogs here who are well versed on some of these issues, and I want to recognize the gentleman from California (Mr. SCHIFF). He has worked long and hard on trying to balance the budget; and I know he is as familiar as I am, if not more so, with some of these statistics.

Mr. Speaker, I yield to the gentleman from California (Mr. SCHIFF) to talk to my colleagues a little bit more about this very critical issue.

Mr. SCHIFF. Mr. Speaker, we had in the past decade the fiscal discipline to continue paying down the national debt of this country. Although there is much debate about what credit the previous administration ought to have for the incredible economic successes of the last decade, I think it is plain that one of the most significant things that that administration did was get our fiscal house in order; was continue paying down our national debt; was maintaining the discipline that kept interest rates low; that made homeownership possible for hundreds and thousands of families across this country that had never enjoyed the benefits of homeownership, by allowing them to have mortgage payments that they could make by keeping their families together under one roof.

Our successes I think over this last decade are owing in some strong measure to that discipline. Now that discipline is never easy to maintain. It is not easy to maintain when times are difficult when we would rather spend the money on programs that will help people that are hurting in this country. It is not easy to maintain that discipline in the good times.

One of the things that I admire about the Blue Dogs and the reason that I joined, as a new Member of this Congress, the Blue Dogs is that they have consistently fought in good times and hard times not to lose sight of the need to pay down this debt in this country.

The surplus that we are enjoying is our surplus, the American people's surplus. The debt that hangs over our heads is the American people's debt. More accurately, much of the surplus that we enjoy is owing to the people that went before us, to our parents' generation who made the sacrifices, who built the universities, the roadways, the waterways, the infrastructure in this country that made this period of prosperity possible.

It is their money as much as our generation's. It is their Social Security and their Medicare that are underfunded.

We talk about a surplus in Social Security. Well, I suppose if we look at today, we can call it that. But if we look at the 75-year life of Social Security, what at the moment looks like a surplus over 30 years or over 75 years looks like a $30 trillion deficit.

Maybe we should be talking about the Social Security deficit. What are we going to do about that? The only plan we have for dealing with Social Security solvency is the abstract idea that we will come together on some reform in the future. We do not know what that reform is going to look like. We do not know what the reform of Medicare is going to look like. We do not know, as we stand here today, what the budget looks like.

Yet, here we are making plans for tax expenditures over the next decade and beyond based on projections of the surplus that may or may not materialize, that even the people who gave us those projections say are at best informed guesses about the future; and we are ready to bet the farm on those guesses when we have no plan for Social Security and Medicare.

So I became a member of the Blue Dogs because they are committed to making sure we maintain the discipline in good times and in bad times to pay down that debt, that we consider that we are, not only talking about our parents' generation, the people who made this prosperity possible, but we are talking about our children as well and their future. Because, while it is the American people's surplus and the American people's debt, it is our children's future that we are talking about. If that debt goes on, if that debt grows, it is not you and I who will pay it. It is our children and their children.

So here today we have to talk about those that will come after and think about those who come after while we stand so ready to take credit for surpluses that will not materialize for 5 or 10 years.

Now, we have a tax plan; and we will have a major tax cut this year, and we should. And we should. The question is how large should that tax cut be? How large prudently can it be?

What I think we ought to be debating just as vigorously, though, that I hear so little about in this Congress and this administration is what is our economic plan. Tax policy is simply one part of an economic plan and the economists say not even the most significant part. There are limitations to what we can do with fiscal policy in terms of our economy.

Now we lost massive, multitrillion dollar equity in the stock market this week. There are a lot of Americans very concerned about the downturn in this economy and what it means to their families. Many thousands of Americans have already lost their jobs.

What is the economic plan of the administration and the Congress? How does this tax proposal fit into that plan? The reality is there is no plan. There is no plan.

It is far more important that we focus here and now on what we can do to turn around these recent downturn signs, that we can put ourselves back on the road of incredible prosperity which we have traveled down for the last 8 years. We have to start focusing on the economy and what is our economic plan.

So I urge the Congress and all Americans, let us turn our attention together in a bipartisan way, in a bipartisan tradition that the Blue Dogs represent to finding a tax cut that works for all of the American people that is the size that we can afford that does not squander the investment that our parents made, and their Social Security and Medicare and does not squander the investment that we owe our children in good schools and in their future and in low mortgages and giving them the American dream of homeownership.

Let us work together across party lines and do what is right for this country over the long term.

Mr. TURNER. Mr. Speaker, the gentleman from California (Mr. SCHIFF) has shared, I think, the thoughts that all Blue Dogs share, and that is the importance of fiscal responsibility and the importance of paying down debt as well as providing tax relief to the American people.

One of the members of the Blue Dog Coalition who has been the most eloquent and outspoken on the issue of public debt and the importance of trying to deal with the public debt while we have the opportunity is the gentleman from Mississippi (Mr. TAYLOR).

Mr. Speaker, I yield to the gentleman from Mississippi (Mr. TAYLOR) to discuss this issue.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER) for yielding to me. I want to thank the young people and not-so-young people in the audience today. I hope I can make this halfway interesting. And since you cannot talk back to me, I am going to pretend like you can.

Now, I have town meetings in south Mississippi. I try to have at least two a month. On almost every instance, somebody in the crowd says, Gene, you know, we would have plenty of money for all those really important things,

like taking care of our military, taking care of military retirees, building roads, educating kids if you just did not waste so much money.

So I am going to pretend like one of you all said that. I would counter by saying, and probably shocking you when I told you that the most wasteful thing our Nation does, we squandered $1 billion yesterday, the day before that, the day before that, tomorrow, and every day of the rest of our lives on interest on the national debt.

Now think about it. If you were to come down to Pascagoula, Mississippi, a town I am very proud to represent, and go to Greenville Ship Building, you would see that we are one of two suppliers of naval destroyers, surface ships, for our Navy. The DDG 51, the greatest destroyer in the world, half of them are built in Greenville Ship Building.

And if you were to see a DDG 51 loaded with weapons, loaded with fuel, getting ready to set sail, to go join the fleet, you would probably know that one of those destroyers cost about a billion to build. Yet, we only built three of them last year because the folks in this House, the Committee on the Budget, said, Well, we do not have enough money to build destroyers. But we had enough money to spend $1 billion a day on interest on the national debt.

Now, let me show you, I do not get any great kick out of showing this to people, but I think it is important for Americans to visualize. When you think of 5.7 of anything, whether it is biscuits or dollars, it does not seem like many. So 5.7 trillion probably does not sink in until you look at it.

That is $5,735,859,380,573.98 that your Nation was in debt on the last day of last month. So when the President or the Speaker or anybody in this town, and many reporters get caught up in this game that there is a surplus, tell you that there is a surplus, I would remind them, this is coming straight out of the United States Treasury figures. That is how broke we are.

Now, what is really frightening for you young people is, on the day you were born, if you were born before 1980, our Nation was less than 1 trillion in debt. So the debt has grown just in the past 21 years by over $4.700 trillion.

Now, how does that affect you? Well, think about it. If we go to war tomorrow, you 18-year-olds, who is more likely to fight in it, me or you? You, because you are 18, and I am 47. If the schools get messed up, who is more likely to suffer, me or you? Again you, because you are still going to school; and I doubt I will ever go back to school. And if we run up horrible debts as a Nation, who is going to pay the interest on it the longest, me or you? Once again the answer is you.

□ 1515

Mr. Speaker, that is why I get disturbed when young people do not take time to vote because they are getting stuck with this bill. The politicians in Washington are telling you that they are paying this debt down, and they are lying to you. I use the word ''lie'' because to intentionally mislead the public is to lie.

Since September of last year, the public debt has grown by $61 billion. $61 billion, guys, with a ''B,'' $61,681,170,687.12. We could have built 61 destroyers for that. We could have built 12 aircraft carriers for that. There is no telling how many miles of highway or how many schools we could have built to help improve the lives of people, how much veterans' health care we could have provided. The entire veterans' health care budget for our entire Nation is only $20 billion a year. But that is the increase in the national debt, and a billion a day is squandered on the interest on the national debt, the most wasteful thing we do.

Now I see some of you not-so-young folks in the audience who are probably close to Social Security age.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CANTOR). The Chair must remind the gentleman from Mississippi to refrain from speaking to the gallery. All comments should be directed to the Chair.

Mr. TAYLOR of Mississippi. Okay, guys, they called my bluff, I cannot speak to you anymore.

Mr. Speaker, for those Americans who are paying into the Social Security system and have paid into it, some a lot longer than others, you would probably be shocked to know that our Nation owes the Social Security trust system $1.7 trillion. That is money collected out of every working American's paycheck with the promise starting in the Reagan years, a Democratic House, a Republican Senate, a Republican President which promised that money would be set aside for retirement. They took the money, but they did not set it aside for retirement, it was spent on other things, and the Nation now owes the Social Security trust system $1.7 trillion.

At the same time, they increased the fees on Medicare. It is a line item on pay stubs, and they are taking money out and setting it aside. It is supposed to help subsidize the cost of your health care after you reach 65. It will not pay for all of it, but it helps a great deal.

Right now our Nation owes the Medicare trust fund $229.2 billion. Right now. The much-vaunted lockbox that my colleagues talk about, if you opened it up, you would discover it is nothing more than Tupperware; and if you opened it up, all you would find is an IOU for $229 billion.

How many Americans have devoted their lives to defending our Nation? In my life time there was a war in Vietnam. There was the invasion of Grenada, there was Desert Storm, Panama, Kosovo, Bosnia. Americans are risking their lives today; there was a horrible accident that took place in Kuwait just 2 days ago which reminds us how dangerous that job is. And they are in some really crummy places. They are in some nice places like Biloxi, but they are in some crummy places like Bosnia and Kosovo right now where it is cold, no fun whatsoever.

But the promise made to them is that you are not going to make as much money as you would if you were working in the private sector, but we are setting aside a good chunk of money so you will have a better-than-average retirement.

It is sad to find out that of the money set aside, our Nation now owes them $163.5 billion. There is not a penny in that account. It has been spent on other things, and yet the President and the majority leader and others will tell us there is a surplus. When you owe a trillion here, $229 billion here, $163 billion here, you do not have a surplus, and it gets worse.

What about all of these nice folks who work at the Capitol, one of whom gave his life defending a Congressman's life a couple of years ago. They pay into a public employees' retirement system with the promise that money is set aside and spent on their retirement. They would be very disappointed to find out that our Nation owes the Civil Service Retirement System $501.7 billion. So again, where is this surplus that people keep talking about.

The truth is that there is no surplus, and the truth is I think one of the reasons Americans are disillusioned with their government is for too long politicians have been promising them a surplus when there is not. They have been saying everything is rosy when it is not.

I think the best Americans are those Americans who tell the truth, and I think it is time for this Congress to rise to the occasion and tell the American people the truth. And before we do anything else, before we make any new promises, let us fulfill the promise to Social Security that we already made. Let us fulfill the promise to Medicare that we already made, and let us fulfill the promise to our military retirees that we have already made, and let us fulfill the promise to civil service that we have already made.

Mr. Speaker, I had a nice lady from home write me and say I would like to have that tax break, and put the money back in Social Security. Mr. Speaker, you cannot do both. Last year's surplus when you pulled out the trust fund surplus was only $8 billion.

Now $8 billion to me is a lot of money, but it was not really $8 billion because there were some accounting gimmicks; just as if you chose not to make your mortgage payment 1 month and the mortgage was $1,000, and you decided at the end of the month, I have a thousand dollar surplus. No, you have a thousand dollars more that you owe on your mortgage, and you have to pay $2,000 next month to break even.

Mr. Speaker, one of the tricks that was played last year that I am furious,

we normally pay the troops on September 29, a Friday. Almost half of the force now is married and a great many, almost half, have children. So you have a lot of young guys, onesies, twosies, threesies, fours who do not make much money who have one, two or three children. That is tough to do on an enlisted man's salary.

One of the gimmicks that the Republican majority passed last year was to delay their pay to October 1. Now for a Congressman, we make plenty of money. If you delay my pay for a couple of days, I am going to do okay. But for an enlisted guy, that means a weekend of digging around under the couch for nickels and dimes for baby formula and Pampers just so they could move that account from last fiscal year to this fiscal year so they could show that $2.5 billion pay period like they saved that money. They did not save that money. So the $8 billion surplus was only $5.5 billion, and that is one gimmick that I caught. No telling how many others there are.

But they are the party that keeps saying that they love the troops. Doggone it, if you love the troops, pay them on time.

Mr. Speaker, how about replacing some of that old equipment. All of the folks who have been talking about a surplus, they have been in the majority for 6 years. And in the 6 years that the Republicans have controlled the House and the Senate, the United States fleet has shrunk from 392 vessels to 318. But they keep telling us they are for a strong national defense. If they are for a strong national defense, why do we have 74 fewer ships than when we started?

The Constitution says it is Congress' job to provide for an army or a navy. No money may be spent from the Treasury except by appropriation from Congress. Would it have been nice if the President had asked for more ships? Absolutely. But last year the Republican Congress did not even build as many ships as Bill Clinton asked for. Now, I think that is a shame, and I think we could do a heck of a lot better.

Let us take the last thing I want to mention before I turn this thing over. When they say we have all this surplus, if we have a surplus why are so many young American 18-, 19-, 20-year-old Marines and Army personnel riding around in 20, I am sorry, 30-year-old helicopters? If my colleagues were to go out today and see a Hughey flying over with Army and Marine markings on it, if they are lucky, they will be looking at one of the new ones. The new ones were built in 1972. If they look up and see one of the helicopters with the twin rotors on top, which is the CH–46 or CH–47, depending on which branch of the service, again if they are seeing one of the new ones, it was built in 1972.

So all these folks out there telling us we have a surplus cannot find the money to replace 30-year-old helicopters that young Americans are defending us with right now, risking their lives in right now, but they say they have enough of a surplus for tax breaks. I say they are wrong.

I say the most important thing we can do is to defend our Nation. I say the most important thing we can do is keep our word, quit lying to the American people about the true size of the deficit, and, yes, the most important thing we can do is keep our word to the folks who paid into Medicare, the folks who paid into Social Security, the folks who paid into the military retirement trust fund, and the folks who paid into the civil service retirement fund. Let us pay back the money we owe to them before we start making any new promises to any other Americans.

Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER) very much for the time.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Mississippi. I always am amazed at the common sense and clarity with which the gentleman speaks about the very complicated subject of the debt of the United States.

I think most people fail to recognize how much we owe to the Social Security trust fund, the Medicare trust funds, the government employees' trust fund, and the military retirees' trust fund. Those are debts that are going to come due some day and those dollars are going to be needed, and a part of that projected future surplus certainly needs to be put back in to those trust funds to be prepared for those retirements that will inevitably occur.

I am also pleased to have on the floor today a gentleman who is a very active member of the Blue Dog coalition, a prominent member of the Committee on Ways and Means, the gentleman from Tennessee (Mr. TANNER), who will address these issues.

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding to me, and I want to commend the gentleman from Texas (Mr. TURNER), the gentleman from California (Mr. SCHIFF), the gentleman from Mississippi (Mr. TAYLOR), and others who have come out here this afternoon on the floor to talk about the Nation's debt.

The Blue Dogs agree that Americans are overtaxed, but we will always be overtaxed as long as we have a billion dollars a day in interest going out and as long as we have a 14 percent mortgage on this country. That is one of the reasons we are overtaxed. What we want to do as Blue Dogs is to try to keep our eye on the ball and to retire some of this horrendous national debt that we are leaving to those young people. That is how we give them a tax break. They do not have a voice here now. They cannot vote.

It is up to us and this generation to protect not only our own country, as the gentleman from Mississippi so eloquently pointed out with respect to the military, that we need to support in a manner that we have not been able to find ourselves in a position to do, but we also need to look out for the young ones coming along and not burden them with $5-plus trillion of debt with an interest bill of $1 billion a day.

Now, the other point I would like to make is that the House leadership is asking this country to take a risk that we do not have to take right now. All of these budget projections we have heard about are, by anyone's definition uncertain, speculative in some regards. But more than that, the money is not here. It is not real. It is not even supposed to come in, except over the next 10 years. And then only 29 percent of it is supposed to show up here in the next 5 years, beyond our new President's term of office. Yet we are asked on the floor last week and again probably next week to start spending money, in either a tax cut or some other way, money that has not even shown up yet.

Any prudent businessperson, any person who is a head of a household, a family, I do not think would put his or her family at risk to the extent that we are being asked to do, nor would they put the country at risk or their business at risk if they had a vote here. And this is a risk that we are being asked to take on their behalf that we do not have to accept. We do not have to accept just what those who have more votes in this House than we do say.

□ 1530

We say, let us wait and see where we are. We can do a tax cut that we can afford, and we want to do that. We can do some spending on the military, on agriculture, on education, on medicine that the country desperately needs if we do it across the board in a businesslike fashion with a budget in place so that we at least have some idea of what the trade-offs are going to be. Had we rather retire debt or had we rather continue to pay a billion dollars a day in interest and have our young men and women in the armed services of this country flying around in 30-year-old helicopters? I do not think that is a very hard choice, but until we get a budget so that we know what the trade-offs are, we are flying blind, so to speak, as some of those young men and women are in these 30-year-old helicopters. That is an unacceptable risk to them, it is an unacceptable risk to us and to these young people that are here today, and in my view it is an unacceptable risk for our country.

What we are saying, basically, is two things: one, we are overtaxed and we always will be as long as we are carrying around this 14 percent mortgage on our country; and, secondly, we need a business plan in force and in effect so that we know and we hopefully can make some intelligent trade-offs as to how much of the money that belongs to the people that we should return to the people which we want to do, but, more importantly, what are the needs of this country.

I serve on the NATO parliamentary assembly which is the civilian arm of the NATO military alliance, the North Atlantic Treaty Organization, which as many of my colleagues know came into being after World War II. I have been to several countries as a result of that duty, and I have yet to see a country anywhere on this planet Earth that is strong and free and is broke. There is not one, there never has been one, and there never will be one.

That is why we sound like Johnny one-note on retiring some of this debt. That is why we say, keep your eye on the ball, Congress; continue to pay down the debt. As we can afford and as the money shows up, let us return it to the people who earned it, but let us also take care of the needs of this country and the people who live here. Let us take care of the medicine needs that people have, particularly the aged population, with a prescription drug benefit. Many people need that and need it desperately. There is no reason we cannot do it if we do things across the board with known trade-offs as to where we are and where we are going.

In my own business at home with my brothers and my father, I would not take a risk that we are being asked to take when we have these tax bills come through the House here without any budget. I do not think that you want us to take that risk. As I have said, at the pain of repeating myself, it is a risk the country does not have to take right now. We can do better than what we have done. We should do better than what we have done. And if we can get the support of people who believe that retiring debt and not taking heedless or unnecessary risk is important to the country, it is a fight that we hopefully can eventually succeed in.

Mr. Speaker, I want to thank the gentleman from Texas again for taking this time this afternoon and allowing some of us to come down and talk about the priorities of the country and talk about the children of this country and the education that they must have for this country to remain strong and free and also to try to put as best we can the financial integrity of the United States Treasury back where it rightfully belongs.

Mr. TURNER. I thank the gentleman from Tennessee, and I appreciate his commitment to trying to restore fiscal responsibility to our Federal Government. It would seem to me that after 30 years of deficit spending when we only last year saw the first surplus in 30 years, that we could somehow, some way figure out how to stay on the course of fiscal responsibility and continue to not only run surpluses but to be sure that we are paying down that $5.7 trillion national debt that the gentleman from Mississippi talked about a few minutes ago, to allow us to be prepared for the real financial crisis that is coming in the next few years when the baby boomers begin to retire and the Social Security system and the Medicare system experience the great strains that will come with the large number of people who will be over 65 and eligible for their Social Security and their Medicare.

We talk a lot about projections. The projection of the estimated surplus is no more than a projection, as the gentleman from Tennessee pointed out. It is not here yet. It may never be here yet. But what we do know for certain, and it is indisputable, that there will be many, many people retiring in just a few years that will cause the Social Security system to very quickly become insolvent unless we decide now, in advance, how to fix it.

Blue Dog Democrats have worked hard to try to urge this House to debate and adopt a budget first before we have votes on major tax cuts, because no businessman and no head of household of any family in this country could ever determine how much is available to spend until first they sit down and draw up a budget and stick to it. This House needs to do that. The Senate, on the other hand, has already agreed that they will adopt the budget resolution before they vote on tax cuts. In the House, it seems that it is more important to create the appearance of having tax cuts pass than it is to deal with it in a realistic way to ensure that the fiscal soundness of the Federal Government is preserved for the future.

We are in very difficult economic times. The stock market seems to go up one day and down the next. Many people have said we need tax cuts. Frankly, we all want to see taxes reduced. But the bulk of the surplus that we are talking about in Washington for tax cuts is not here now, and it will not be here for several years. Eighty-four percent of the projected surplus over the next 10 years arrives after President Bush's 4-year term in office. So we do not have a lot of surplus to be spending, or to be giving back in tax cuts. The surplus estimate may never arrive. In my view, the best thing we can do for economic stability in this country is for Washington to show that we know how to balance our books, we know how to get ready for the looming crisis in Social Security and Medicare, we know how to prevent this country from going back into deficit spending, we know how to pay down the national debt so we can quit paying a billion dollars a day in interest payments and so that we can see the lower interest rates that every economist agrees will occur if we will pay down the national debt.

I read the other day that interest rates could go down 2 percent over the next 10 years if we could pay down the publicly held portion of the national debt. That would be a wonderful thing. If you are trying to buy a new home and you have borrowed $100,000 to do it, 2 percent lower interest rates means $2,000 a year to you. If you are trying to expand your business and you find out that you need to borrow $100,000 to do it, 2 percent lower interest rates means $2,000 in savings to your business.

For the average family under anybody's tax cut proposal, they are not going to see $2,000 a year from tax cuts. You have got to be up in the upper-income limits to get $2,000 a year. The Blue Dog Democrats say a combination of responsible tax cuts and paying down debt will put more money in the back pocket of most American families than tax cuts alone, because we will get lower interest rates from paying down debt and more importantly perhaps is we will prepare for the retirement of the baby boom generation to ensure that there is no looming financial crisis facing this country. That is the Blue Dog message. That is what we are going to fight for. That is why we believe we need to have a budget debate and a responsible budget with spending caps before we decide how big the tax cut can be.

Democrats in this House want the biggest tax cut we can afford. But we have not decided yet how much we really can afford. We have never had a budget debate. We have never passed a budget. It does not matter whether the President sends over a budget and says we are going to hold spending to 4 percent a year, or it does not matter whether I send one down here on the floor of the House. The way this place works is we debate it out, we have different points of view, and at the end of the day we take votes. It is that process that determines what the Federal Government's budget will be. Until you do that, until you go through that battle and you decide how much you are going to set aside for Medicare, Social Security, prescription drug coverage, national defense, education, paying down debt and tax cuts, there is no way you can determine how big a tax cut you can afford. That is what the Blue Dogs are fighting for in this House. That is the message of fiscal responsibility that we intend to carry throughout this debate.

Mr. Speaker, I would like to yield the final portion of our time to the gentleman from California (Mr. SCHIFF), who has another subject that he would like to address to this House.

### CONDEMNING DESTRUCTION OF PRE-ISLAMIC STATUES IN AFGHANISTAN

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Texas for yielding me a little time at the end of the afternoon.

Mr. Speaker, I rise today to condemn a deplorable act that has taken place halfway around the world with repercussions on our ability to protect the world's heritage and to preserve world history for future generations.

On February 26 of this year, the Taliban ordered the destruction of pre-Islamic statues in Afghanistan, among them a pair of massive Buddhas carved out of a mountainside and towering over 100 feet. Two days ago, on March 12, UNESCO's special envoy to Afghanistan confirmed what the international community feared most, the complete destruction of the 1,600-year-old statues in the Bamiyan province.

In the words of UNESCO chief Koichiro Matsuura, ''It is abominable to witness the cold and calculated destruction of cultural properties which were the heritage of the Afghan people and, indeed, of the whole of humanity.''

I have introduced a resolution condemning the Taliban's destruction of pre-Islamic statues in Afghanistan and calling for the immediate access for UNESCO representatives to survey the damage. House Concurrent Resolution 52 sends a strong message that religious intolerance of any kind is unacceptable and must immediately be stopped.

One of the most cosmopolitan regions in the world at one time and host to merchants, travelers, and artists from China, Central Asia and the Roman Empire, today Afghanistan is one of the most repressive and intolerant countries in the world as a result of the actions of its ruling Taliban faction. The destruction was ordered and carried out for fear that those ancient statues may be used for idol worship. Destroying those unique creations which had withstood the test of time and the elements of nature on the basis of an irrational fear motivated by intolerance of other cultures and religions is simply unacceptable.

The destruction of the pre-Islamic statues also contradicts the basic tenet of Islam that requires tolerance of other religions. People of all faiths and nationalities, including Muslim communities around the world, condemn the destruction of these statues which were part of the common heritage of mankind. It is imperative we join the people and governments around the world in condemning the senseless act of destruction of our joint cultural heritage and call on the Taliban regime to immediately cease and desist any further destruction of other pre-Islamic relics.

## HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

November 22, 2000:

H.R. 2346. An act to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

H.R. 5633. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

December 5, 2000:

H.J. Res. 126. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

December 6, 2000:

H.R. 2941. An act to establish the Las Cienegas National Conservation Area in the State of Arizona.

December 7, 2000:

H.J. Res. 127. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

December 8, 2000:

H.J. Res. 128. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

December 11, 2000:

H.J. Res. 129. An act making further continuing appropriations for the fiscal year 2001, and for other purposes.

December 15, 2000:

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

December 19, 2000:

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 4281. An act to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4640. An act to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

H.R. 4827. An act to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

December 20, 2000:

H.R. 3514. An act to amend the public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 5016. An act to redesignate the facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, as the ''J.T. Weeker Service Center.''

December 21, 2000:

H.R. 2903. An act to reauthorize the Striped Bass Conservation Act, and for other purposes.

H.R. 4577. An act making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the ''George Atlee Goodling Post Office Building.''

H.R. 5461. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

December 23, 2000:

H.R. 1653. An act to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

H.R. 2570. An act to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highways, and for other purposes.

H.R. 3756. An act to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4907. An act to establish the Jamestown 400th Commemoration Commission, and for the other purposes.

December 27, 2000:

H.R. 5528. An act to authorize the construction of a Wapka Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.R. 5630. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 5640. An act to expand homeownership in the United States, and for other purposes.

December 28, 2000:

H.R. 207. An act to amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes.

H.R. 2816. An act to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

H.R. 3594. An act to repeal the modification of the installment method.

H.R. 4020. An act to authorize the addition of land to Sequoia National Park, and for other purposes.

H.R. 4656. An act to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

December 29, 2000:

H.R. 1795. An act to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

## SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

November 22, 2000:

S. 11. An act for the relief of Wei Jingsheng.

S. 150. An act for the relief of Marina Khalina and her son, Albert Miftakhov.

S. 276. An act for the relief of Sergio Lozano.

S. 768. An act to Amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

S. 785. An act for the relief of Frances Schochenmaier and Mary Hudson.

S. 869. An act for the relief of Mina Vahedi Notash.

S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1880. An act to amend the Public Health Service Act to improve the health of minority individuals.

S. 1936. An act to authorize the Secretary of Agriculture to sell or exchange all or part

of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 2000. An act for relief of Guy Taylor.

S. 2002. An act for the relief of Tony Lara.

S. 2019. An act for the relief of Malia Miller.

S. 2020. An act to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales.

S. 2440. An act to amend title 49, United States Code, to improve airport security.

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the state of Colorado, and for other purposes.

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies and for other purposes.

S. 2773, An act to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2789, An act to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 3164. An act to protect seniors from fraud.

S. 3194. An act to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office''.

S. 3239. An act to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

December 11, 2000:

S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

December 19, 2000:

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

December 21, 2000:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1508. An act to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

December 23, 2000:

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.

December 27, 2000:

S. 2943. An act to authorize additional assistance for international malaria control, and for other purposes.

December 28, 2000:

S. 1761. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley.

S. 2749. An act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

S. 3181. An act to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

## 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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. POMEROY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. MOORE, for 5 minutes, today.

Mr. CARSON of Oklahoma, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. SIMMONS, for 5 minutes, March 20.

Mr. FOLEY, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MORELLA, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. CAPPS, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. SLAUGHTER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. BALDWIN, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. SOLIS, for 5 minutes, today.

## ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, March 15, 2001, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

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

1200. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Electronic Fund Transfers [Regulation E; Docket No. R–1077] received March 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1201. A letter from the Deputy Executive Secretary to Department, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicaid Program; Change in Application of Federal Financial Participation Limits: Delay of Effective Date [HCFA–2086–F2] (RIN: 0938–AJ96) received March 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1202. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Burke, South Dakota) [MM Docket No. 00–16; RM–9805]; (Marietta, Mississippi) [MM Docket No. 00–146; RM–9937]; (Lake City, Colorado) [MM Docket No. 00–147; RM–9938]; (Glenville, West Virginia) [MM Docket No. 00–212; RM–9988]; (Pigeon Forge, Tennessee) [MM Docket No.

00–213; RM–9989]; (Lincolnton, Georgia) [MM Docket No. 00–214; RM–9990] received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1203. A letter from the Associate Division Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 [CC Docket No. 94–129] Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers—received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1204. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Heber, Arizona) [MM Docket No. 00–189; RM–9984]; (Snowflake, Arizona) [MM Docket No. 00–190; RM–9985]; (Overgaard, Arizona) [MM Docket No. 00–191; RM–9986]; (Taylor, Arizona) [MM Docket No. 00–192; RM–9987] received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1205. A letter from the Associate Division Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 [CC Docket No. 94–129] Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers—received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1206. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 07–01 which informs of the planned signature of the Memorandum of Understanding between the United Kingdom and the United States concerning the Development, Documentation, Production and Initial Fielding of Military Satellite Communications, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1207. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 01–01 which informs of the planned signature of the Memorandum of Understanding Concerning Cooperation in Navigation Warfare Technology Demonstrator and System Prototype Projects with Australia and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1208. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 006–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1209. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlement of the Cyprus question, covering the period December 1, 2000 to January 31, 2001, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

1210. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–408, ''Insurance Economic Development Amendment Act of 2000'' received March 14, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1211. A letter from the Acting Assistant Secretary for Management and Chief Information Officer, Department of the Treasury, transmitting the Department of Treasury's Commercial Activities Inventory in accordance with the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

1212. A letter from the Managing Director, Federal Communications Commission, transmitting a copy of the FY 2000 commercial inventory submission; to the Committee on Government Reform.

1213. A letter from the Executive Officer, National Science Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1214. A letter from the Chair, Railroad Retirement Board, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year 2000, pursuant to 45 U.S.C. 231f(b)(6); to the Committee on Government Reform.

1215. A letter from the Acting Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Florida Keys National Marine Sanctuary Regulations [Docket No. 000510129–1004–02] (RIN: 0648–A018) received March 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1216. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2001 Specifications and Foreign Fishing Restrictions [Docket No. 001127331–1044–02; I.D. 102600B] (RIN: 0648–AN69) received March 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1217. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Distribution and Use of Tax-Free Alcohol (2000R–294P) [T.D. ATF–443; Ref: Notice No. 828] (RIN: 1512–AB57) received March 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1218. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—West Elks Viticultural Area (2000R–257P) [T.D. ATF–445; RE: Notice No. 904] (RIN: 1512–AA07) received March 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1219. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Formulas for Denatured Alcohol and Rum (2000R–295P) [T.D. ATF–442; Ref: Notice No. 832] (RIN: 1512–AB60) received March 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1220. A letter from the Principal Deputy Under Secretary of Defense, Department of Defense, transmitting the annual reports that set out the current amount of outstanding contingent liabilities of the United States for vessels insured under the authority of Title XII of the Merchant Marine Act of 1936, and for aircraft insured under the authority of chapter 433 of Title 49, United States Code, pursuant to Public Law 104—201, section 1079(a) (110 Stat. 2670); jointly to the Committees on Armed Services and Transportation and Infrastructure.

1221. A letter from the Acting Assistant Secretary for Economic Development, Economic Development Administration, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 1999, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

## 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. HASTINGS of Washington: Committee on Rules.

House Resolution 89. Resolution providing for consideration of the bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (Rept. 107–22). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

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

By Ms. DUNN (for herself, Mr. TANNER, Mr. COX, Mr. ABERCROMBIE, Mr. BROWN of South Carolina, Mr. CULBERSON, Mr. EVERETT, Mr. GOODE, Mr. COOKSEY, Mr. BACHUS, Mr. PENCE, Mr. LAHOOD, Mr. SHADEGG, Mr. DUNCAN, Mr. WHITFIELD, Mr. SAXTON, Mr. BONILLA, Mrs. ROUKEMA, Mrs. BIGGERT, Mr. FERGUSON, Mr. GILCHREST, Mr. RADANOVICH, Mr. SHAW, Mr. MALONEY of Connecticut, Mr. SAM JOHNSON of Texas, Mr. TANCREDO, Mr. BOUCHER, Mr. TRAFICANT, Mr. KELLER, Mr. BURTON of Indiana, Mr. SHOWS, Mr. GARY MILLER of California, Mr. ROGERS of Michigan, Mr. CUNNINGHAM, Mr. ROYCE, Mr. GREENWOOD, Mr. SMITH of Texas, Mr. FOLEY, Mr. HAYWORTH, Mr. WELLER, Mr. KIRK, Mr. YOUNG of Alaska, Mr. BAIRD, Mr. WAMP, Mr. DOOLEY of California, Mr. EHLERS, Mr. CANTOR, Mr. POMBO, Mr. SIMMONS, Mr. CAMP, Mr. MCINTYRE, Mr. HAYES, Mr. NETHERCUTT, Ms. HART, Mr. BARTON of Texas, Mrs. WILSON, Mr. HALL of Texas, Mr. HYDE, Mr. WOLF, Mr. SUNUNU, Mr. GRUCCI, Mr. CALLAHAN, Mr. RYAN of Wisconsin, Mrs. KELLY, Mr. LARGENT, Mr. DEAL of Georgia, Mr. CANNON, Mr. ADERHOLT, Mr. CRANE, Ms. GRANGER, Mr. BLUNT, Mr. GREEN of Wisconsin, Mr. HERGER, Mr. ENGLISH, Mr. LOBIONDO, Mr. JENKINS, Mr. PITTS, Mr. LEWIS of California, Mr. OXLEY, Mr. RILEY, Mr. CHAMBLISS, Mr. WATTS of Oklahoma, Mrs. NORTHUP, Mr. OSE, Mr. SMITH of New Jersey, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. SIMPSON, Mr. PETERSON of Pennsylvania, Mr. MCCRERY, Mrs. BONO, Mr. CALVERT, Mr. NEY, Mr. DOOLITTLE, Mr. HUNTER, Mr. SKEEN, Mr. HOEKSTRA, Mr. LATOURETTE, Mr. SHIMKUS, Mr. FLETCHER, Ms. CAPITO, Mr. EHRLICH, Mr. BISHOP, Mr. ROHRABACHER, Mr. BOEHLERT, Mr. RYUN of Kansas, Mr. CRAMER, Mrs. EMERSON, Mr. SCHAFFER, Mr. SESSIONS, Mr. ISAKSON, Ms. ROS-LEHTINEN, Mr. BURR of North Carolina, Mr. BARR of Georgia, Mr. HASTINGS of Washington, Mr. MILLER of Florida, Mr. HORN, Mr. RAMSTAD,

Mr. MCHUGH, Mr. WALSH, Mr. CRENSHAW, Mr. NORWOOD, Mr. COBLE, Mr. NUSSLE, Mr. PLATTS, Mr. JONES of North Carolina, Mr. GEKAS, Mr. ROGERS of Kentucky, Mr. BASS, Mr. TERRY, Mr. SCHROCK, Mr. GOODLATTE, Mr. TOOMEY, Mr. WICKER, Mr. PORTMAN, Mr. TAUZIN, Mr. HANSEN, Mr. ARMEY, Mr. HILLEARY, Mr. MCINNIS, Mr. COMBEST, Mr. DELAY, Mrs. CUBIN, Mr. LINDER, Mr. MICA, Mrs. MCCARTHY of New York, Mr. FRELINGHUYSEN, Mr. BERRY, Mr. JOHN, Mr. CONDIT, Mr. SANDLIN, Mr. SWEENEY, Mr. KNOLLENBERG, Mr. PHELPS, Mr. CARSON of Oklahoma, Mr. GANSKE, Mr. THUNE, Mr. KERNS, Ms. PRYCE of Ohio, Mr. STUMP, Mr. SENSENBRENNER, Mr. OTTER, Mr. RAHALL, Mr. SISISKY, Mr. HULSHOF, Mr. LUCAS of Kentucky, Mr. WALDEN of Oregon, Mr. WYNN, Mr. FORD, Mr. REYNOLDS, Mr. BRADY of Texas, Mr. PAUL, Mr. GORDON, Mrs. JO ANN DAVIS of Virginia, Mr. COSTELLO, Mr. GILLMOR, Mr. WATKINS, Mr. PUTNAM, Mr. GIBBONS, Mr. AKIN, Mr. ISSA, Mr. FARR of California, Mr. BARCIA, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. CHABOT, Mr. KINGSTON, Mr. HEFLEY, Mr. GALLEGLY, Mr. GILMAN, Mr. GOSS, Mr. WELDON of Florida, Mr. DEMINT, Mr. SOUDER, Mr. FOSSELLA, Mr. KOLBE, Mr. BILIRAKIS, Mr. LATHAM, Mr. TIAHRT, Mr. TAYLOR of North Carolina, Mr. SCARBOROUGH, Mr. VITTER, Mr. HOSTETTLER, Mr. GRAHAM, Mr. SPENCE, Mr. TOM DAVIS of Virginia, Mr. BOEHNER, Mr. OSBORNE, Mr. BRYANT, Mr. DREIER, Mr. PICKERING, Mr. THORNBERRY, Mr. WELDON of Pennsylvania, Mr. BAKER, Mr. KING, Mr. HUTCHINSON, Mr. MCKEON, Mr. MANZULLO, Mr. SMITH of Washington, Mr. LAMPSON, and Mrs. CLAYTON):

H.R. 8. A bill to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes.

By Mr. PORTMAN (for himself, Mr. CARDIN, Mr. ARMEY, Mr. FROST, Mr. BOEHNER, Mr. ANDREWS, Mr. BLUNT, Mr. BENTSEN, Mr. GALLEGLY, Mr. MOORE, Mr. HOUGHTON, Mr. COYNE, Mr. SAM JOHNSON of Texas, Mr. POMEROY, Mrs. JOHNSON of Connecticut, Mr. MANZULLO, Mrs. MORELLA, Mr. WELLER, Mr. WYNN, Mr. AKIN, Mr. BACA, Mr. BACHUS, Mr. BAIRD, Mr. BAKER, Mr. BALDACCI, Mr. BALLENGER, Mr. BARCIA, Mr. BARRETT, Mr. BASS, Mr. BEREUTER, Ms. BERKLEY, Mrs. BIGGERT, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BORSKI, Mr. BOSWELL, Mrs. BONO, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Ms. CAPITO, Mrs. CAPPS, Mr. CAPUANO, Mr. CHABOT, Mr. CLAY, Mr. CLEMENT, Mr. COBLE, Mr. COLLINS, Mr. CONDIT, Mr. COOKSEY, Mr. COX, Mr. CRANE, Mr. CRENSHAW, Mr. CROWLEY, Mr. CULBERSON, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. DELAHUNT, Mr. DEMINT, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DOOLEY of California, Mr. DOYLE, Mr. DREIER, Ms. DUNN, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FERGUSON, Mr. FILNER, Mr. FLETCHER, Mr. FOLEY, Mr. FORD, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Mr. GANSKE, Mr. GIBBONS, Mr. GILCHREST, Mr. GILLMOR, Mr. GOSS, Mr. GONZALEZ, Mr. GOODE, Mr. GOODLATTE, Mr. GORDON, Ms. GRANGER, Mr. GRAVES, Mr. GREEN of Texas, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HALL of Ohio, Ms. HART, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Mr. HOBSON, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOYER, Mr. HULSHOF, Mr. HOLT, Mr. HUTCHINSON, Mr. HYDE, Mr. ISAKSON, Mr. ISTOOK, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Mr. KANJORSKI, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. KING, Mr. KINGSTON, Mr. KIRK, Mr. KLECZKA, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KUCINICH, Mr. LAHOOD, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARGENT, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LATHAM, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LOBIONDO, Ms. LOFGREN, Mrs. LOWEY, Mr. LUCAS of Oklahoma, Mr. LUCAS of Kentucky, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MASCARA, Mr. MATHESON, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCCRERY, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTYRE, Mr. MCKEON, Mr. MCNULTY, Mr. MEEHAN, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GARY MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NADLER, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUSSLE, Mr. OSBORNE, Mr. OTTER, Mr. OXLEY, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAUL, Mr. PAYNE, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PETRI, Mr. PLATTS, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. QUINN, Mr. RAHALL, Mr. RAMSTAD, Mr. REGULA, Mr. REYNOLDS, Mr. RILEY, Mr. ROEMER, Mr. ROGERS of Michigan, Mrs. ROUKEMA, Mr. ROTHMAN, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SANDLIN, Mr. SAWYER, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCARBOROUGH, Mr. SCHAFFER, Mr. SCHROCK, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SHERMAN, Mr. SHERWOOD, Mr. SHOWS, Mr. SIMMONS, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SNYDER, Mr. SOUDER, Mr. SPRATT, Mr. STEARNS, Mr. STRICKLAND, Mr. STUPAK, Mr. SUNUNU, Mr. SWEENEY, Mr. TANCREDO, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. THUNE, Mrs. THURMAN, Mr. TIBERI, Mr. TRAFICANT, Mr. TOOMEY, Mr. TURNER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UPTON, Mr. WALDEN of Oregon, Mr. WALSH, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WEINER, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WOLF, Ms. WOOLSEY, Mr. WU, and Mr. YOUNG of Alaska):

H.R. 10. A bill to provide for pension reform, and for other purposes.

By Mr. DEAL of Georgia (for himself, Mr. UDALL of Colorado, Mr. TANCREDO, and Mr. PETERSON of Pennsylvania):

H.R. 1013. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and 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 Ms. CARSON of Indiana:

H.R. 1014. A bill to prevent children from injuring themselves with handguns; to the Committee on the Judiciary, 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. JO ANN DAVIS of Virginia (for herself, Mr. HAYWORTH, Mr. SCHROCK, Mr. CRENSHAW, Mr. CANTOR, and Mr. GOODLATTE):

H.R. 1015. A bill to provide for an increase in the amount of Servicemember's Group Life Insurance paid to survivors of members of the Armed Forces who died in the performance of duty between November 1, 2000, and April 1, 2001; to the Committee on Veterans' Affairs.

By Ms. BALDWIN (for herself, Mr. MCHUGH, Mr. OBEY, Mr. KIND, Mr. BARRETT, Mr. SENSENBRENNER, Mr. PETRI, Mr. SANDERS, Mr. HINCHEY, Mr. BOUCHER, Mr. COOKSEY, Mr. FATTAH, Mr. ENGLISH, Mr. BALDACCI, Mr. HOUGHTON, Mr. BOYD, Mr. CALLAHAN, Mr. VITTER, Mr. BOEHLERT, Mr. BROWN of Ohio, Mr. PICKERING, Ms. SLAUGHTER, Mr. WALSH, Mr. SWEENEY, Mr. SHERWOOD, Mrs. EMERSON, Mr. MCGOVERN, Mr. PETERSON of Pennsylvania, Mr. CLAY, and Mr. KLECZKA):

H.R. 1016. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit products that contain dry ultra-filtered milk products, milk protein concentrates, or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, and Mr. BOUCHER):

H.R. 1017. A bill to prohibit the unsolicited e-mail known as "spam"; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself, Mr. RYAN of Wisconsin, Mr. ARMEY, Mr. FLAKE, Mr. SHADEGG, Mr. SAM JOHNSON of Texas, Mr. DEMINT, Mr. PENCE, Mr. BONILLA, Mr. SESSIONS, Mr. DOOLITTLE, Mr. RYUN of Kansas, Mr. SOUDER, Mr. LARGENT, Mr. OTTER, Mr. TANCREDO, Mr. CHABOT, Mr. COX, Mrs. MYRICK, Mr. HAYWORTH, Mr. CANTOR, Mr. AKIN, Ms. HART, Mr. SCHAFFER, Mr. GARY MILLER of California, Mr. ISTOOK, Mr. HOSTETTLER, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. HERGER, Mr. ISSA, Mr. HEFLEY, Mr. KIRK, Mr. KELLER, Mr. JONES of North Carolina, Mrs. JO ANN DAVIS of Virginia, and Mr. BARR of Georgia):

H.R. 1018. A bill to amend the Internal Revenue Code of 1986 to provide for economic growth by providing tax relief; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. GILMAN, Mr. SHAYS, Mr. HORN, Mr. MICA, Mr. SOUDER, Mr. LATOURETTE, and Mr. BARR of Georgia):

H.R. 1019. A bill to amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nationals from making any campaign-related disbursements; to the Committee on House Administration.

By Mr. QUINN (for himself, Mr. CLEMENT, and Mr. BACHUS):

H.R. 1020. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Transportation and Infrastructure.

By Mr. CANTOR (for himself, Mr. SISISKY, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. SCOTT, Mr. SCHROCK, Mr. GOODE, Mr. GOODLATTE, Mr. BOUCHER, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mrs. MYRICK, Mr. PLATTS, Mr. TOWNS, and Mr. TANCREDO):

H.R. 1021. A bill to require the Secretary of the Treasury to redesign Federal reserve notes of all denominations so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Articles of Amendment, on the reverse side of such currency; to the Committee on Financial Services.

By Mr. DOOLITTLE:

H.R. 1022. A bill to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials; to the Committee on the Judiciary.

By Ms. DUNN (for herself, Mr. DEFAZIO, and Mr. WAMP):

H.R. 1023. A bill to amend the Incentive Grants for Local Delinquency Prevention Programs Act to authorize appropriations for fiscal years 2002 through 2007, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HULSHOF (for himself, Mr. JEFFERSON, Mr. MCCRERY, and Mr. COLLINS):

H.R. 1024. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Ways and Means.

By Mr. LATOURETTE:

H.R. 1025. A bill to amend the Internal Revenue Code of 1986 to establish a temporary checkoff on income tax returns to provide funding to States for improving the administration of elections for Federal office; to the Committee on Ways and Means, and in addition to the Committee on House Administration, 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. MOORE (for himself, Mr. ABERCROMBIE, Mr. BAIRD, Mr. BALDACCI, Mrs. BONO, Mr. BOSWELL, Mr. CALVERT, Mr. CAPUANO, Mr. CLEMENT, Mr. CONDIT, Mr. CRAMER, Ms. DELAURO, Mr. DOOLEY of California, Mr. FROST, Mr. GREEN of Texas, Mr. HILL, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. HYDE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. LUCAS of Kentucky, Mrs. MCCARTHY of New York, Ms. MCKINNEY, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PASCRELL, Mr. PETERSON of Minnesota, Mr. ROHRABACHER, Mr. RUSH, Mr. SANDLIN, Mr. SISISKY, Mr. SKELTON, Mr. TANCREDO, Mrs. TAUSCHER, Mr. THOMPSON of California, Mrs. JONES of Ohio, Mr. TURNER, Mr. WU, Mr. WYNN, and Mr. UDALL of New Mexico):

H.R. 1026. A bill to amend the Internal Revenue Code of 1986 to increase the annual limitation on deductible contributions to individual retirement accounts to $5,000, and for other purposes; to the Committee on Ways and Means.

By Mr. OLVER (for himself, Mr. MEEHAN, Mr. TIERNEY, Mr. MCGOVERN, Mr. BASS, and Mr. MARKEY):

H.R. 1027. A bill to establish the Freedom's Way National Heritage Area in the Commonwealth of Massachusetts and in the State of New Hampshire, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.R. 1028. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 1029. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. STARK, Mr. HOUGHTON, Mr. MATSUI, Mr. HERGER, Mr. COYNE, Mr. RAMSTAD, Mr. CARDIN, Mr. CAMP, Mr. LEWIS of Georgia, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, Mr. ENGLISH, Mr. BECERRA, Mr. WATKINS, Mrs. THURMAN, Mr. HAYWORTH, Mr. MCINNIS, Mr. FOLEY, Mr. POMEROY, Mr. RILEY, Mrs. KELLY, Mr. NETHERCUTT, Mr. GARY MILLER of California, Mr. GOODE, Mr. DOYLE, Mr. GREEN of Wisconsin, Mr. STUMP, Mr. SHOWS, Mr. BLUMENAUER, Mr. FILNER, Mr. BENTSEN, Mr. GUTKNECHT, Mr. CLEMENT, Mr. TERRY, Mr. UDALL of New Mexico, Mr. DICKS, Mr. BONIOR, Mr. TOM DAVIS of Virginia, Mr. EHRLICH, Ms. PRYCE of Ohio, Mrs. MYRICK, Mr. CHAMBLISS, Mr. BUYER, Mr. SANDLIN, Mr. DOOLITTLE, Mr. LARSON of Connecticut, Mr. MILLER of Florida, Mr. REYNOLDS, Mr. DEUTSCH, Mr. ISAKSON, Mr. DAVIS of Florida, Mr. WELDON of Florida, Mr. GREENWOOD, Mr. KOLBE, Mr. COX, Mr. WEXLER, Mr. FROST, Mr. WATT of North Carolina, Mr. SOUDER, Mr. MALONEY of Connecticut, Mr. HALL of Ohio, Ms. CARSON of Indiana, and Mr. GREEN of Texas):

H.R. 1030. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. EHRLICH, Ms. HART, Mr. SHAYS, Mrs. BIGGERT, Mr. ARMEY, Mr. SMITH of New Jersey, Mr. GREENWOOD, and Mrs. JOHNSON of Connecticut):

H.R. 1031. A bill to prohibit the use of Federal funds for certain amenities and personal comforts in the Federal prison system; to the Committee on the Judiciary.

By Mr. STUPAK (for himself, Mr. BROWN of Ohio, Mr. BARRETT, Ms. KILPATRICK, Ms. RIVERS, Mr. KIND, Mr. BONIOR, Mr. CONYERS, Mr. KUCINICH, Mr. OBEY, Mr. LUTHER, Mr. QUINN, Mr. KILDEE, Mr. DINGELL, Mr. BARCIA, Mr. LEVIN, Ms. BALDWIN, Mr. MARKEY, and Mrs. THURMAN):

H.R. 1032. A bill to prohibit oil and gas drilling in the Great Lakes; to the Committee on Resources.

By Mr. TIERNEY (for himself, Mr. BONIOR, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CONYERS, Mr. DEFAZIO, Mr. HILLIARD, Mr. MCDERMOTT, Mr. NADLER, Ms. NORTON, Mr. OLVER, Ms. RIVERS, Mr. SANDERS, Mr. WEINER, Mr. STARK, Mr. FATTAH, Mr. MCGOVERN, Ms. LEE, Ms. SCHAKOWSKY, Ms. WATERS, Mr. BALDACCI, Mr. KUCINICH, Mr. GUTIERREZ, Mrs. MEEK of Florida, Mr. KILDEE, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. LANTOS, Mrs. JONES of Ohio, Mr. FILNER, Mr. LEWIS of Georgia, Mr. EVANS, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. PAYNE, Ms. BALDWIN, Mr. MARKEY, Mr. THOMPSON of Mississippi, Mr. OWENS, and Mr. DAVIS of Illinois):

H.R. 1033. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself and Mr. YOUNG of Alaska):

H.R. 1034. A bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself, Mr. FROST, Mr. OWENS, Mr. HILLIARD, Ms. MCKINNEY, Mr. BALDACCI, Mr. BLUMENAUER, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. KUCINICH, Mr. MCGOVERN, Mrs. TAUSCHER, Mr. BAIRD, Ms. BALDWIN, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. WU, and Mrs. JO ANN DAVIS of Virginia):

H.R. 1035. A bill to direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telecommuting among small business employers, and to encourage such employers to offer telecommuting options to employees; to the Committee on Small Business.

By Mr. WU (for himself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. ANDREWS, Mr. SCOTT, Ms. WOOLSEY, Ms. RIVERS, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. FORD, Mr. KUCINICH, Ms. SOLIS, Mr. HOLT, Mr. HINOJOSA, Ms. MCCOLLUM, and Mrs. DAVIS of California):

H.R. 1036. A bill to amend the Elementary and Secondary Education Act of 1965 to reduce class size through the use of fully qualified teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Rhode Island (for himself and Mr. LANGEVIN):

H. Con. Res. 62. Concurrent resolution expressing the sense of Congress that the George Washington letter to Tuoro Synagogue in Newport, Rhode Island, which is on

display at the B'nai B'rith Klutznick National Jewish Museum in Washington D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; to the Committee on the Judiciary.

By Mr. LANGEVIN (for himself, Ms. JACKSON-LEE of Texas, Mrs. MEEK of Florida, Mrs. MALONEY of New York, Mr. REYES, Mr. HOYER, Mr. MEEHAN, Mr. WAXMAN, Mr. CAPUANO, Mr. HOEFFEL, Mr. BROWN of Ohio, Mr. FROST, Mr. CLAY, Mr. MOORE, Mr. RANGEL, and Mr. DELAHUNT):

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress that Congress should act quickly to enact significant election administration reforms which may be implemented prior to the regularly scheduled general elections for Federal office held in 2002; to the Committee on House Administration.

By Mr. FROST:

H. Res. 88. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. TURNER:

H. Res. 90. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

## ADDITIONAL SPONSORS

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

H.R. 25: Mr. GILMAN.

H.R. 31: Mr. HUNTER.

H.R. 68: Mr. BOYD.

H.R. 80: Mr. GIBBONS.

H.R. 99: Mr. CANTOR.

H.R. 105: Mr. CANTOR.

H.R. 162: Mr. DICKS, Mr. BONIOR, Mr. RAHALL, Mr. MATSUI, and Mrs. MINK of Hawaii.

H.R. 179: Mr. ACEVEDO-VILÁ, Mr. BLUNT, Mr. HASTINGS of Florida, Mr. HOLT and Mr. ORTIZ.

H.R. 239: Mrs. KELLY, Mr. NADLER, and Mrs. LOWEY.

H.R. 244: Ms. MILLENDER-MCDONALD.

H.R. 257: Mr. JONES of North Carolina, Mr. WELDON of Florida, and Mr. DOOLITTLE.

H.R. 287: Mr. QUINN, Mr. MCNULTY, and Mr. MCHUGH.

H.R. 303: Mr. BALLENGER, Mr. LEACH, Mrs. BIGGERT, Mr. FOSSELLA, Mr. GUTIERREZ, Mr. BEREUTER, Mr. BOSWELL, and Mr. ORTIZ.

H.R. 320: Mr. GREEN of Wisconsin.

H.R. 330: Mr. ISSA and Mr. FLAKE.

H.R. 346: Ms. SCHAKOWSKY.

H.R. 347: Mrs. THURMAN.

H.R. 397: Ms. MCCARTHY of Missouri, Mr. HOEFFEL, Mr. UDALL of Colorado, Ms. HOOLEY of Oregon, Mr. GUTIERREZ, Mr. SHAW, Ms. MCCOLLUM, Mr. ANDREWS, Mr. GILLMOR, Mr. BONIOR, Mr. GREEN of Texas, Ms. HART, and Mr. LAHOOD.

H.R. 436: Mr. CANNON, Mr. FILNER, Mr. MCHUGH, Mr. SIMMONS, Mr. HASTINGS of Washington, and Mr. HOLT.

H.R. 437: Ms. HART.

H.R. 489: Mrs. THURMAN, Mr. CLEMENT, Mr. DAVIS of Illinois, Mr. TURNER, Mr. BOUCHER, Ms. MILLENDER-MCDONALD, and Mr. GRUCCI.

H.R. 490: Mr. CLEMENT, Ms. ESHOO, Ms. DELAURO, Ms. SANCHEZ, Mr. SHOWS, Mr. SANDERS, Mr. MCINTYRE, Mr. LATOURETTE, Mr. JACKSON of Illinois, and Mr. LEACH.

H.R. 498: Mr. SIMMONS, Ms. WOOLSEY, Mr. BARTON of Texas, Mr. MATSUI, Mr. LANTOS, Ms. HART, Mr. BECERRA, Mr. BERMAN, and Mr. HALL of Texas.

H.R. 503: Ms. ROS-LEHTINEN, Mr. PETERSON of Pennsylvania, Mr. ISSA, and Mr. BOEHNER.

H.R. 510: Ms. HART, Ms. MILLENDER-MCDONALD, Ms. BALDWIN, Mr. CALVERT, and Mr. SAWYER.

H.R. 525: Mr. WYNN.

H.R. 534: Mrs. ROUKEMA, Mr. SMITH of Washington, Mr. FOSSELLA, Mr. BACHUS, Mr. MICA, Mr. BRYANT, Mr. WALDEN of Oregon, Mr. FROST, Mr. GILCHREST, Mr. LARSEN of Washington, Mr. KIRK, Mr. GOSS, Mr. YOUNG of Alaska, Mr. WATTS of Oklahoma, Mr. MCHUGH, Mr. BLUNT, Mr. GREEN of Texas, Mr. SCHROCK, Mr. HUTCHINSON, Mr. TANCREDO, and Mr. WELDON of Pennsylvania.

H.R. 544: Ms. MILLENDER-MCDONALD and Ms. HARMAN.

H.R. 550: Mr. LEVIN, Mr. ROGERS of Michigan, Mr. UPTON, Mr. BONIOR, Mr. CAMP, and Mr. BARCIA.

H.R. 551: Ms. HOOLEY of Oregon.

H.R. 585: Mr. ALLEN.

H.R. 606: Mr. TURNER, Mrs. MCCARTHY of New York, Mr. SCHIFF, Ms. VELAZQUEZ, Mr. BONIOR, and Mr. FERGUSON.

H.R. 612: Mr. BLUNT, Mr. BRYANT, Mr. TIAHRT, and Mr. LIPINSKI.

H.R. 622: Mr. GRAVES, Mr. OTTER, Mr. BALDACCI, Ms. SOLIS, Mr. HOEFFEL, Mr. PORTMAN, Ms. DUNN, and Mr. HYDE.

H.R. 687: Mr. KUCINICH and Mr. OWENS.

H.R. 698: Mr. CLAY, Ms. CARSON of Indiana, Mr. DELAHUNT, Mr. KUCINICH, Mr. PAYNE, and Ms. SLAUGHTER.

H.R. 756: Ms. MILLENDER-MCDONALD and Mrs. DAVIS of California.

H.R. 758: Mr. LANTOS, Ms. SLAUGHTER, and Ms. MILLENDER-MCDONALD.

H.R. 760: Ms. BALDWIN, Ms. BERKLEY, Ms. WOOLSEY, and Mr. BARCIA.

H.R. 762: Mrs. MEEK of Florida.

H.R. 779: Mr. LUCAS of Kentucky.

H.R. 785: Mrs. THURMAN.

H.R. 787: Mr. SIMMONS.

H.R. 801: Mr. FILNER, Mr. PASCRELL, Mr. EHRLICH, Mrs. ROUKEMA, and Mr. GOODE.

H.R. 811: Mrs. ROUKEMA.

H.R. 822: Mr. PAUL, Mr. GILLMOR, and Mr. EVANS.

H.R. 826: Mrs. THURMAN.

H.R. 871: Mr. OTTER.

H.R. 912: Mr. GANSKE, Mr. BAIRD, Mr. CLYBURN, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANGEVIN, Mr. MALONEY of Connecticut, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. OWENS, Mr. PASCRELL, Mr. SABO, Mr. SERRANO, Mr. UDALL of New Mexico, Mr. CUMMINGS, and Mrs. TAUSCHER.

H.R. 920: Ms. MCKINNEY.

H.R. 936: Ms. LEE, Mr. BOSWELL, Mr. MASCARA, Mr. CONYERS, Mr. ENGLISH, Mr. OLVER, Ms. VELAZQUEZ, Mr. GREEN of Wisconsin, Mr. PASTOR, and Mr. STEARNS.

H.R. 1005: Mr. MURTHA.

H.R. 1009: Mr. SHAYS.

H.J. Res. 36: Mr. BARR of Georgia, Mr. NETHERCUTT, Mr. LUCAS of Kentucky, and Mr. WAMP.

H. Res. 56: Ms. ROS-LEHTINEN.

H. Res. 72: Mr. DOOLEY of California and Mr. EVANS.

H. Res. 73: Mr. SIMMONS.

H. Res. 87: Ms. PELOSI and Mr. NETHERCUTT.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, MARCH 14, 2001 No. 34

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

## PRAYER

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

Gracious Father, source of strength to live life to the fullest, replenish our enthusiasm for the people of our lives, the work that You have given us to do, and the leadership we must provide. What Vesuvius would be without fire, or Niagara without water, or the firmament without the Sun, so leaders would be without enthusiasm. You desire it. We require it. And other people never tire of it.

Lord, You know what happens to us in the pressures and problems of life. The ruts of sameness become well worn, the blight of boredom settles on the bloom of what was once thrilling. You know we need a fresh gift of enthusiasm, when prayer becomes routine or people are taken for granted or the national anthem and the Pledge of Allegiance do not send a thrill up our spines or the privilege of living in this free land becomes mundane.

Bless the Senators and all of us who work with them today with a burst of enthusiasm for the privilege of being here in the Senate. Renew our awe and wonder, our vision and hope for our Nation, and our sense of gratitude that You have chosen to be our God and chosen us to love and serve You here in Government. You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN 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. THURMOND].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 14, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

STROM THURMOND,
*President pro tempore.*

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

## RECOGNITION OF THE ACTING MAJORITY LEADER

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

## SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will be in a period of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the Bankruptcy Reform Act. There will be three stacked votes at approximately 10:45 a.m. on the Carnahan amendment No. 40, the Smith of Oregon amendment No. 95, and the Wyden amendment No. 78. Following the votes, the Senate will resume consideration of the Wellstone amendment regarding debt collection. As a reminder, the cloture vote on the bankruptcy bill will occur at 4 p.m. today. Pursuant to rule XXII, the filing deadline for second-degree amendments is 3 p.m. Senators should be prepared for votes throughout the day and into the evening.

I thank my colleagues for their attention.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time until 10 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

## TAX CUT RELIEF

Mr. THOMAS. Mr. President, the issue the Senate is debating is bankruptcy. We will also be dealing with education, and we will be dealing with the budget.

Somewhat overlying all these issues is the idea of tax relief, of doing something with the tax burden of American citizens, coming to some agreement on how that can indeed be done with some of our associates to come to the conclusion that, in fact, taxpayers are entitled to some relief in their taxes, if indeed those taxes exceed the needs of the Federal Government.

It has been, of course, the highest priority for this administration, the highest priority for President Bush, as he has outlined his plan in his campaign and has brought it forth as a specific proposal to the Congress. The House has acted on a portion of it at this point. I happen to believe it is reasonable for the Senate to hold off a bit in terms of acting on it until we have seen our budget. That is appropriate.

We need to try as much as we can to get people to understand what is out there. There are all kinds of notions being thrown about. What we need to do is to try to get it as accurate as we can so people can, indeed, make their decisions.

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



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Some are concerned about the idea that you have to project revenues into the future. Of course, there is some uncertainty. We don't know exactly what will happen. In anything you do, whether it is an organization, whether it is a business, whether, indeed, it is your family, as you take into account longer term expenditures, one has to reach out and make an estimate as to what they think the revenues are going to be. That is not unusual. We have the best people who have made prognostications in the past doing that.

Under the budget, receipts grow from $2.1 trillion in 2001 to $3.2 trillion in 2011, an increase of 51 percent. Overall, the budget projection totals collections of almost $30 trillion over the next 10 years. Despite the fact that to all of us, I assume, $1.6 trillion is an almost unimaginable amount, it is, indeed, a little less than 6 percent of the total projected revenues. When you put it into the context of what we are talking about, it becomes a reasonable proposal.

I imagine probably more important than anything is that we have to take a look at the fact that we do have a surplus. Frankly, when we do have a surplus, we find, if we ask people, how much more involvement of the Federal Government, how much growth of the Federal Government do you want over here, they would say: We have about enough growth. We have about enough Government. But then over here you have a surplus so every expenditure that anyone has ever had in mind suddenly becomes a possibility, and we find ourselves then with growth beyond what most people would want to have.

The American people are paying a record level of taxation, over 20.5 percent of the gross domestic product. That is the highest it has been since World War II. The individual burden has doubled since the Clinton tax increases of 1993. All this points toward doing something meaningful in terms of tax reduction. The cut would be $1.6 trillion; that would be left in the pockets of taxpayers.

We hear all kinds of notions that it is actually going to be $2.2 trillion or whatever. That is not the case. It is aimed towards being $1.6 trillion, and that is where it would be.

There is tax relief for all taxpayers. We can get into, obviously, a discussion of the fact that there are people who don't pay income taxes who will not have relief from income tax reduction. That is fairly reasonable.

Everyone who pays taxes will get some relief. A typical family of four will see their tax liabilities reduced by $1,600, which is a sizable amount.

The other part of the equation is that there are moneys to strengthen education. There are moneys to help with defense and security. Those are a couple of the top priorities we have. We will do more with Medicare. Those dollars will be there for Medicare. Those dollars will be there for Social Security.

I hope people understand the whole package. It sometimes is made to sound as though, if we give those taxpayers a break, we will not be able to do the things we should. Not true. There will be dollars to do the things the Federal Government has as priorities. There will be dollars to reduce the debt, and, in fact, all of the reducible debt will be done by 2010. That will not be all of it because much of it is long term and, frankly, people who hold the certificates are not ready to do that.

It is something on which we need to continue to work. I think it is a good thing for the country. It is a good thing for the taxpayers. Certainly, it is something I support, and I hope others support. I see my friend from Missouri.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 528 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BOND. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

## RACIAL PROFILING

Mr. FEINGOLD. Mr. President, we Americans take pride in our freedom and independence. Central to our sense of who we are is our firm belief that we are free to walk the paths of our own choosing, free to move about as we please, free from the intrusion of the government in that movement.

As Thomas Jefferson wrote in his Draft of Instructions to the Virginia Delegates in the Continental Congress, ''The God who gave us life, gave us liberty at the same time.''

From the start, immigrants came to these shores to escape the state's intrusion into their lives. When in the early 1600's, the English government began arresting Separatists for their religious practices, about a hundred of them became the Pilgrims and sailed to Plymouth. When in 1620 the Parliament enacted a law requiring all to worship according to the laws of the Church of England, the Puritans came to Massachusetts, the Quakers came to New Jersey and then Pennsylvania, and Catholics came to Maryland.

When, in 1636, Roger Williams sought freedom from the intrusions of the Massachusetts colony into religious practices, he founded Rhode Island. And two decades later, Jews fleeing the persecutions of numerous states settled there in Newport.

Even separated by the Atlantic Ocean, however, the American colonists continued to chafe at the intrusion of the British government into their lives. Among the colonists' foremost grievances was the manner in which the British government harassed and searched Americans without reason or probable cause. The British government did so under color of general warrants known as ''writs of assistance,'' which gave British customs officers blanket authority to search where they pleased for goods imported in violation of British tax laws.

This harassment by the state's officers helped to spark the American Revolution. In 1761, the Massachusetts patriot James Otis attacked the writs and their use to hound American colonists as, he said, ''the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was found in an English law book,'' because, in Otis' words, they placed ''the liberty of every man in the hands of every petty officer.''

Otis' argument did much to sow the seeds of America's Declaration of Independence. ''Then and there,'' said John Adams, ''then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born.''

The Supreme Court later wrote: ''Vivid in the memory of the newly independent Americans were those general warrants known as writs of assistance under which officers of the Crown had so bedeviled the colonists.'' And in another case, the Court wrote: ''It is familiar history that indiscriminate searches and seizures conducted under the authority of 'general warrants' were the immediate evils that motivated the framing and adoption of the Fourth Amendment.''

That Amendment states:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Early on, Chief Justice Marshall assumed that the Fourth Amendment was intended to protect against arbitrary arrests. And that position has become settled law. More recently, the Supreme Court has said:

> Unreasonable searches or seizures conducted without any warrant at all are condemned by the plain language of the first clause of the Amendment.'' The Court went on to state that ''the warrantless arrest of a

person is a species of seizure required by the Amendment to be reasonable.

It is thus fundamental to American history and rooted in American law that the officers of the state may not arrest or detain its citizens arbitrarily or without cause. Our law and Constitution protect our freedom to walk those paths of our own choosing, free from the intrusion of the government as we walk.

And it is that very individual freedom that gives our great Nation its strength. As John Quincy Adams wrote: ''Individual liberty is individual power, and as the power of a community is a mass compounded of individual powers, the nation which enjoys the most freedom must necessarily be in proportion to its numbers the most powerful nation.''

The point of my comments today is this is not the case for all Americans.

But, some Americans still cannot walk where they choose. Some Americans cannot travel free from the harassment of the government. Some Americans still do not receive the full benefit of their civil rights.

Too many Americans are subject to being detained by officers of the state without reasonable suspicion, without good reason, for no other reason than the color of their skin.

As I noted at the outset of my remarks, many came to these shores as immigrants to escape the intrusive state. We must not forget that many also came to these shores in chains, because of the color of their skin. They and their decendents endured our Nation's long struggle against slavery and discrimination.

Sadly, even now, skin color alone still makes too many Americans more likely to be a suspect, more likely to be stopped, more likely to be searched, more likely to be arrested, and more likely to be imprisoned.

The numbers alone are devastating: A 1999 ACLU report found that along Interstate 95 in Maryland, while African-Americans were only 17 percent of the drivers and traffic violators, African-Americans accounted for an alarming 73 percent of the drivers searched.

Last November, a front-page New York Times story reported that New Jersey state documents acknowledged that at least 8 of every 10 automobile searches carried out by state troopers on the New Jersey Turnpike over most of the last decade were conducted on vehicles driven by African-Americans and Hispanics.

Racial profiling is not limited to I–95. The Justice Department has recently been investigating 14 police departments for civil rights violations, including Charleston, West Virginia; Riverside, California; Orange County, Florida; Prince George's County, Maryland; Eastpointe, Michigan; New Orleans; Buffalo; Washington; and New York City. In Los Angeles, the Justice Department recently forced the police department to accept an independent monitor's supervision after a 4-year investigation of police abuse in the city's largely minority Rampart section.

The practice of racial profiling has not respected status or standing, wealth or privilege.

Last September, the Director of Personnel at the White House, Bob Nash, and his wife were stopped for no other apparent reason than that they are African-American. As Mr. Nash said at the time:

> Until that moment, we had an intellectual understanding of the bogus crime, ''Driving While Black.'' But, in a few terrifying moments, we felt it more deeply and more personally than any words could ever convey. Said Nash, the experience left them embarrassed, humiliated and afraid for our lives.

The Houston Chronicle reported that last year the Border Patrol pulled over and questioned United States District Judge Filemon Vela traveling to court—not once but twice—as part of an immigration crackdown in South Texas, called Operation Rio Grande.

Last November, the well-known singer Lenny Kravitz was handcuffed and detained by Miami Beach police. Mr. Kravitz, whose 1989 song ''Mr. Cab Driver'' speaks out against racial profiling, appears to have fallen victim to it himself. Said Kravitz:

> I was very concerned and upset. Being black, I've dealt with all kinds of things because of my color, but nothing like this.

Last month, 60 Minutes aired the story of Harvard law student Bryonn Bain, who appears to have been the victim of ''walking while black.'' He was stopped by police while simply walking down the street. In an article in the May 2, 2000, Village Voice, Bain said:

> After hundreds of hours and thousands of pages of legal theory in law school, I have finally had my first real lesson in the Law.

Said Bain:

> The lesson for the day was that there is a special Bill of Rights for nonwhite people in the United States—one that applies with particular severity to Black men. It has never had to be ratified by Congress because—in the hearts of those with the power to enforce it—the Black Bill of Rights is held to be self-evident.

Plainly, the practice of racial profiling is profoundly at variance with the fundamental tradition of American law and justice.

In 1790, President George Washington wrote the congregation of Touro Synagogue in Newport, Rhode Island, in words that are etched in the Holocaust Memorial Museum in Washington:

> The government of the United States . . . gives to bigotry no sanction, to persecution no assistance.

But what other than ''bigotry'' and ''persecution'' can we call this practice of ''racial profiling,'' which targets drivers, airline passengers, or pedestrians, not because of any action they take, not because of any probable cause, but solely because of the color of their skin. Too many law enforcement entities have made a crime out of DWB—''Driving While Black.''

Among the many corrosive effects of this insidious practice is the way it undermines the willingness of good people to work with the police. As one victim of racial profiling in Glencoe, Illinois, said:

> Who is there left to protect us? The police just violated us.

As the U.S. Civil Rights Commission found last year:

> Communities of color do not want to choose between safety and civil rights.

They should not have to.

We as a Nation cannot and should not tolerate this injustice. As the philosopher Herbert Spencer wrote:

> No one can be perfectly free till all are free.

And as Woodrow Wilson said:

> Liberty does not consist . . . in mere general declarations of the rights of man. It consists in the translation of those declarations into definite action.

Many leaders have spoken out against this intolerable abuse. Many have worked to translate the traditions of American law and justice into legislation to address this evil.

First and foremost is our colleague in the other body, Representative JOHN CONYERS. Representative JOHN CONYERS has been at the forefront of legislative efforts on this subject. We have worked together on legislation focused on a study of traffic stop data. Shortly, Congressman CONYERS and I will introduce, along with many of our colleagues, an improved version of that bill.

Last Congress and this Congress, I have been proud to cosponsor a bill introduced by my friend and colleague from Illinois, Senator DURBIN, that focuses on ''flying while Black''—the practice of targeting people of color to be stopped and searched in airports. Senator DURBIN has provided valuable leadership on this issue.

Let me take a moment to notice the very intense and sincere efforts of a new colleague of ours, Senator JON CORZINE, of New Jersey, who has made addressing this racial profiling issue one of his top priorities. I very much look forward to working with the new Senator from New Jersey on this issue.

Leaders of both parties have expressed support for doing something about racial profiling.

During the second Presidential debate, on October 11 of last year, then-Governor Bush said that he would support or sign as President a federal law banning racial profiling by police and other authorities at all levels of government.

Governor Bush said:

> I can't imagine what it would be like to be singled out because of race and stopped and harassed. That's just flat wrong, and that's not what America's all about. And so we ought to do everything we can to end racial profiling.

Governor Bush went on:

> I do think we need to find out where racial profiling occurs and do something about it. And say to the local folks, get it done, and if you can't, there'll be a federal consequence.

He further said:

> [R]acial profiling isn't just an issue at the local police forces. It's an issue throughout

our society. And as we become a diverse society, we're going to have to deal with it more and more.

I believe, sure as I'm sitting here, that most Americans really care. They're tolerant people. They're good, tolerant people. It's the very few that create most of the crisis. And we just happen to have to find them and deal with them.

On February 9 of this year, at remarks marking Black History Month, President Bush said that he would ''look at all opportunities'' to end racial profiling. While visiting a predominantly African-American elementary school here in Washington, D.C., President Bush said:

I'll look at all opportunities, starting with the gathering of information where the federal government can help jurisdictions gather information, compile information, to get the facts on the table to make sure people are treated fairly in the justice system.

And in his State of the Union Address two weeks ago, the President addressed the issue again. There, he said:

As government promotes compassion, it also must promote justice. Too many of our citizens have cause to doubt our nation's justice when the law points a finger of suspicion at groups instead of individuals. All our citizens are created equal and must be treated equally. Earlier today, I asked John Ashcroft, the Attorney General, to develop specific recommendations to end racial profiling. It's wrong, and we will end it in America.

I certainly welcome our new President's comments.

Attorney General Ashcroft has also stated that racial profiling will be a priority in his Department of Justice. At his confirmation hearing on January 17, Senator Ashcroft said:

I think racial profiling is wrong. I think it's unconstitutional. I think it violates the 14th Amendment. I think most of the men and women in our law enforcement are good people trying to enforce the law. I think we all share that view. But we owe it to provide them with guidance to ensure that racial profiling does not happen. I look forward to working together with you to try to find a way to do that.

Senator Ashcroft summed up:

I will make racial profiling a priority of mine.

In a follow-up written question to that hearing, I asked Senator Ashcroft whether his opposition to racial profiling included racial profiling of airline passengers or people walking down the street. Senator Ashcroft replied:

I have stated my strong opposition to racial profiling across the spectrum. There should be no loopholes or safe harbors for racial profiling. Official discrimination of this sort is wrong and unconstitutional no matter what the context.

And two weeks ago, at an extensive statement and press conference on the subject, Attorney General Ashcroft said:

I have long believed that to treat people solely on the basis of their race was a violation of the 14th Amendment to the U.S. Constitution.

He declared: ''It's wrong,'' and said:

I believe Congress can, and will, respond constructively.

Attorney General Ashcroft also sent a letter to the Chairmen and Ranking Democratic Members of the Judiciary Committees on this subject, and I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, Wisconsin's former Governor Tommy Thompson, now Secretary of Health and Human Services, created a Task Force on Racial Profiling when he was Governor. That Task Force just completed its report, and concluded, among other things, that more data is needed, and recommended data collection. Congressman CONYERS and our legislation calls for data collection, among other things.

I am pleased that the President and Members of his Cabinet recognize the gravity of this issue for all Americans. Particularly in the wake of the racially divisive election and nomination of Attorney General Ashcroft, the Administration needs to make special efforts to heal the wounds that separate us as a Nation. And with the support of the Administration, we should be able to enact racial profiling legislation this year.

But we should do more. Once again, I call on President Bush to resubmit the nomination of Judge Ronnie White to serve as a U.S. District Court judge.

I also call on the President publicly to support the nomination of Judge Roger Gregory to the Fourth Circuit Court of Appeals.

These distinguished jurists deserve to sit on the Federal bench. And the effective administration of justice in America demands that the Federal courts, even the Fourth Circuit Court of Appeals, reflect the diversity of this Nation.

Let us do more to advance the cause of justice for all, and then we can truly live out the ancient wisdom, inscribed on the Liberty Bell, and ''[p]roclaim liberty throughout all the land unto all the inhabitants thereof.''

I yield the remainder of my time.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL,
*Washington, DC, February 28, 2001.*

Hon. PATRICK LEAHY,
*Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR SENATOR LEAHY: As you know, I received a directive from the President late yesterday asking me to work with Congress to develop effective methods to determine the extent to which law enforcement officers in the United States engage in the practice of racial profiling. As you further know, racial profiling is the use of race as a factor in conducting stops, searches, and other investigative procedures. While we all recognize that the overwhelming majority of law enforcement officers perform their demanding jobs in an outstanding manner, any practice of racial profiling, even by a small minority, is unacceptable.

You may recall that during the hearing I held on the subject last year as a Senator, I stated that racial profiling, even if practiced only by a few, is extremely problematic for two reasons. First, it undermines the public trust in the impartiality of law enforcement officers which is essential to effective law enforcement. Second, and more importantly, I personally believe such a practice violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution. I share the President's commitment to ending any unequal treatment of Americans, particularly by law enforcement.

To this end, I urge you in your capacity as Ranking Member of the Judiciary Committee to consider quickly legislation authorizing the Department of Justice to conduct a study of traffic stops data that currently is being collected voluntarily by law enforcement agencies across the country. Such a study will assist us in determining the extent of the problem of racial profiling.

The Traffic Stops Statistics Study Act introduced last Congress by Congressman Conyers in the House, and proposed by Senator Feingold in the Senate, is an excellent starting place for such an enterprise. I would hope that any legislation you consider makes clear that such information is provided voluntarily, in order to quell any potential federalism concerns. Such legislation ought to permit consideration of broad categories of data, such as the reasons and circumstances of any stop, the identifying characteristics of the driver and passengers as perceived and discernable by the officer making the stop, the characteristics of the officer making the stop, the racial or ethnic composition of the area in which the stop was made, and any other data that will ensure as full a picture as possible of these contacts, such as arrest and conviction outcomes linked to traffic stops. In order to encourage participation, the legislation hopefully will make clear that the legislation will not change the burdens or standards of proof in any lawsuits. The legislation, therefore, would lend to a better study, by emphasizing the importance and seriousness of the issue while, at the same time, encouraging cooperation.

I am eager to begin work on this important task, and hope that Congress will consider such legislation quickly. If Congress is unable to authorize such a study in 6 months, I will instruct the Department to begin promptly its own study of available data. I look forward to working with you on this important issue to ensure that all Americans are guaranteed equal justice under law.

Sincerely,

JOHN ASHCROFT,
*Attorney General.*

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## BANKRUPTCY

Mr. BINGAMAN. Mr. President, I ask unanimous consent to be allowed to speak as if in morning business for a few minutes on two amendments that are pending to the bankruptcy bill—amendments offered by Senator WYDEN and Senator SMITH related to discharge of debts and prohibition of discharge of debts related to the California energy crisis.

I oppose the Smith amendment to the underlying Wyden amendment, and I also oppose the Wyden amendment.

In my view, both amendments are unfair in that they give an unfair advantage to government agencies at the expense of private companies in the event that California utilities wind up in bankruptcy. They ensure that a large Federal utility like Bonneville, itself the beneficiary of billions of dollars of Federal investment, and other utilities will be paid ahead of the banks, small renewable energy generators, natural gas companies, and other creditors.

Both amendments are not helpful in our current circumstance. The State of California and its utilities are trying desperately to keep the utilities out of bankruptcy. Without these amendments, they stand a good chance of succeeding. If the amendments are adopted, the utilities will almost certainly be forced to declare bankruptcy.

I also oppose the amendments because, in my view, they are unwise. The consequences of the three largest utilities in California going bankrupt are unknown, as is the rest of the State's economy and the rest of our Nation's economy. But it is clear that it will not just affect the ratepayers served by the three utilities, or even just the people of California. It will affect all Americans. As Chairman of the Federal Reserve, Alan Greenspan, testified several weeks ago, ''it's scarcely credible that you can have a major economic problem in California which does not feed to the rest of the 49 States.''

In my view, the amendments are also unnecessary. If utilities are able to avoid bankruptcy, then the power suppliers that these amendments seek to protect will be paid. Even if they go bankrupt, those power suppliers stand a reasonably good chance of being paid—if not by the utilities themselves, then by the government, for the reasons that Senator MURKOWSKI explained last night on the Senate floor.

In my view, the amendments are also unworkable. By trying to jump certain creditors to the head of the line to receive payment, they will most likely force the remaining creditors to move to put the utilities into bankruptcy immediately so that the utilities' assets can be divided immediately, 6 months before the amendments in fact take effect.

Even if the amendments are enacted, the generators would not likely receive any benefit from the enactment of the amendments.

Finally, these amendments, in my view, are uncharitable in that the administration has declared the California electric crisis to be California's problem, and has left it to California to solve the problem. The Federal Energy Regulatory Commission, which is the independent agency charged with seeing to it that electric rates are just and reasonable, has done little to help the situation. Governor Davis, and the State legislature in California, the utilities, and their creditors have been working valiantly in recent weeks, and even months, to fix this problem. All they are now asking of this Senate is that we not intervene and send the utilities into bankruptcy by adopting amendments of this type.

In my view, Senators need to weigh the potential enormous harm to millions of Americans that would result in the adoption of these amendments against the illusory benefit that the amendments hold out for the few generators that would be benefited.

In sum, to paraphrase Shakespeare, which is not done very often on the Senate floor, adoption of the amendments will rob California of that which cannot enrich the northwest generators and yet will make California poor, indeed.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I believe the unanimous consent order provided 5 minutes for Senator HAGEL to speak against the Wyden amendment. Senator HAGEL will not be able to be present, and I ask unanimous consent to use that time.

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

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I thank the ranking member of the Energy Committee, the Senator from New Mexico, Mr. BINGAMAN, for his remarks in opposition to the Wyden amendment. I also wish to thank Senator MURKOWSKI, the chairman, who came to the floor last night and spoke against the amendment.

Last evening, I submitted for the RECORD several letters in opposition to the amendment from the Electric Power Supply Association, the Edison Electric Institute, The Williams Companies, Calpine, Pacific Gas and Electric, Southern California Edison, International Brotherhood of Electrical Workers, The Utility Reform Network, a consumer group, and the American Gas Association, all in strong opposition to the Wyden amendment, and also with one general theme. That general theme is that if the Congress of the United States were to determine the order in which debts would be discharged, it would trigger a bankruptcy because those who are not favored in that order would seek to protect their right by moving both Pacific Gas and Electric and Southern California Edison into bankruptcy. Virtually every single letter reiterated that concern.

I would like to reread from one of the letters so the Senate might understand the concern, and that is from the Electric Power Supply Association. That letter states:

> We are writing to express our deep concern and opposition to [the amendment]. Our fear is that this amendment could precipitate a financial crisis and exacerbate the already precarious situation in the West.

The PRESIDING OFFICER. Will the Senator suspend.

Mrs. FEINSTEIN. I will.

## BANKRUPTCY REFORM ACT OF 2001—Resumed

The PRESIDING OFFICER. We were to lay down the bill at 10:30. The hour of 10:30 having arrived, the clerk will report the pending bill.

The bill clerk read as follows:

> A bill (S. 420) to amend title 11, United States Code, and for other purposes.

Pending:

> Leahy amendment No. 20, to resolve an ambiguity relating to the definition of current monthly income.
>
> Wellstone amendment No. 35, to clarify the duties of a debtor who is the plan administrator of an employee benefit plan.
>
> Wellstone modified amendment No. 36, to disallow certain claims and prohibit coercive debt collection practices.
>
> Wellstone amendment No. 37, to provide that imports of semifinished steel slabs shall be considered to be articles like or directly competitive with taconite pellets for purposes of determining the eligibility of certain workers for trade adjustment assistance under the Trade Act of 1974.
>
> Kennedy amendment No. 38, to allow for reasonable medical expenses.
>
> Collins amendment No. 16, to provide family fishermen with the same kind of protections and terms as granted to family farmers under chapter 12 of the bankruptcy laws.
>
> Leahy amendment No. 41, to protect the identity of minor children in bankruptcy proceedings.
>
> Wyden amendment No. 78, to provide for the nondischargeability of debts arising from the exchange of electric energy.
>
> Carnahan amendment No. 40, to ensure additional expenses associated with home energy costs are included in the debtor's monthly expenses.
>
> Smith of Oregon amendment No. 95 (to amendment No. 78), of a perfecting nature.
>
> Reid (for Durbin) amendment No. 93, in the nature of a substitute.
>
> Reid (for Breaux) amendment No. 94, to provide for the reissuance of a rule relating to ergonomics.

AMENDMENT NO. 78

The PRESIDING OFFICER. The Senator now has 5 minutes.

Mrs. FEINSTEIN. I thank the Chair, and I would like to continue:

> This amendment seeks to give certain entities a favorable status in the event that California utilities fall into bankruptcy.

That is what the Wyden amendment does.

The letter goes on:

> Many companies have provided power to California's consumers and [this association] believes emphatically that all these entities deserve to be fully and fairly compensated.

As do I, Mr. President.

> However, it is inappropriate for the Senate to try and create winners and losers in this desperate situation. Rather than orderly resolution, this legislation could lead to a premature declaration of bankruptcy and the

inevitable liquidation of the California electric utilities' assets in a legal free-for-all.

The American Gas Association, on behalf of all of the natural gas companies involved in this, also states the same thing. They go on, however, to say:

As the preferred creditors would in actuality control the bankruptcy proceedings through their status, in effect Chapter 11 reorganization would not be an option. Liquidation of assets through Chapter 7 filing would result. Such action could cause serious disruption and harm to the utility customers, not to mention the non-preferred creditors.

So, Mr. President, you have virtually all of the electric power producers, as well as the natural gas producers, in effect, saying that if you give these Federal entities preferred status, should there be a bankruptcy, they would, in effect, have to assert their rights to force an involuntary bankruptcy, and that then would put both of the utilities into chapter 7 rather than chapters 11 or 13. This was the theme—the dominant theme—from virtually every generator, producer, and creditor.

I know of virtually no electric power producer or gas producer that believes this amendment will do anything other than trigger a bankruptcy of these two companies. Therefore, I am strongly in opposition to it.

Last evening, the proponent of this legislation, Senator WYDEN, said in fact the legislation does not do this. So we went out and we contacted the bankruptcy attorney for Pacific Gas and Electric. We asked them for a letter and their interpretation of the Wyden amendment. I have that letter. I will read it into the RECORD.

My firm is special reorganization counsel to Southern California Edison. In connection with the debate over the Wyden Amendment to S. 420, it has been suggested that the Amendment is not intended to prefer the debt covered by the Amendment over the debts of other creditors of Southern California Edison and the other utilities affected by the Amendment. Please be advised that, in my view, the Amendment would do exactly that.

This is the bankruptcy counsel for one of the utilities at risk of bankruptcy.

The letter goes on:

The purpose of the Wyden Amendment is to exclude from the binding effect of a plan of reorganization in chapter 11 certain creditors of the utility who provided wholesale electric power to the utility under certain conditions. It provides that such debts are nondischargeable. As a consequence, a utility in chapter 11 could not bind such preferred creditors under a plan of reorganization, and such creditors would be able to pursue the utility following confirmation of a plan to collect in full, in cash, their obligations while the other creditors were bound by the terms of a confirmed plan of reorganization. Depending upon the magnitude of such preferred claims, the utility might find it very difficult to confirm a plan under such circumstances. Such result would be very detrimental to not only the utility but to its other creditors.

This is the bankruptcy counsel himself.

It is also my understanding that there has been a suggestion in argument on behalf of the Amendment that the magnitude of the preferred obligations would not exceed $100 million to $200 million. I am advised by Southern California Edison that based upon the amount of power purchased during the emergency orders of the Federal Energy Regulatory Commission, the amount of power procured to serve Southern California Edison's customers substantially exceeded that amount.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to use the remainder of Senator BINGAMAN's time.

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

Mrs. FEINSTEIN. Thank you very much.

Continuing:

Based upon the foregoing, it should be clear that if Southern California Edison was involved in a bankruptcy proceeding, the proposed legislation would have significant impact upon Southern California Edison and its other creditors.

Mr. President, this is the bankruptcy counsel.

So we know two things: One, from bankruptcy counsel, that this amendment—the Wyden amendment and the Smith amendment—do in fact create two classes of creditors. And they do, in fact, give premier standing to one class of creditors, the Federal subsidized entities. Those entities are given preference in a bankruptcy. Secondly, we know in fact that the amount involved is a good deal more than the amount represented in this Chamber.

We also know that virtually every other power producer and supplier—every single one—believes that if this amendment were to pass, they would have to exercise their rights, which would be to push Southern California Edison and Pacific Gas and Electric into an involuntary bankruptcy and most probably in chapter 7, which would mean a dissolution of the companies involved.

This would be tragic because the State has negotiated an agreement with two utilities to buy their transmission lines and to put $7 billion into the purchase of those transmission lines. The result would then be a securitization of that back debt and enable these utilities to pay their debtors and creditors without going into bankruptcy. So a plan to enable the payment of the debtors and creditors is now underway by the State.

Various Members of this body may not like how the State is handling the problem, but the State does have the right to try to redress the debts and in fact is doing so. These amendments can only wreak devastation on that attempt. I strongly oppose the Wyden and Smith amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am going to a gathering for Jesse Brown. I ask unanimous consent that I be allowed to bring the Wellstone amendment, which is supposed to come next, to the floor at 1:15.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, is that a modification of the earlier amendment?

Mr. WELLSTONE. That is correct.

Mr. SESSIONS. How would it be, again?

Mr. WELLSTONE. The modification is that the section dealing with coercive practices is out, which was a question of Banking Committee jurisdiction.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 40

The PRESIDING OFFICER. There will now be a 5-minute debate on the Carnahan amendment No. 40. Who yields time?

The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I understand the managers have agreed to accept my amendment on home energy. I thank Senator COLLINS, cosponsor of the amendment, as well as Senators HATCH, GRASSLEY, and LEAHY for their willingness to help on this very important amendment. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Alabama.

Mr. SESSIONS. I understand that pending is the Carnahan amendment. I ask unanimous consent that following the concluding debate, 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. SESSIONS. Therefore, the next vote will occur in relation to the Wyden-Smith amendment regarding the California utilities matter.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I yield back the time on the Carnahan amendment.

The PRESIDING OFFICER. The time is yielded back on the Carnahan amendment. By unanimous consent, the amendment is agreed to.

The amendment (No. 40) was agreed to.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be counted against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 78

Mr. SESSIONS. Mr. President, I say to the Senator from Alaska that we are waiting on a 5-minute debate before we vote, and the debaters have not arrived. That could delay our vote. Will the Senator speak long?

Mr. MURKOWSKI. If I may, I will take some of the time, perhaps, allotted to the Senator from California to just make a statement on the amendment, which will not take more than a minute.

The PRESIDING OFFICER. The time has expired.

Mrs. FEINSTEIN. Mr. President, I don't believe the time has expired. I believe I have 2½ minutes. I will be happy to give some of that to the Senator from Alaska.

The PRESIDING OFFICER. The Senator is correct. She has 2½ minutes.

Mr. MURKOWSKI. I will just use a minute. Let me leave you with one thought. Article I, section 8, of the Constitution clearly states that Congress shall ''establish uniform laws on the subject of bankruptcies throughout the United States.''

There is absolutely nothing uniform about the pending amendment. It only protects electric sales ordered by the Federal Government to California, or sales only to California by State, local, or Federal Government entities. If similar power sales arose in New York or Georgia, these provisions would not apply.

In other words, this amendment says there is one set of bankruptcy rules for electric sales into California and another set of bankruptcy rules for electric sales into the other 49 States. Clearly, this is completely contrary to the intent of our Founding Fathers and the Constitution; they wanted one set of uniform rules to govern bankruptcy throughout the entire country. As a consequence, I urge my colleagues to reflect on this legitimate question of the constitutionality of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, there are 2½ minutes on our side for the Smith-Boxer-Wyden amendment. I yield a minute and a half of that time to Senator BOXER, and I thank her. I remind our colleagues on this issue affecting the Pacific Northwest, there is a disagreement among the Californians.

Mrs. BOXER. Mr. President, I am supporting the Wyden-Smith amendment because it sends the right signal—an ethical signal to the private utilities in California who owe billions of dollars of unpaid bills to those who supplied energy to my State when my State was in dire need. Sometimes these power generators, many municipal utilities, were forced by the Federal Government to send this power, even though they were concerned that they needed to conserve it for themselves or that they might not get paid.

Call me old-fashioned, but I say pay your bills. Don't send your parent company $4.8 billion—which is what one private utility did—to pay dividends of the shareholders and repurchase stock when you know you have bills to pay.

I have a Washington Post article. I ask unanimous consent to have it printed in the RECORD.

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

[From the Washington Post, Jan. 31, 2001]

AUDIT RESULTS ANGER CONSUMER GROUPS

(By William Booth and Rene Sanchez)

LOS ANGELES, Jan. 30—The first of several audits to be released by state regulators said that one of California's two nearly bankrupt utilities, Southern California Edison, legally passed along nearly $5 billion in net income to its parent, Edison International, which used the money to pay dividends to its shareholders and to repurchase its own stock.

The audit, released Monday night by the California Public Utilities Commission, also showed that Southern California Edison is now broke and so strapped for cash it cannot keep buying electricity at rates higher than it can pass along to consumers.

The $4.8 billion was, in part, proceeds from the sale of the Southern California Edison's power plants, which the utility was required to sell under California's 1996 deregulation plan. Deregulation here sought to break up the utility monopolies and open the state up to free-market forces.

Consumer advocates—and some elected officials—reacted angrily to the audit, accusing the utilities of pleading poverty and begging for financial assistance from the state to avoid bankruptcy.

''Basically, they took the money and ran,'' John Burton, a Democratic leader of the state Senate from San Francisco, told reporters. ''Had they not done that they would not be in the financial problem they are in. If ratepayers bail them out, ratepayers should get something in return, like power lines or something.''

But officials with the utilities said their critics are playing politics and misinterpreting their books. Tom Higgins, senior vice president at Edison International, said: ''There's been no profit, no windfall. This is the recovery of capital investment.''

The past profits and current solvency of the state's two struggling utilities are central to California's energy crisis. Most experts agree that the state is suffering from soaring prices and its 15th day of emergency energy rationing because of a failed and dysfunctional deregulatory plan, which allowed wholesale energy prices to soar while capping the rates utility companies could charge consumers. In the past six months, the utilities have gone bust, while wholesale power producers have reaped huge profits.

California is fast running out of time to solve its immediate energy crisis. The state already has used up the first $400 million in emergency appropriations for electricity purchases. The Legislature is considering bills to make the state a major buyer of power—and to pass along possible steep increases in costs to consumers. Gov. Gray Davis (D) worked through the weekend trying to hammer out a longer-range plan, but so far the Legislature has passed only emergency measures and decrees—and no long-term solutions.

Higgins, the Edison International executive, said Southern California Edison was required to sell off its plants after deregulation in 1996, and that it did so—mostly to out-of-state companies that are now the wholesale suppliers of California's electricity. The utility sold off its gas and coal-fired plants, but retained its nuclear and hydroelectric facilities.

The money they got from plant sales, Higgins said, went to pay off the banks that loaned them the cash to build the generating stations and to repay investors and shareholders who also put money into plant construction. The transfer of money occurred from 1996 through last November.

''It's like you have a house and mortgage and you sell the house and you recover your initial investment and then pay off the mortgage,'' Higgins said.

Another audit of Pacific Gas and Electric Co., the other struggling utility, will be released within days. That results are expected to be similar.

''The only reason this would be controversial is that the consumer groups are trying to rewrite history,'' said John Nelson, a spokesman for PG&E.

Nelson said his utility did the same thing as Southern California Edison—it sold plants, paid off loans and sent the rest to its holding company, PG&E Corp. He would not disclose exactly how much was transferred, but said it is safe to assume a figure of several billion dollars.

Consumer advocates around California, however, said it did not matter that the utilities were returning investments to their shareholders, a practice that no one has asserted is financially improper or illegal. Today, they began lobbying state lawmakers to scrap an emerging legislative plan that would cover much of the utilities' purported debts with billions of dollars in publicly financed bonds.

''This confirms what we've been saying all along,'' said Matt Freedman, a director of the Utility Reform Network. ''Edison is not being straight with the public or the Legislature about the extent of its debt.''

Freedman also said that the audit shows that in recent months Edison has been selling some of its own generating power back to itself at high prices on the open market, then claiming both profit and debt.

''It's like a laundering scheme,'' he said.

Michael Shames of the Utility Consumers Action Network said the audit could significantly influence the fast-moving legislative debate on the state's energy crisis. He said that while it was not illegal for the utilities to transfer money to their parent companies, ''the question is, 'Was it prudent?' ''

But Paul Hefner, a spokesman for Assembly Speaker Robert Hertzberg (D), said there are no substantive new revelations in the Edison audit and that the Legislature is proceeding with a plan outlined last Friday that would cover much of the utilities' debts in exchange for the state receiving warrants to buy stock in the companies.

''I don't know that it changes the landscape at all,'' Hefner said, referring to the audits. ''All along we've been saying we're not going to do this and get nothing back. We're driving as hard a bargain as we can.''

Mrs. BOXER. Another private utility did the same thing to the tune of $5 billion. That is $9 billion these private utilities sent out.

In my opinion, this amendment sends a strong message to the utilities in my State: It is not right to ask for help and walk away from your obligations. This amendment helps 12 power companies in California, municipal companies. In the end, it will help consumers because the next time there is a crisis,

power companies will not fear they will be left high and dry and they will be willing to assist us in the future.

This amendment was not offered in anger; it was offered in fairness. I support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. There are 37 seconds remaining.

Mr. WYDEN. To finish the debate, I yield to Senator SMITH, my colleague.

Mr. SMITH of Oregon. Mr. President, I appreciate the chance to say a few closing words on this debate, which has been a good one.

All the neighbors of California are asking—at least those affected by the Bonneville Power Administration—is that they be paid. I believe California wants to pay. Ultimately, they have to work through their law that makes it difficult to pay. We want them to do that. We need them to do that because people in the Northwest already are paying higher rates because of this California law. We should not have to pay additional, higher rates.

I thank the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, how much of my time remains?

The PRESIDING OFFICER. One minute 4 seconds.

Mrs. FEINSTEIN. Mr. President, I rise to thank Senators MURKOWSKI and BINGAMAN for opposing this amendment and also to join them in saying that I believe this is a very dangerous amendment. It creates two classes of creditors. The first is a protected class; namely, certain Federal entities.

Yesterday, I introduced into the RECORD a series of letters from virtually all of the electricity and natural gas providers. Those letters had one common theme, and that theme was that to do this is not only unprecedented, but it will probably force an involuntary bankruptcy because once the dam is broken, other creditors will then seek to protect their rights under bankruptcy law. Hence, it is a very dangerous amendment.

The State of California is currently seeking to purchase the transmission lines of the utilities to be able to inject $7 billion and solve the problem. I urge a ''no'' vote on this amendment.

Is all time expired?

The PRESIDING OFFICER. Yes, it is.

Mrs. FEINSTEIN. Mr. President, I move to table the Wyden amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table Amendment No. 78.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—67

| | | |
|---|---|---|
| Akaka | Feingold | McConnell |
| Allard | Feinstein | Mikulski |
| Allen | Frist | Murkowski |
| Bayh | Graham | Nelson (NE) |
| Bingaman | Gramm | Nickles |
| Bond | Grassley | Reed |
| Breaux | Gregg | Reid |
| Brownback | Hagel | Rockefeller |
| Bunning | Hatch | Sarbanes |
| Carper | Helms | Schumer |
| Chafee | Hutchinson | Sessions |
| Clinton | Hutchison | Shelby |
| Cochran | Inhofe | Smith (NH) |
| Collins | Jeffords | Snowe |
| Conrad | Johnson | Specter |
| Daschle | Kerry | Stevens |
| DeWine | Kohl | Thomas |
| Dodd | Landrieu | Thompson |
| Domenici | Leahy | Thurmond |
| Dorgan | Lieberman | Voinovich |
| Edwards | Lincoln | Warner |
| Ensign | Lott | |
| Enzi | Lugar | |

NAYS—30

| | | |
|---|---|---|
| Baucus | Craig | McCain |
| Bennett | Crapo | Miller |
| Biden | Dayton | Murray |
| Boxer | Durbin | Nelson (FL) |
| Burns | Harkin | Roberts |
| Byrd | Hollings | Santorum |
| Campbell | Inouye | Smith (OR) |
| Cantwell | Kennedy | Stabenow |
| Carnahan | Kyl | Wellstone |
| Cleland | Levin | Wyden |

ANSWERED ''PRESENT''—1

Fitzgerald

NOT VOTING—2

Corzine Torricelli

The motion was agreed to.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, Senator BREAUX, Senator ENZI, and myself had an interesting and, I think, enlightening discussion on the issue of ergonomics, as well as Senator SPECTER.

I ask unanimous consent there now be a period of about 30 minutes for a discussion of this issue, the time to be equally divided between Senators BREAUX and ENZI for debate only.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, does the Senator have an idea how long this will take?

Mr. NICKLES. About 30 minutes.

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

The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank my colleagues for the discussion with me—Senator ENZI, Senator LANDRIEU, and Senator BLANCHE LINCOLN—on the issue of an amendment I have at the desk, which we will not vote on right now, but I hope to perhaps reach an agreement on at a later hour.

The amendment addresses the question of the so-called ergonomics rule, which this body addressed last week, through the use of a procedure which is not normally utilized, when the Senate of the United States said that a rule that had been promulgated by the Department of Labor would not be allowed to go into effect addressing injuries in the workplace that workers receive which cause them to lose very valuable hours of service, both to themselves and their employers. Those workplace injuries clearly cause a loss to companies and small businesses, as well as the personal loss that is caused to the individual.

There was a great deal of concern raised by myself and by some Republican colleagues to the rule because in many cases it would have an adverse effect on the States' workers compensation laws. And they had concerns about the potential that the rule would, in fact, allow injuries to be covered that were not directly related to having been brought about by conditions in the workplace.

The third thing I heard a great deal of was that employers really didn't have enough information to know whether they were covered or what were their responsibilities. Therefore, in order to try to answer those questions and still address the concern that I think most people have about injuries in the workplace, which are estimated to cost between $45 million and $54 million annually, I have offered an amendment that I think is one this body should embrace in a bipartisan fashion.

No. 1, we say the Secretary of Labor, within the next 2 years, shall promulgate regulations dealing with these injuries in the workplace. In addition to giving her the mandate from the Congress to promulgate these regulations, we also go further and say that, in trying to address the concerns we heard on the floor of the Senate, for instance, in issuing this new rule, the Secretary of Labor shall ensure that nothing in the rule expands the application of the State workers comp law. We had a lot of concern about whether it would be altered or expanded. This amendment clearly says that nothing would be in the bill and the rule could expand the application of the State workers compensation law. It also says that nothing in this amendment or in the rule could affect the OSHA laws. They are in place as they are, and if somebody wants to change them, that would be for a later date.

The other thing I think was very important, which we heard from so many of our people, was that the injuries they are talking about under the rule shall be work-related disorders that occur within the workplace. Many people were concerned that, well, someone could injure their back on a Saturday at home during a recreational activity and come to work on Monday and blame it on conditions in the workplace.

The amendment I have offered, along with my bipartisan cosponsors, says

the standard shall not apply to nonwork-related disorders that occur outside the workplace or nonwork-related disorders that are aggravated by the workplace.

So every objection I heard, particularly from my colleagues on this side of the aisle, I think has been taken care of in the amendment we have offered. It is my intent that if this rule would be promulgated, nothing in this amendment would prohibit Congress from using the same Congressional Review Act procedures if they did not like the rule. If some think it is too much or too little, they can still use the Congressional Review Act, as we did last week to knock down the rule with which a majority of the Members of the Congress did not agree.

I think our amendment addresses every concern. The question is, Do you want to do something about the workplace that is fair, reasonable, responsible; that businesses can embrace, working people can embrace, and say, all right, this is a problem, let's recognize it and do something about it? Just to say, well, the Secretary may not do that, really doesn't give any guidance to what the Congress says. We should make the rules.

My amendment takes care of every objection I heard, I think, and I think there is a proper balance between employers and business, as well as the working men and women of this country. I do not, for the life of me, understand why this would not be something that should not be unanimously agreed to by Republicans as well as my Democrat colleagues.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BREAUX. I guess we are equally divided under the agreement.

The PRESIDING OFFICER. Correct.

Mr. BREAUX. I will yield 15 minutes to my colleague. I reserve 15 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank Senator BREAUX for his efforts on ergonomics. These injuries are happening in this country and we need to do something about them. I appreciated the conciseness with which he made a statement during the last debate we had on ergonomics.

I wish his bill more closely followed the statement he made. I suspect there is leeway in there to do exactly what he said when he made that statement, and I think this comes fairly close. I hope we will be able to work together to make some changes in what is in his amendment. Most of all, what I hope is that the Senators who are interested in this issue will work with me. I am the subcommittee chairman for Employment, Safety and Training. It is all of the labor issues. It includes the ergonomics issue. I had planned to begin a process of holding some hearings. I already have my staff members looking at past efforts—and there are supposed to be 10 or 12 years of efforts on ergonomics already—to see what was done and where it went wrong before. Also, I am scheduling some meetings with Secretary Chao. I am pleased to have other people involved in those meetings with me. We need to come up with a mechanism that will actually prevent injuries. I am not interested in the mechanism that just does paperwork or just puts costs on business. I know the people who submitted this amendment—particularly Senator BREAUX—are not interested in having that either.

I have been trying to work on this compliance issue through a number of mechanisms since I got here. One of them is something called the SAFE Act. It was encouragement for businesses—particularly small businesses—to hire professional consultants to come in and take a look at their business. I would suggest using OSHA people, but they are already overworked doing OSHA inspections. In State plan States, which are the States where there are the least OSHA accidents, there are more inspections but there is more consultation that is done. So I have put a huge emphasis on consultation with businesses.

The way the consultation works in States is the OSHA team, or inspector, comes in and looks at the place and says this is wrong, this is wrong, and this is wrong. If they say that, you better fix it. And if you fix it, then you are not subject to the penalties.

That is an incentive process. That is what I envision for compliance with an ergonomics rule as well: Somebody helping the small businessman. I am not worried about the big businesspeople because they have the VPP program, the specialists, and they have the professionals on staff. It is the little guy, and that is what we talked about when we did the ergonomics CRA last week. They cannot digest all the information. They do not even know what is absolutely essential and what is suggested.

If somebody can tell them what to do—they know the value of their employees; they want to protect their employees. In most instances, they do not know how to protect their employees. If there is more of the consultation aspect to it and the incentive to do it, if the folks come in and tell you to do those things and you do those things, you will not be fined. I am so pleased there is a compliance piece to this.

Something I hope will be incorporated in the future, perhaps even in this rule, is the ability of the managers to talk to the employee or employees directly. The way the current national labor standards read is that management cannot talk to the employees unless they are in a union. Of course, if they are in a union, then the management can talk to the representative of the employees.

We are missing this step of being able to say to an employee: How are you feeling? How is your workstation? Are there any improvements we can make? These are folks who are doing that same job in all of the examples we use, the same job day in and day out. They are the experts on it. They know the things that can be done to make their work easier.

Those are the things that need to be incorporated in ergonomics: very specific suggestions for a particular kind of a—it is not even for a particular kind of business because within an industry, several different businesses will do the same operation differently. If they conferred more, which I am not sure they are allowed to do either, then they would probably wind up with a standard method of doing things, and they would be able to compare the ergonomics process, as well as any other safety issue and come to an agreement on how those safety issues can be reached.

Another thing that needs to be done while we are at it is changing the rulemaking process. One of the things that fascinated me in my comments and visits with Assistant Secretary Jeffress, who is in charge of OSHA, was that in the 28 years OSHA has been in effect, there has not been one rule revised even though there have been huge changes in the workplace.

What that tells me is that our rulemaking process is so cumbersome, so subject to court action that we cannot take a look at things that were done 28 years ago even though the technologies have changed tremendously.

There are some things that need to be done. I wish we had been consulted a bit more on some of the specific wording. I know there is an effort to work together on some of these things, so we may be able to come up with an agreement in a short while so this amendment can be accepted.

I thank the Senator from Louisiana for making this effort, for getting us started on it. I hope he will work with me on the process. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I will use whatever time I need, and I will then yield to the Senator from Arkansas.

Some of the points the Senator made are valid. However, our amendment addresses those concerns, particularly the concern about an employer knowing exactly what his or her requirements are because we say that the rule shall set forth in clear terms the circumstances under which an employer is required to take action, the measures required of an employer under the standard, and the compliance obligation of an employer under the standard.

We give the employers clear direction. We let them know when they are in compliance, and we clearly spell out what their obligations are and also the measures that are required.

Under the requirements of our legislation, the rule has to come back and clarify to an employer exactly what is being required.

I think the amendment is a good one; ergo, I think it should be adopted.

I yield whatever time she consumes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair.

Mr. President, with all of this talk we have heard recently about bipartisanship and wanting to do what is right by everyone, not leaving anyone behind, I am certainly glad we have at least a few minutes to have a debate on an alternative to last week's issue of workplace safety.

I have been delighted to work with my colleagues, Senator BREAUX and Senator LANDRIEU—and Senator SPECTER has worked with us—in developing an amendment that requires the Department of Labor to draft a new ergonomics standard that addresses the ergonomic hazards in the workplace without penalizing business owners who act in good faith.

As I stated in my remarks last week, I voted to repeal the ergonomics standard last year because, in my opinion, it was unreasonable in terms of the requirements it imposed on businesses and how unworkable it was with regard to the vagueness of the standards with which employers were expected to comply.

However, I do not believe our action to overturn the current ergonomics rule should in any way be interpreted as congressional intention to end the debate on this issue of workplace safety. That is what we did last week. That certainly was not my intention. In fact, I believe the Federal Government does have a responsibility to set safety standards and to protect workers against hazards that exist in their place of employment.

Certainly, the new Secretary of Labor and the new administration, through working with our colleagues in hearings and other ways, I think would relish the idea of being able to come up with a standard that is workable, something that can give us workplace safety but encourage businesses to be involved. That is certainly possible.

The ergonomics standard or the rule we saw last year was a no win for anyone because we were not going to see, because of the court cases that were already involved with that rule, workers protected, nor were we able to see a reasonable compliance that industries could meet. It was not a win for anyone.

If we fail to come back with anything else, and if we fail to encourage the Department of Labor to come up with something that is reasonable and workable, then we, once again, have failed everyone—businesses and employees—because we can do better at providing better workplace safety, and we can also provide businesses a better way of complying with it. Everyone wins with that—workers and businesses.

The amendment we are offering gives the Department of Labor 2 years to craft a new Federal ergonomics standard. In addition, our amendment directs the Department to address serious problems that exist in the previous rule.

Specifically, we make clear that the new standards should not apply to injuries that occur outside the workplace or, as Senator BREAUX mentioned, injuries that are aggravated by activities that employees perform as a part of their job.

Furthermore, this amendment requires the Secretary of Labor to set forth in clear terms what businesses are required to do to comply with this new standard before it takes effect.

Finally, we prohibit the new rule from expanding the application of State workers compensation laws.

In short, I believe our amendment is a reasonable, commonsense approach that will allow the Department of Labor to address a serious health and safety issue in the workplace in a manner that is fair to both employees and employers. After all, in the debate last week, is that not what we said we were striving for?

As a founding member of the Senate's new Democrats coalition who is inclined to seek compromise whenever possible, I wish we had been given the opportunity to draft and offer a compromise proposal on ergonomics last week when it was most appropriate. Unfortunately, we did not have that opportunity.

Now that the consideration of the resolution of disapproval has been concluded, I am certainly hopeful my colleagues will want to work in a bipartisan way and permit a reasonable period of debate and vote on this amendment and come up with something that is going to be workable for absolutely everybody, certainly employees as well as employers and businesses, all of which can be brought to the table in the next 2 years, and we can craft something that is going to be workable and meet the objectives we have all expressed.

I thank the Senator from Louisiana for his hard work and leadership in this effort, and I look forward to working with all of our colleagues in the next several days to come up with something we can adopt and prove to the people of this Nation and businesses of this Nation that we are truly concerned about workplace safety and about being sensible.

I yield back to the Senator from Louisiana the remainder of his time.

Mr. BREAUX. I thank the Senator from Arkansas for her contribution. She comes from a State deeply involved in these issues. I know she speaks with a ''mine'' of experience in addressing these concerns. I thank her for her contribution, as well as my colleague from Louisiana, Senator LANDRIEU.

I take this time to say to our colleagues our staffs are currently talking with each other across party lines to see whether there might be some agreement we can reach on an authorization bill as an amendment either to this legislation that is currently pending before the Senate or to some other legislative package that is going to come before the Senate. I will continue to work with our colleagues and our staffs trying to find a way to reach an agreement on a pending amendment.

I yield the floor.

Mr. ENZI. I thank the Senator from Arkansas and the Senator from Louisiana for their consideration and their work in a bipartisan way to see we get something done and to extend that opportunity to go to meetings with Secretary Chao and also to participate in hearings on my subcommittee. We want to make some progress on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, I know Senator ENZI is not managing the bill—he is on the floor for other reasons—but I wonder if we could have some idea in the near future as to what we are going to do for the rest of the day. Senator WELLSTONE, by virtue of the unanimous consent agreement, is going to come in at 1:15. We have Senator DURBIN who has offered what is, in effect, a substitute. That was laid down last night. He is willing to start debating that amendment.

We have others we could get over here to offer amendments. We want the record to be clear that we are doing everything we can. Senator LEAHY has instructed everyone to move this bill along as quickly as possible. I certainly agree with that. I see Senator GRASSLEY, too. Maybe we could have some information as to whether we could set aside the amendment that is pending and move on to something else?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, it is my understanding the bill managers are looking at what is left on the bankruptcy bill at this moment. Senator WELLSTONE's bill will be the amendment pending. He is planning on being here at 1:15.

I had heard some concern that most of the actual bankruptcy issues had been covered and we were just doing some peripheral ones. There is some concern on our side as to what the process is going to be, too. It is my understanding they are discussing that now. The chairman probably can give us some information.

Mr. GRASSLEY. If the Senator from Nevada will yield, I will try to respond to his inquiry.

No. 1, since so many people are busy during the lunch hour with the steering committees and the type meeting

that both parties have, we might not be so fortunate as to get something up before 1:15 when the Wellstone amendment is up.

The second is, the Senator asked if we could do another amendment. What amendment would the Senator suggest we move to, then?

Mr. REID. There is one amendment about which I have received a number of calls today. Mr. DURBIN, the Senator from Illinois, wants to offer his substitute. In effect, that is what it is. The Senator from Iowa is familiar with that. It is at the desk.

It is at the desk. He would be willing to have a relatively short time agreement for the opportunity to express his views on that.

Mr. GRASSLEY. As the main sponsor of this legislation, I should be able to tell you we could go to the Durbin amendment. But we have some reservation at this time on moving forward on the Durbin amendment, particularly because it would take a good deal of time and would interfere with the Wellstone amendment. If there is some other amendment the Senator from Nevada would like to take up, he might suggest something, and we would quickly consider that.

Mr. REID. We have one that Senator LEAHY has been trying to get up, amendment No. 19, a set-aside amendment.

Mr. GRASSLEY. That is the same amendment, if we went back to regular order. If we called regular order, we would end up on that amendment.

Mr. REID. It is my understanding that No. 20 is regular order. This one isn't before the Senate.

Mr. GRASSLEY. This is an amendment that has not been before the Senate.

Mr. REID. That is my understanding. It has been filed but it has not been debated.

Mr. GRASSLEY. I suggest we put in a quorum call, and then we will take a look at it.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask that the pending amendment be set aside temporarily and amendment No. 19 on behalf of Senator LEAHY be offered.

It is my understanding that the Senator from Iowa will also want a unanimous consent agreement to indicate there would be no second-degree amendments.

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

AMENDMENT NO. 19

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, proposes an amendment numbered 19.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To correct the treatment of certain spousal income for purposes of means testing)

On page 17, line 8, strike ''and the debtor's spouse combined'' and insert '', or in a joint case, the debtor and the debtor's spouse''.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking up to 10 minutes each until 1:15 today.

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

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## BANKRUPTCY REFORM ACT OF 2001—Continued

AMENDMENT NO. 36, AS MODIFIED

The PRESIDING OFFICER. The clerk will report the pending amendment of the Senator from Minnesota.

The legislative clerk read as follows:

Amendment No. 36, as modified, previously proposed by Mr. WELLSTONE.

Mr. WELLSTONE. Mr. President, I want to be clear with my colleagues and the majority leader that I came to the floor very early on with several amendments to move this process forward. Last week, when I initially objected to a motion to proceed, the majority leader said we would have substantive debate on amendments. This amendment has been ''hanging out there'' for several days. I have wanted a vote on this amendment. I modified this amendment because there was concern on the part of one of my colleagues on the other side that there was a jurisdictional problem with a committee. I had assumed we would have an up-or-down vote on this amendment. My understanding is that it might not happen and there might be a second-degree amendment. I don't know what that amendment is, but it will probably be an amendment that will gut this amendment.

It makes me start to wonder, even more, about what we have been doing out on the floor of the Senate with this bankruptcy bill. My colleague called this a reform bill, but I wish to mention a couple of articles that have been published recently. I will soon ask to have them printed in the RECORD.

There was a piece that appeared on Tuesday, March 13, in the Wall Street Journal entitled, ''Auto Firms See Profit In Bankruptcy-Reform Bill Provision.'' The first paragraph:

The nation's three major auto makers are always interested in making deals, and they hope to close one in the U.S. Senate this week that is worth millions of dollars to each of them.

The deal lies in the bankruptcy-reform bill expected to clear the Senate this week. Buried in the bill's 42 pages is a section that changes the way auto loans are treated when an individual declares bankruptcy, making it more likely the car loans will have to be paid back in full—even while other creditors collect only part of what they are owed.

That might include child support payments as well.

There also is in here a chart that deals with the soft money, PAC, and individual contributions by members of the Coalition for Responsible Bankruptcy Laws.

I actually think the bitter irony is that the debate we have been having on this bill—for the 2½ or 3 years I have been working on this—is probably, unfortunately, a perfect bridge to the debate we are going to have on campaign finance reform.

Again, I want to be real clear with my colleagues. I don't like to come to the floor and do a one-to-one correlation that money has been given, so that is why you are voting this way. I don't believe in that for several reasons. One, it would be arrogant on my part to believe that if somebody has a different point of view, that means, ipso facto, they are receiving all this money from, for instance, the financial services industry and that is why they are voting the way they are. That is not my argument.

Rather, my argument is institutional, which is more serious. The problem with this political process is not that there is ''corruption,'' as in the wrongdoing of individual officeholders, as in one-to-one quid pro quo—here is the money, here is how you should vote.

The problem is institutional, and that is a more serious problem. It is the imbalance of power, the imbalance of access, the imbalance of influence, not affluence, between the people I have tried to represent as a Senator—low- and moderate-income people, people of color, poor people, consumers—and the heavy hitters, the investors, the players, the lobbying coalition.

There has been article after article about the full-court press of the financial services industry over this bill.

The auto firms get a good deal. That is worked into this bill. Buried in the bill's 42 pages is a special deal for them.

By the way, it is not a special deal for you if you are going under because of major medical expenses, which is 50 percent of the cases. It is not a special deal for you if you have lost your job in the Iron Range of Minnesota, 1,400 taconite workers out of work. It is not a special deal for you if you have gone through a divorce and there is a sudden loss of income. But it is a special deal for these folks. This is a piece by Tom Hamburger of the Wall Street Journal.

There is another piece in the Wall Street Journal by Tom Hamburger, Laurie McKinley, and David S. Cloud:

For the businesses that invested more money than ever before in George W. Bush's costly campaign for the presidency, the returns have already begun.

MBNA America Bank was one of the largest corporate donors to the Bush campaign and other GOP electoral efforts last year. The bank and its employees gave a total of $1.3 million, according to the Center for Responsive Politics, a nonpartisan clearinghouse here. Charles Cawley, MBNA's president, was a member of the Bush ''pioneers,'' wealthy fund-raisers who each personally gathered at least $100,000 for the presidential campaign.

I guess I am not going to get any support from the pioneers in my Senate race.

Mr. Cawley hosted Bush fund-raising events at his home in Wilmington, Del., last year and, in 1999, at his summer home in Maine, north of the Bush family retreat in Kennebunkport.

This whole piece—you get the point—is all about huge amounts of money, lobbying coalitions, access, and influence.

I ask unanimous consent that both of these articles by Mr. Hamburger in the Wall Street Journal be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

INFLUENCE MARKET: INDUSTRIES THAT BACKED BUSH ARE NOW SEEKING RETURN ON INVESTMENT—TOBACCO WANTS TO KILL A SUIT, OIL TO DRILL IN ALASKA; PATIENT PRIVACY TARGETED—WHITE HOUSE STRESSES MERITS

(By Tom Hamburger, Laurie McGinley and David S. Cloud)

WASHINGTON.—For the businesses that invested more money than ever before in George W. Bush's costly campaign for the presidency, the returns have already begun.

MBNA America Bank was one of the largest corporate donors to the Bush campaign and other GOP electoral efforts last year. The bank and its employees gave a total of about $1.3 million, according to the Center for Responsive Politics, a nonpartisan clearinghouse here. Charles Cawley, MBNA's president, was a member of the Bush ''pioneers,'' wealthy fund-raisers who each personally gathered at least $100,000 for the presidential campaign.

Mr. Cawley hosted Bush fund-raising events at his home in Wilmington, Del., last year and, in 1999, at his summer home in Maine, north of the Bush family retreat in Kennebunkport. At the Maine affair, 200 guests gathered in the early evening on the large porch of the Cawley home, situated on a hill with a sweeping view of the Atlantic Ocean. Guests sipped cocktails and heard a brief talk by the candidate.

The money didn't stop on election day. Mr. Cawley and his wife each gave the maximum of $5,000 to help fund Mr. Bush's fight in the Florida vote recount. Mr. Cawley gave an additional $100,000 to the Bush-Cheney inaugural committee, the most the committee would take from a single donor.

Last week, MBNA's investment began paying off. The company, one of the nation's three largest credit-card issuers, has been pushing for years to tighten bankruptcy laws that allow certain consumers filing for court protection, in effect, to disregard obligations to credit-card companies and other unsecured lenders. On Wednesday, the White House announced that President Bush would sign a bill now moving through Congress that would make it tougher for consumers to escape such debts. If enacted, the measure could translate into an estimated tens of millions of dollars in additional annual earnings for each of the big credit companies.

MBNA's vice chair, David Spartin, says his firm has no way to estimate how the legislation would affect the company's bottom line. MBNA has backed the bill for years ''because we think it is good for consumers,'' as it will ''reduce the cost of credit for everyone,'' Mr. Spartin says. The donations to President Bush and other candidates were made because ''we think they would make excellent public officials,'' he adds. No MBNA official ''has ever spoken to President Bush about the bill,'' Mr. Spartin says.

Many corporations feel like a new day is dawning in Washington. ''We have come out of the cave, blinking in the sunlight, saying to one another, 'My God, now we can actually get something done,'" says Richard Hohlt, Washington lobbyist for several other major banks which, like MBNA, are backing an industry coalition whose members provided some $26 million to Republicans during the 1999–2000 campaign cycle.

President Clinton last year vetoed a similar bill that would have toughened bankruptcy law. Consumer groups argue that such legislation would weaken protection for working families, many of whom have been the targets of aggressive credit-card marketing.

Also in action last week were members of a large coalition of Mr. Bush's business backers who want to roll back new federal rules designed to protect workers from repetitive-motion injuries.

In a private meeting with congressional leaders last Tuesday, President Bush signed off on a plan to kill the ergonomic regulations, using the powers of the Congressional Review Act. That act, passed in 1996, gives Congress 60 days to reject regulations issued by federal agencies. But it was never used during Mr. Clinton's term because to take effect, a resolution rejecting new rules has to be approved by the president.

Repealing the ergonomic rules ranks high on the priority lists of the U.S. Chamber of Commerce, the National Association of Manufacturers and the National Association of Wholesaler-Distributors. The trade groups technically don't endorse candidates, but each of them mounted major grass-roots and advertising campaigns that benefited Mr. Bush and other Republicans in the 2000 elections.

A repeal would be a particularly hard loss for organized labor, which has fought for enactment of the ergonomic rules for 10 years, saying they are needed to protect workers from wrist, back and other injuries.

On employee safety, consumer bankruptcy and a host of other issues, Bush administration officials maintain they are acting strictly on the merits, not the money. Proponents of the bankruptcy bill, for example, point out that personal bankruptcy filings reached a record 1.4 million in 1998. The bill that would toughen the bankruptcy law won strong bipartisan support in the House last week, passing 309–106.

Business advocates maintain that the ergonomics rules include an overly broad definition of ''musculoskeletal disorders'' and that the new standards give employees claiming to have such disorders overly generous treatment: 90% of their salary and benefits for up to three months.

But a strongly as they believe in their arguments, business lobbyists acknowledge it's no accident that, following their massive support for the GOP, Republicans are moving quickly to address some of their top issues.

Mr. Bush ran the most costly presidential campaign in American history. Donors to his campaign and the Republican National Committee contributed a total of $314 million. Of that, more than 80% came from corporations or individuals employed by them. Al Gore and the Democratic National Committee raised $213 million, receiving strong support from labor organizations and their members. But more than 70% of the Democratic total also came from businesses and their employees.

These totals can be seen as somewhat inflated because most donors to either party work for a business. But the amounts don't include separate contributions from trade associations or independent business advertising. ''The role of business last year was huge, and it overwhelmingly benefited Republicans,'' says Larry Makinson of the Center for Responsive Politics.

As the bankruptcy and ergonomics bills move through the Senate over the next few days, business groups also will be looking for early action on other key issues. Here's a preview.

With then-Vice President Al Gore and many Democratic congressional candidates railing against alleged profiteering by drug companies, the industry made its biggest-ever contributions to the GOP cause.

Drug companies contributed $14 million to Republican campaigns over the past two years and spent an additional $60 million to fund their own independent political-advertising campaign. Industry executives will be lobbying the new administration on a wide range of issues, such as the proposal to overhaul the Medicare program and include a prescription-drug benefit for senior citizens. The industry wants to make sure such a benefit doesn't lead to drug-price controls.

But the fight isn't likely to command center stage for many months. In the meantime, drug companies will press for a rewrite of federal rules protecting the privacy of patients' medical records. The rules were announced with much fanfare in the final weeks of the Clinton administration. The drug companies recently got a sign that they, too, were making progress with the new administration.

Health and Human Services Secretary Tommy Thompson, in a move that infuriated consumer groups, invited additional public comments on the rules until the end of this month. The industry is hoping the move will lead to more delays and, ultimately, significant revisions.

Last December, Mr. Clinton heralded the rules as ''the most sweeping privacy protections ever written.'' For the first time, patients would have access to their medical files and could correct mistakes. Providers, such as hospitals and health plans, would be

required to get written permission from patients to use or disclose patients' health information. Providers also would have to create sophisticated record-keeping systems and privacy policies to document compliance with the rules.

Hailed by privacy advocates, the rules include provisions anathema to nearly every segment of the health-care industry. Drug makers, HMOs, drugstore chains and hospitals say that while they back the goal of increased privacy, the rules have a potential cumulative price tag in the tens of billions of dollars, much of it to overhaul data-collection and information-technology systems.

The companies warn that the new requirements mean that pharmacies would need signed customer consents on file before they could do something as simple as sending a prescription home with a neighbor. The drug industry also says that research critical to boosting corporate innovation and tracking the safety of drugs would be inhibited. Academic researchers seeking personal health information from hospitals would have to get authorization from the patient or undergo a special privacy review by a hospital panel.

Privacy advocates such as Janlori Goldman of the Health Privacy Project at Georgetown University counter that such dire predictions are inaccurate and ''hysterical.''

Technically, the regulations apply to the use of information by hospitals, doctors, pharmacists and HMOs. But they have big implications for drug companies, which depend on access to that data for research and marketing. Among the drug companies most concerned is Merck & Co., because of its Merck-Medco unit. Like other pharmacy-benefits managers, which obtain contracts from HMOs and employers to keep drug costs down, Merck-Medco fears it would be hindered in its ability to track physician-prescribing patterns and other information.

Taking the lead on combating the rules is the Confidentiality Coalition, an industry group that meets at the offices of the Healthcare Leadership Council, overlooking Farragut Square, a few blocks from the White House. Dubbed the ''Anti-confidentiality Coalition'' by privacy advocates, the alliance has 120 members, including Merck, Eli Lilly & Co., Cigna Corp. and Medtronic Inc., the big medical-device maker. A core group of 20 to 30 lobbyists shows up regularly for strategy sessions.

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[From the Wall Street Journal, Mar. 13, 2001]

AUTO FIRMS SEE PROFIT IN BANKRUPTCY-REFORM BILL PROVISION

(By Tom Hamburger)

WASHINGTON.—The nation's three major auto makers are always interested in making deals, and they hope to close one in the U.S. Senate this week that is worth millions of dollars to each of them.

The deal lies in the bankruptcy-reform bill expected to clear the Senate this week. Buried in the bill's 420 pages is a section that changes the way auto loans are treated when an individual declares bankruptcy, making it more likely the car loans will have to be paid back in full—even while other creditors collect only part of what they are owed.

Automobile lenders and academic experts say the financing arms of the large auto companies will gain hundreds of millions of dollars annually if the auto-loan provision remains in the final bill, despite efforts by Illinois Sen. Richard Durbin and other Democrats to pull it out.

The long-sought bill, which tightens the rules under which consumers can declare bankruptcy, contains several other obscure provisions that, like the one on auto loans, provide special benefits to groups with the ability to influence decision makers. For example, the legislation contains a two-paragraph section—not the subject of any hearings or public debate—that could make it more difficult for Lloyd's of London to collect debts from American investors in the insurance firm who can show they were victims of fraud. The legislation also exempts credit unions from the bill's disclosure requirements for voluntary repayment plans.

But it is the auto-loan provision that draws the loudest complaints.

''This is one of the best examples of why this is legislation that is at war with itself,'' says Brady C. Williamson, who teaches at the University of Wisconsin Law School and who was chairman of the National Bankruptcy Review Commission in 1996 and 1997.

The bankruptcy bill is designed to reduce the number of Chapter 7 bankruptcy filings, in which consumers erase debts to unsecured creditors, and increase the number of Chapter 13 filings, which require debtors to repay at least a portion of their obligations under the supervision of a court-appointed trustee.

The auto giants gain because the proposed law would eliminate the so-called cram-down rules that allow borrowers entering Chapter 13 bankruptcy to repay only an automobile's market value plus interest, not the full value of the outstanding loan.

Consider, for example, the situation of someone entering bankruptcy who bought a car two years ago for $10,000. The car is now worth $6,000, but the buyer still owes $8,000 in a multiyear note to the auto dealer. Under current law, a person filing for Chapter 13 bankruptcy would pay the dealer the $6,000 market value and keep the car. The remaining debt would be considered, along with debts owed to other unsecured creditors such as retailers, credit-card firms and medical providers.

The theory behind the cram-down was that secured creditors could get the value of their collateral back, cars wouldn't get repossessed as often and bankruptcy filers could continue to pay off at least a portion of their obligations to auto lenders and other creditors under the supervision of a trustee.

But under the bill's change, says Mr. Williamson, the debtor will have to devote a larger share of remaining resources to satisfying the auto dealer. Many may lose their cars to repossession. Others will fall in Chapter 13, which already has a 66% failure rate. He worries that more creditors will thus end up filing under Chapter 7, precisely the outcome the bill was designed to avoid.

Lobbyists for the major auto companies, whose financing arms make loans to their customers, acknowledge encouraging Michigan's former senator—now energy secretary—Spencer Abraham to add the provision to the bankruptcy bill in 1999.

''We think cram-down is a bad idea,'' says Anne Marie Sylvester, media-relations manager for GMAC North America, the financing arm of General Motors Corp. ''It raises costs because it forces us to accept losses, which we may have to spread among our customer base. In effect, it rewards debtors who don't fulfill their obligations and penalizes those who follow the rules.'' She said GMAC contributed $1.6 billion to GM's $5 billion earnings last year. The bill also stands to benefit GM's main competitors, Ford Motor Co. and Daimler Chrysler AG.

This provision was in the bill that passed Congress last year but was vetoed by then President Clinton, who said it hit working families too hard. In another sign of the effect a change in the presidency can make, the Bush White House has formally signaled its intention to sign the bill.

Because removal of the cram-down effectively puts auto lenders ahead of other creditors, the proposed shift threatened a powerful business coalition, led by credit-card companies, that has been pushing for an overhaul of bankruptcy law in recent years. Despite some dissent, though, the coalition generally held together, says Jeff Tassey, organizer of the Coalition for Responsible Bankruptcy Laws. Coalition members calculated that the advantages gained by auto companies were worth accepting to keep that powerful constituency behind the new law.

''There are provisions that are important to some industries that aren't important to others,'' Mr. Tassey says. ''But the members took a mature approach . . . It was important to have the automobile industry in there.''

To the auto industry, the change has been needed since cram-down was introduced into law in 1978. Since that law passed, bankruptcy rates have gone up nearly 800% and automobile companies, which make a significant portion of revenue from lending, were upset about the losses.

They argued that eliminating cram-down will make the overall system more disciplined, helping all creditors. Mr. Tassey says that cram-down works as an incentive to enter Chapter 13 bankruptcy and argues that removing it will ''be a deterrent to filing specious bankruptcies.''

But opponents scoff at those arguments. ''This is the worst provision in this bill for those who want to induce people to pay their debts back,'' says Henry Hildebrand of Nashville, Tenn., chairman of the legislative- and legal-affairs committee of the National Association of Chapter 13 Trustees.

As Mr. Hildebrand and others see it, the legislation will hurt all creditors, and will run contrary to the intent of the law's proponents. He cites studies by his organization showing that a fifth of Chapter 13 debtors would be driven into Chapter 7, where they can discharge or liquidate credit-card and other unsecured debt.

And in the Senate last week, Sen. Durbin launched his effort to remove the auto section from the final bill, or at least modify it significantly.

''This provision is unjustly tipped in favor of the creditor, providing little or no protection for debtors,'' Mr. Durbin says. ''A person who want to keep their car and go to work ends up being a loser.''

The bankruptcy coalition's Mr. Tassey, though, dismisses the critics: ''The bankruptcy establishment likes the system the way they have been running it,'' he says.

A STAKE IN BANKRUPTCY

SOFT MONEY, PAC AND INDIVIDUAL CONTRIBUTIONS BY MEMBERS OF THE COALITION FOR RESPONSIBLE BANKRUPTCY LAWS

(In thousands of dollars)

| Organization | To Democrats | To Republicans | Total |
|---|---|---|---|
| American Bankers Association | $588.90 | $1,109.60 | $1,709.50 |
| Credit Union National Association | 763.40 | 873.04 | 1,642,44 |
| Ford Motor | 208.47 | 548.21 | 772.13 |
| DaimlerChrysler | 161.03 | 483.08 | 700.11 |
| General Motors | 172.20 | 502.83 | 688.80 |
| America's Community Bankers | 201.57 | 334.85 | 536.42 |
| Independent Bankers Association | 164.62 | 261.25 | 429.47 |
| Visa USA | 172.25 | 167.85 | 340.10 |
| National Retail Federation | 28.50 | 204.78 | 233.28 |
| American Financial Services Association | 38.84 | 155.73 | 194.57 |
| Mastercard International | 11.60 | 82.60 | 96.65 |
| Consumer Bankers Association | 10.25 | 13.00 | 23.25 |
| Total (in millions) | $2.52 | $4.74 | $7.37 |

Note: Numbers don't add up because some contributions went to non-partisan causes.

Sources: The Center for Responsive Politics, Federal Election Commission.

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that a New

York Times piece—all of these articles are dated Tuesday, March 13, 2001—be printed in the RECORD.

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

[From The New York Times, Mar. 13, 2001]

LOBBYING ON DEBTOR BILL PAYS DIVIDEND

(By Philip Shenon)

WASHINGTON, March 12.—A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to President Bush's 2000 campaign is close to its long-sought goal of overhauling the nation's bankruptcy system.

Legislation that would make it harder for people to wipe out their debts could be passed by the Senate as early as this week. The bill has already been approved by the House, and Mr. Bush has pledged to sign it.

Sponsors of the bill acknowledge that lawyers and lobbyists for the banks and credit card companies were involved in drafting it. The bill gives those industries most of what they have wanted since they began lobbying in earnest in the late 1990's, when the number of personal bankruptcies rose to record levels.

In his final weeks in office, President Bill Clinton vetoed an identical bill, describing it as too tough on debtors. But with the election of Mr. Bush and other candidates who received their financial support, the banks and credit card industries saw an opportunity to quickly resurrect the measure.

In recent weeks, their lawyers and lobbyists have jammed Congressional hearing rooms to overflowing as the bill was redebated and reapproved. During breaks, there was a common, almost comical pattern. The pinstriped lobbyists ran into the hallway, grabbed tiny cell phones from their pockets or briefcases and reported back to their clients, almost always with the news they wanted to hear.

''Where money goes, sometimes you see results,'' acknowledged Representative George W. Gekas, a Pennsylvania Republican who was a sponsor of the bill in the House. But Mr. Gekas said that political contributions did not explain why most members of Congress and Mr. Bush appeared ready to overhaul the bankruptcy system.

''People are gaming this system,'' Mr. Gekas said, describing the bill as an effort to end abuses by people who are declaring bankruptcy to wipe out their debts even though they have the money to pay them. ''We need bankruptcy reform.''

Among the biggest beneficiaries of the measure would be MBNA Corporation of Delaware, which describes itself as the world's biggest independent credit card company. Ranked by employee donations, MBNA was the largest corporate contributor to the Bush campaign, according to a study by the Center for Responsive Politics, an election research group.

MBNA's employees and their families contributed about $240,000 to Mr. Bush, and the chairman of the company's bank unit, Charles M. Cawley, was a significant fundraiser for Mr. Bush and gave a $1,000-a-plate dinner in his honor, the center said. After Mr. Bush's election MBNA pledged $100,000 to help pay for inaugural festivities.

MBNA was obviously less enthusiastic about the candidacy of former Vice President Al Gore, Mr. Bush's Democratic rival; according to the center, only three of the company's employees gave money to the Gore campaign, and their donations totaled $1,500.

The center found that of MBNA's overall political contributions of $3.5 million in the last election 86 percent went to Republicans, 14 percent to Democrats. The company, which did not return phone calls for comment, made large donations to the Senate campaign committees of both political parties—$310,000 to the Republicans, $200,000 to the Democrats.

MBNA's donations were part of a larger trend within the finance and credit card industries, which have widely expanded their contributions to federal candidates as they stepped up their lobbying efforts for bankruptcy overhaul.

According to the Center for Responsive Politics, the industries' political donations more than quadrupled over the last eight years, rising from $1.9 million in 1992 to $9.2 million last year, two-thirds of it to Republicans.

Kenneth A. Posner, an analyst for Morgan Stanley Dean Witter, said that the bankruptcy bill would mean billions of dollars in additional profits to creditors, and that it would raise the profits of credit card companies by as much as 5 percent next year. In the case of MBNA, that would mean nearly $75 million in extra profits in 2002, based on its recent financial performance.

The bill's most important provision would bar many people from getting a fresh start from credit card bills and other forms of debt when they enter bankruptcy. Depending on their income, it would bar them from filing under Chapter 7 of the bankruptcy code, which forgives most debts.

Under the legislation, they would have to file under Chapter 13, which would require repayment, even if that meant balancing overdue credit card bills with alimony and child-support payments.

Consumer groups describe the bill as a gift to credit card companies and banks in exchange for their political largess, and they complain that the bill does nothing to stop abuses by creditors who flood the mail with solicitations for high-interest credit cards and loans, which in turn help drive many vulnerable people into bankruptcy.

''This bill is the credit card industry's wish list,'' said Elizabeth Warren, a Harvard law professor who is a bankruptcy specialist. ''They've hired every lobbying firm in Washington. They've decided that its time to lock the doors to the bankruptcy courthouse.''

The bill's passage would be evidence of the heightened power of corporate lobbyists in Washington in the aftermath of last year's elections, which left the White House and both houses of Congress in the hands of business-friendly Republicans.

Last week, corporate lobbyists had another important victory when both the Senate and the House voted to overturn regulations imposed during the Clinton administration to protect workers from repetitive-stress injuries.

Credit card companies and banks would not be the only interests served by the bankruptcy bill. Wealthy American investors in Lloyd's of London, the insurance concern, have managed through their lobbyists to insert a provision in the bill that would block Lloyd's from collecting millions of dollars that the company says it is owed by the Americans.

Lloyd's has hired its own powerful lobbyist, Bob Dole, to help plead its case on Capitol Hill. Last week, the chief executive of Lloyd's was in Washington to plot strategy.

The issue involves liabilities incurred by Lloyd's in the 1980's and 1990's when it was forced to pay off claims on several disasters, like the Exxon Valdez oil spill. Investors in Lloyd's are expected to share both its profits and its losses, but the Americans have refused to settle the debts, claiming they were misled by Lloyd's.

As he watched consumer-protection amendments to the bankruptcy bill fail by lopsided margins last week, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee and a leading critic of the bill, said that colleagues had told him privately that they were ''committed to the banks and credit card companies—and they are not going to change.

''Some of them do this because they think it's the right thing to do,'' Mr. Leahy said.

But he said other senators were voting for the bill because they know that the banks and credit card companies ''are a very good source'' of political contributions. ''I always assume senators are doing things for the purest of motives,'' he added, his voice thick with sarcasm. ''But I have never had credit card companies show up at my fund-raisers, and I don't think they ever will.''

Mr. Gekas said the implication that money was buying support for the bankruptcy bill was insulting, and that the bill did most consumers a favor by ending practices by some debtors that had forced up interest rates for everybody else. ''Bankruptcies are costly to all of us who don't go bankrupt,'' Mr. Gekas said.

In the late 1990's, banks, credit card industries and others with an interest in overhauling the bankruptcy system formed a lobbying group, the National Consumer Bankruptcy Coalition, for the purpose of pushing a bankruptcy-overhaul bill through Congress.

They said they needed to act to deal with what was then a record number of personal bankruptcy filings. According to court records, the number of personal bankruptcies hit nearly 1.4 million in 1998, a record up from 718,000 in 1990. The number fell to just under 1.3 million last year, although it is expected to rise again if the economy continues to sour.

The coalition's founders included Visa and Mastercard, as well as the American Financial Services Association, which represents the credit card industry, and the American Bankers Association.

The Center for Responsive Politics found that the coalition's members contributed more than $5 million to federal parties and candidates during the 1999–2000 election campaign, a 40 percent increase over the last presidential election.

Mr. WELLSTONE. By the way, there was also a piece on this on National Public Radio this morning. There is another piece by Mr. Samuelson in the Washington Post this morning. His argument is that it is not so much that it is a bad bill—I think because I had to skim read it; I was in a rush—he was saying that at a time with an economic downturn, there may now be more people filing bankruptcy. Actually, it has fallen off over the last year and a half, but that may happen again, and we are going to make it really difficult for a whole lot of people in very difficult economic circumstances to rebuild their lives. Mr. Samuelson was saying he questioned the timing of this bill.

The New York Times piece is: ''Lobbying On Debtor Bill Pays Dividend.'' That is a headline that should give ordinary citizens, the people of Minnesota and the country, a whole lot of faith in our political process. ''Lobbying On Debtor Bill Pays Dividend'':

A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to

President Bush's 2000 campaign is close to its long-sought goal of overhauling the Nation's bankruptcy system.

It goes on to talk about all of the breaks the credit card industry is going to get, that all of the money they put into politics is going to pay a huge dividend in terms of support.

By the way—this is interesting as well—while I probably have been one of the strongest critics of President Clinton, it is interesting that this piece about the support from all of the financial contributions paying off—I think one reason my colleagues are in such a rush to pass this bill is to show now we have a President who is going to sign the bill as opposed to veto the bill because we could not override the veto.

President Clinton, wherever you are, with whatever kind of tough stories you have had to deal, with whatever you have done by way of pardons that may not be right that I do not agree with, I want you to know that as a Senator I thank you for standing up to all of these big contributors, to all of these interests, to the financial services industry. It wasn't easy to do, and you did it. Thank you, President Clinton.

I am not at all surprised President Bush cannot wait to sign this bill. This is his crowd, as my good friend FRITZ HOLLINGS from South Carolina would say. This is his crowd. I am sure he cannot wait to sign the bill.

Let me go to this amendment which I do not think my colleagues want to vote on up or down. I thought when I modified it we had at least an implicit understanding we would have an up-or-down vote, but they do not want to vote on this amendment, and I do not blame them. I would not want to vote against this amendment either.

This amendment is an amendment that deals with the predatory lending which targets low- and moderate-income families.

This bankruptcy ''reform'' bill, does it have much that deals with predatory lending practices? No. Does it call on the credit card industry—broadly defined—to perhaps take some accountability for pumping credit cards on our children and all sorts of other people who then find themselves in trouble and have to file for bankruptcy? No.

I will tell you what it does do. It makes it very difficult for a whole lot of people who find themselves in desperate financial straits to file for chapter 7, and, for that matter, it goes beyond the means test. There are provisions in this 50-page bill plus that make it really hard for ordinary people to get relief and rebuild their lives. That is absolutely outrageous.

I believe somebody needs to challenge this rush to get this done. We may have a cloture vote. We are going to have a cloture vote this afternoon, I take it. Colleagues should vote against it. There are a number of Senators who want to have amendments and want to have a vote on amendments, and they are right.

By the way, I did not file for cloture. That was the majority leader. My understanding is there is going to be a cloture vote, and my understanding is Senators would have a chance to have votes on their amendments. That was my understanding. That is what should happen. There are some substantive amendments that deal directly with alternatives to this harsh bill.

I want to know why we are not going to have votes on those amendments—I mean major amendments. And this amendment I think is also a major amendment, but I know other colleagues, who have worked on this many more years than I have and have more expertise, probably have even more important amendments. What do you think about this one? This amendment will prevent claims in bankruptcy on high-cost transactions in which the annual interest rate—if you are ready for this—exceeds 100 percent. These are payday car title pawns. It is an extremely small amount. These are low-income folks who pay this price who are having a difficult time because someone was ill and had to go to the doctor and they do not have much margin month to month. Go for a loan and you are extended a small amount, $100 to $500, for an extremely short time, 1 or 2 weeks. The loans are marketed as giving the borrower a little extra until payday.

The loan works like this, if you can believe these loan sharks, these vultures. The borrower writes a check for the loan amount, plus a fee. The lender agrees to hold on to the check until the agreed upon date and give the borrower the cash. On the due date, the lender either cashes the check or, as quite often it happens, allows the borrower to extend the loan by writing a new check for the loan amount, plus an additional fee. Calculated on an annual basis, these fees are exorbitant. For example, a $15 fee on a 2-week loan of $100 is an annual interest rate of 391 percent. Rates as high as 2,000 percent per year have been reported on these loans.

Why in the world do we want to allow claims in bankruptcy for these kinds of credit transactions? Why are we in such a rush to support these sleazy loan sharks? Can somebody come out on the floor of the Senate and tell me what the goodness is in what they do? Can somebody give me one good argument why you don't want to vote up or down on this amendment? I am indignant. I have to be careful not to get too hot. I am really angry.

Let me talk about the other area that is so egregious. Car title pawns are 1-month loans secured by the title to the vehicle by the borrower. Please remember, Senators, these are not our sons and daughters or brothers or sisters or our wives or husbands. I am talking about poor people. We, luckily by the grace of God, or by luck of another kind, are not in this position. We don't have to put our car up for collateral. We don't live month by month on meager incomes and desperate to get credit. That doesn't happen to us.

A typical title pawn costs 300 percent interest, and consumers who miss the payments have their cars repossessed. In some States, consumers do not receive the proceeds from the sale of the repossessed vehicle even if the value of the car exceeds the amount of the loan.

The Presiding Officer knows all about this because of his position in the State of Florida. For example, a borrower might put up their $2,000 car as collateral for a $100 car title loan and an outrageous interest rate, and if the borrower defaults, the lender can take the car, sell it, and keep the full $2,000 without returning the excess value to the borrower.

And we want to protect these loan sharks? Members don't want to vote for this amendment? Members want to come second-degree this amendment? Why?

These schemes actually are more lucrative if the borrower defaults. Often the borrower—are you ready for this?—is required to leave a set of keys to the car with the lender, and if the borrower is even 1 day late with the payment, he or she might look out the window and find the car is gone.

This amendment would prohibit claims in bankruptcy for credit transactions such as these payday loans and car title pawns where they charge over 100 percent interest in a year.

Could somebody explain to me why this is a bad amendment? Could somebody defend these sleazy loan sharks? So far, no one has.

There is no question these high-interest-rate loans take advantage of working people. On the face of it, paying 300 percent or 500 percent or 800 percent for a $100 loan or $200 loan is unconscionable. No fully informed person with a choice would do it. But that is exactly the issue: These folks may not always have a choice.

I am sorry I believe this has been happening over and over again in the last couple of weeks. This is similar to the ergonomics standard. This is a class issue. These are poor people we are talking about. None of us is ever put in this situation.

President Bush, whatever happened to compassionate conservatism? My Republican colleagues, whatever happened to compassionate conservatism?

Often these borrowers turn to payday lenders and car title pawns because they can't get enough credit through the normal channels. So these borrowers are a captive audience, unable to shop around to seek the best interest rates, uninformed about choices, unprotected from coercive collection practices.

I thank the Chair for having the graciousness to face me while I speak. I always thought that was important. I thank the Chair. It is much harder to speak when the presiding Chair is reading or not paying attention. I thank the Chair for his graciousness. When I shout, I am not shouting at the Presiding Officer.

There is no way the borrower can win. At best, they are robbed by high

interest rates, and at worst their lives are ruined by the $100 loan which spirals out of control. These loans are patently abusive. They should not be protected by a bankruptcy system. Because they are so extensive, they should be completely dischargeable in bankruptcy so the debtors can get a true fresh start and so that more responsible lenders' claims are not crowded out by the shifty operators.

Colleagues, vote for this amendment because you are for responsible lenders. Vote for this amendment. I call this the responsible lender's amendment. Why should unscrupulous lenders who have equal standing in bankruptcy court with a community bank or a credit union that tries to do right by their customers? Why do we give equal value to these sleazy loan sharks with community banks or credit unions?

By the way, I don't think these lenders should be able to take advantage of customers' vulnerability through harassment or coercion, but that was considered to be a terrible provision. That challenged jurisdiction in another committee, so I even dropped the language on the coercive practices.

My amendment simply says if you charge interest over 100 percent on a loan, and if the borrower goes bankrupt, you cannot make a claim on that loan or the fees from the loan. In other words, the borrower's slate is wiped clean of your usurious loan and he gets a fresh start.

Additionally, such lenders will be penalized if they try to collect—well, no. See, there you go; there was my prepared statement. I shouldn't use a prepared statement. I was going to say, additionally such lenders will be penalized if they try to collect on their loan using coercive tactics, but I have taken that out. That was the modification my colleagues asked for, as if that would be such a terrible thing. And now I don't even get an up-or-down vote on the amendment. That is my understanding.

This amendment is a commonsense solution to the problem I have described. It allows the Senate to send a message to those loan sharks. If you charge an outrageous interest rate, if you profit from the misery and misfortune of others, if you stack the deck against the customers so they become virtual slaves to their indebtedness, you will get no protection in bankruptcy court for your claims.

As I say that, it sounds good to me. It really does. What is wrong with this proposition? If a lender wants to make these kinds of loans under this amendment, he or she can. But if he wants to be able to file claims in bankruptcy, he can't charge more than 100 percent interest. I don't believe any one of my colleagues will come to the floor to claim that a 100-percent interest rate is an unreasonable ceiling.

This amendment is in the spirit of reducing bankruptcies. I think if it was adopted it would significantly improve the bill, and I urge its adoption.

I will deal with a few more questions that have been raised. I assume we will have a debate on this. This whole bankruptcy bill and debate make me uncomfortable because one of the Senators for whom I have the greatest respect is Senator GRASSLEY from Iowa—and he or another Senator may come out here. He is a great Senator, in my opinion. But I have to say one of two things is going to happen. Senators are going to come out here and say: Senator WELLSTONE, your amendment is all wrong. These loan sharks need the protection. We are for the loan sharks. We are for the 100 percent interest-plus. Or they are going to come out with a second-degree amendment which I fear will have the same effect because it will gut this amendment, in which case we will have a debate about that.

But, so far, the silence has been deafening. I assume we will have that debate or maybe it will be accepted; I don't know. We will have a vote one way or the other.

This amendment is necessary. For those who say some States are starting to institute regulation of payday lenders—that is true, and I am glad; if States do more than we do, I am all for it—more and more payday loans are being made over the Internet, and they cannot be effectively regulated by the States. In addition, payday lenders have explored using national bank charters to avoid State regulation. So both tactics require a Federal response.

These payday lenders, if you are ready for this, are generating 35 percent to 50 percent. The fees are grossly disproportionate to the risk or the profit margins would not be so high. We are talking about loan sharks who feed off misery and illness, all too often, and desperation, and low- and moderate-income people, many of them families headed by single parents, many of them families headed by women, many of them people of color, many of them urban, many of them rural—and we ought to be willing to stand up for these people.

This amendment challenges Senators: Are you on the side of these sleazy loan sharks? Or are you willing to defend poor people in the United States of America?

I am not holding the Senate up. I am waiting for the debate.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 37

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to bring up my amendment No. 37, and I then be allowed to withdraw the amendment No. 37 which relates to trade adjustment assistance.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President and my good friend from Montana, the reason that I offered this amendment previously is because the crisis that we are facing in the steel industry in general is having a particularly devastating effect on workers in my state—and also, quite frankly in the state of Michigan as well.

In the northeastern part of Minnesota—an area we call the Iron Range—a material called taconite is mined and then becomes an input into the steel production process. Taconite is basically iron ore; it's crushed, melted in blast furnaces, and then cast to be used to produce finished steel products.

As you know, the steel industry is highly integrated. To make finished steel products, producers can purchase semi-finished steel or they can make their own semi-finished steel with taconite or iron ore. Due to the recent surge in dumped semi-finished steel slab imports it has become cheaper for steel mills to import this steel and finish it rather than make their own. This, coupled with the general decline in the U.S. steel industry, has had a devastating effect on taconite workers in my state and in Michigan. Just one example of many that I'm sure you're familiar with is LTV Corp's announcement in December that it was filing for bankruptcy.

I ask unanimous consent to have this document, which sets forth the chronology of the major layoffs, shutdowns, etc. that have been devastating working families in the Iron Range of my state, printed in the RECORD.

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

CHRONOLOGY OF WORKER DISLOCATION IN THE TACONITE INDUSTRY ON THE IRON RANGE IN MINNESOTA

In December 1999 the Iron Mining Association of Minnesota (IMA) reported that 5,760 workers were employed in taconite plants in Minnesota. After the announced cuts described below take effect, our projections show that there will be approximately 4,480 workers employed in this industry. That's more than 1,200 workers laid off in one year.

Below is a chronology of the worker dislocation we have been experiencing.

1. On May 24, 2000, the LTV Corp. announced its plan to permanently close the taconite plant in Hoyt Lakes. There are 1,400 people who work at this plant.

2. On December 29, 2000, LTV, the Nation's third leading producer of basic steel, filed for bankruptcy court protection.

3. On December 31, 2000, National Steel Pellet Co. laid off 15 hourly workers and 7 salaried staff members.

4. On January 28, 2001, Hibbing Taconite announced a six-week shut down, idling about 650 hourly workers.

5. On February 16, 2001, Minnesota Twist Drill laid off 64 of 195 full-time employees.

6. On February 19, 2001, Hibbing Taconite announced the elimination of between 29 and 38 salaried positions.

Mr. WELLSTONE. Mr. President, the difficulty, and the reason I offered my

amendment, is that the previous Administration had an inconsistent record with respect to recognizing U.S. iron ore workers' eligibility to receive Trade Adjustment Assistance, despite the fact that they are clearly being injured by unfairly traded steel imports. In its most recent decision, involving a different taconite producer, a determination was made that low grade iron ore is not ''like or directly competitive with'' semi-finished steel slabs. I remain hopeful that a new Administration, taking a fresh look at this issue, will resolve the issue differently. Meanwhile, however, I was offering this amendment to make it explicit that taconite workers will be eligible to receive the trade adjustment assistance they so clearly need.

Mr. BAUCUS. Mr. President, I want to begin by saying that I am very sympathetic to the plight of taconite workers described by Senator WELLSTONE. Unfortunately, the situation is not at all unusual. Taconite workers are an example, and unfortunately not an isolated example, of the fate of workers who supply critical inputs to American industries that face stiff import competition.

When American workers lose their jobs because their production is replaced by imports of ''like or directly competitive articles,'' we help those workers through the Trade Adjustment Assistance Program. TAA provides extended unemployment benefits, retraining benefits, and job search and relocation benefits to workers who lose their jobs through the effects of trade. I am and have been a strong supporter of the Trade Adjustment Assistance Program for many years. But the present TAA program helps only the workers whom the Department of Labor determines produce the same product that is being imported.

This year presents an opportunity to consider how the TAA program can be more effective in meeting the needs of all workers who lose their jobs as a result of import competition. That means recognizing that trade-related job losses and dislocation are devastating for all workers, no matter where they are in the overall production process.

The TAA program comes up for reauthorization this year. I think that is the right context for addressing the problem raised today. I want to assure my colleague Senator WELLSTONE that I would look favorably on expanding the TAA program to cover workers, whenever imports from any country lead to job loss. In fact, we are already working on legislation in the Finance Committee which would do just that. I invite Senator WELLSTONE to work with the Finance Committee in this effort and to testify before the Committee when we hold hearings on TAA later this year. It is certainly my hope that we will be able to address the trade adjustment needs of taconite and other similarly situated workers, as we work to reauthorize and expand the TAA program this year.

Mr. DAYTON. Mr. President and my colleagues, the Senior Senator from Minnesota, Senator WELLSTONE and Senator BAUCUS from Montana, I appreciate Senator BAUCUS' candor in recognizing that taconite workers have been inconsistently treated in the Department of Labor's definition of workers, eligible for Trade Adjustment Assistance. The efforts of taconite workers, from the Iron Range of Minnesota, to obtain relief from reduced production of semi-finished steel slab and steel plant closings, have been frustrated by how the Department of Labor considers the taconite industry. This is the reason Senator WELLSTONE and I introduced the Taconite Workers Relief Act. This bill underscores what I believe is certain: that taconite production is an essential part of an integrated steel-making process. Steel, no matter where it is made, is produced by a process initiated by iron ore or taconite pellets. Taconite pellets are melted in blast furnaces and then blown with oxygen to make steel. Every ton of imported semifinished steel displaces 1.3 tons of iron ore in basic domestic steel production.

In Minnesota, in the mid-1990's, seven operating taconite mines and 6,000 workers produced 45 million tons of taconite, which is 70 percent of the nation's supply. Today, the painful reality is that production cutbacks have ravaged the United States' iron ore industry. Northshore Mining Company announced that it would cut 700,000 tons of production; U.S. Steel's Minntac plant is cutting 450,000 tons; and the Hibbing Taconite Company is cutting 1.3 million tons of production.

On December 29, 2000 LTV, the third largest steel producer in the United States, filed for bankruptcy, bringing the number of steel producing companies under Chapter 11 protection to nine. The closing of LTV permanently eliminates 8 million tons of production and 1,400 jobs in Minnesota. I am sure that the pain of unemployed steelworkers in Minnesota, and the fear of those who face an uncertain future, is mirrored among steelworkers in northern Michigan. This is the reason why Senators LEVIN and STABENOW are also cosponsors of the Taconite Workers Relief Act.

The men and women of the Iron Range, who have worked for generations in the iron ore mines of northeastern Minnesota, are members of long standing in the union of the United Steelworkers of America. These are hard working people who believe that America's steel industry is a basic industry, essential to the economic and national security of our country. These are people, with an unwavering work ethic, who understand that the steel industry is highly integrated, and who believe they are part of that industry. This is the reason I want to work to ensure the Department of Labor clearly recognizes the eligibility of taconite workers for TAA, and I also believe that eligibility should be retroactive to include workers permanently laid off in the past year.

I commend the leadership of Senator BAUCUS in offering to support the expansion of TAA to cover taconite workers. I stand firmly on the principle that taconite workers must be treated equally at the trade table, and in the definition of eligibility for trade adjustment assistance. The opportunity the Senator has offered within the context of reauthorizing TAA is a wise strategy. I will join the Senator in working hard to eliminate any question there may be about the importance of taconite as part of an integrated steel industry.

Mr. BAUCUS. I thank Senator WELLSTONE and Senator DAYTON for their detailed and thoughtful presentation of the situation of taconite workers in Minnesota and Michigan. I also welcome their willingness to work with me and the Finance Committee on the reauthorization and expansion of the TAA program.

Mr. GRASSLEY. Mr. President, I concur with my colleagues that the Trade Adjustment Assistance Act needs a thorough review to protect workers who lose their jobs or income as a result of import competition. I am committed to a top to bottom review of the Act this year and to work with members to make the necessary changes.

The amendment (No. 37) was withdrawn.

Mr. WELLSTONE. I thank the Chair.

Mr. LEAHY. Mr. President, I thank the Senator from Minnesota.

Mr. President, the Senator from Utah and I have been working together on a managers' package. We might be able to move that forward. We are not right at that spot yet.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

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

Mr. REID. If the Senator would just withhold, how long does the Senator wish to speak? We are about to do a unanimous consent request.

Mr. KERRY. I don't know exactly. About 10 minutes or so.

Mr. REID. Fine. It will take us that long to get things in order.

Mr. WELLSTONE. If I could say to my colleague, with his indulgence, I certainly will not object, but I want to make it clear, because we are also in the middle of something else, that I have an amendment out here. I have been debating it. I am ready to hear somebody else debate it. I am ready to

have a vote. I am not holding anything up. Democrats have a number of amendments to this bill that should be offered, debated, and voted on.

I question what is going on here.

Mr. KERRY. Mr. President, I am not sure which dog I have in this fight at the moment. I appreciate what the Senator from Minnesota is trying to accomplish. I gather that various people are trying to work on that. I certainly don't want to interrupt the flow. I will speak. If at some moment the Senate needs to move back to business, I will obviously be happy to do so.

(The remarks of Mr. KERRY are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I want to accommodate two colleagues who are on the floor, Senator LEVIN and Senator BIDEN, but I want to just be clear about what is going on here. It is 2:30. I have been asking for a vote on the amendment. Eight other Democrats have amendments on which they would like to have votes.

The strategy on the other side is to not have votes and basically shut this down with a cloture vote. I want to be clear about this.

I ask unanimous consent that my amendment be voted on within the next 30 minutes—first of all, voted on within the next 30 minutes, with no second-degree amendments.

Mr. HATCH. Mr. President, I have to object to that unless we can work out some matters that have to be worked out.

Mr. WELLSTONE. If I may go on, I was going to go on and ask unanimous consent that the managers' package be dealt with—I would not think that would require a rollcall vote—and that the pending Durbin amendment No. 93 be dealt with. But I would like to say to Democrats—and this is not aimed at my colleague from Utah—this is a violation of an agreement that we had.

Last week, the majority leader came out here on a motion to proceed. I blocked it. We talked about it and said we would have substantive debate. We were given the assurance that before any cloture vote, we would have the opportunity to have our amendments down here and voted on. I have come out here with an amendment. I have not delayed at all. I still can't get a vote on this amendment after 3 days. You have someone such as Senator DURBIN, who has been working as hard on bankruptcy as anybody, who can't get a vote on his amendment. This cloture motion should not have been filed. It is in violation of the agreement that was made. Any number of us are not having the opportunity to have up-or-down votes.

Frankly, I would not want a vote on behalf of these payday lenders, these sleazeball shark lenders, myself. We ought to have a vote.

Mr. HATCH. If the Senator will yield, Mr. President, as the Senator knows, we have been here for almost 2 weeks on this bill. This is a bill that has been modified. Some of the amendments of the other side have been agreed to. Some have been on the floor.

This bill passed 70–28 last December. Frankly, there appears to us to be an effort to have amendment after amendment, and some of these amendments are not even germane. In fact, quite a few of them are not germane. Our side exercised a prerogative of the rules to file cloture, to end what really is a debate that is going out of bounds.

Mr. REID. Will the Senator yield?

Mr. HATCH. Excuse me, if I may finish. I would have preferred not to have filed cloture. I would have preferred to agree to a small number of amendments and we go forward on those amendments and then have a vote on final passage, but we were not able to get that agreement, or at least have not been able to up to now. As far as I know, there is only one Senator stopping that agreement.

I say this to my distinguished friend from Minnesota: As far as I am concerned, I have no real objection to the Senator proceeding on his amendment and having a vote prior to the cloture vote. I prefer to vitiate the cloture vote. If the Senator feels aggrieved, I am going to try to accommodate him, but I hope our colleagues on both sides will be willing to work with us to get this bill completed because it is an important bill.

Yes, there are a variety of viewpoints in this bill, but this is a very important bill. We believe we have bent over backwards to try to work it out with both sides in this matter.

I ask unanimous consent—I hope the distinguished Senator from Minnesota will listen—that a vote occur in relation to the pending Wellstone amendment No. 36, as I understand it, as modified, at 3:40 p.m. today, and the time between now and then be equally divided and no second-degree amendments be in order prior to the vote, and at some point it be in order to lay aside the amendment for up to 5 minutes for consideration of a managers' amendment.

Mr. REID. Reserving the right to object, I appreciate the Republicans allowing a vote on the amendment of the Senator from Minnesota. We have now approximately 1 hour 5 minutes. I am told the Senator from Minnesota wishes to speak an additional period of time on his amendment. The Senator from Delaware, who is the ranking member on the Foreign Relations Committee——

Mr. BIDEN. If the Senator will yield, that is fine.

Mr. REID. The Senator from Michigan is here to talk about something he worked out with the chairman and ranking member. I wonder if we can make sure they all have an opportunity to speak. I ask the Senator from Minnesota how he feels about that.

Mr. WELLSTONE. I am sorry, I did not hear.

Mr. REID. Does the Senator have a problem with Senator LEVIN having 5 minutes and the Senator from Delaware 15 minutes prior to the vote at 4 p.m. because there are no another amendments being offered prior to that time?

Mr. WELLSTONE. Reserving the right to object, I ask my colleague from Utah whether I may amend his unanimous consent request to assure that the managers' package be accepted or voted on and that the Durbin amendment be out here. If I may—I have the floor, if I may finish for a moment. I want to let my colleagues speak. It is an outrageous proposition here. I am not just speaking about my own amendment. I want a vote on my own amendment.

Mr. HATCH. Will the Senator yield?

Mr. WELLSTONE. If I may finish, and then I will take a question. I want to know why, No. 1—maybe there is something I do not know—I want to know whether or not there is a commitment that the managers' amendment will be accepted before we get a cloture vote and it gets clotured out, and I want to know why Senator DURBIN, who has worked on this bill long before I understood the issue, cannot bring it out. I want a vote. I have been trying to have a vote on it for days. I am ready to have Senator BIDEN and Senator LEVIN speak and have a vote on my amendment right away. I want to know why.

I ask unanimous consent that my amendment be disposed of at 3:40 p.m. and also Senator DURBIN be allowed to come to the floor and debate his amendment and have a vote on the Durbin amendment as well after 3:40 p.m. and that we either have a voice vote or recorded vote on the managers' package before the cloture vote.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Will the Senator yield for a comment?

Mr. WELLSTONE. I am not going to yield the floor, but I——

Mr. HATCH. You already yielded the floor.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Let me accommodate my colleague.

I am trying to accommodate the Senator. I am trying to be reasonable, and I am trying to make this matter acceptable. We have a cloture vote at 4. I am willing to accommodate the Senator so he can have a debate on his amendment equally divided until 3:40 when we vote on the amendment.

Mr. WELLSTONE. Mr. President, will——

Mr. HATCH. Let me finish. Then we will vote on that amendment, as modified. As I understand it, Senator LEVIN wants to speak—is that correct?—for 5 minutes, and Senator BIDEN wants to speak for how much time?

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. I will be happy to without losing my right to the floor.

Mr. BIDEN. I am not standing here seeking recognition to speak, although I would like to do that at whatever time is convenient, but I ask the question: Isn't it fair that the request—and I strongly disagree with Senator WELLSTONE's characterization of this bill, and I strongly disagree with Senator DURBIN's characterization of this bill, but are they not entitled to have a vote? I am standing here to support their right to have a vote before cloture. I thought that was the general understanding, that we would have the ability to vote on both those amendments before cloture.

I do not understand why they are not being given that right. Again, I strongly disagree with both of them. I think there has even been a little bit of demagoguery on the bill. I resent some of the ways they have characterized the positions of some of us who support the bill, but I think they have a right to have a vote on their amendments. I thought there was an understanding.

My question is: Was there not an understanding that we would be voting today prior to cloture on some of these amendments that would be kicked out by cloture if cloture were invoked?

Mr. WELLSTONE. Will the Senator yield?

Mr. BIDEN. I cannot yield. The Senator from Utah has the floor. I asked a question so I cannot yield. That is my question.

Does it also not make sense for the legitimacy of the cloture vote to let them have their votes on both those amendments?

Mr. HATCH. I am not aware of the promise to Senator DURBIN, but I am trying to accommodate the distinguished Senator. We have a limited time prior to the cloture vote.

Mr. BIDEN. I ask unanimous consent——

Mr. HATCH. Will the Senator withhold?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Will the Senator withhold before I ask unanimous consent myself? I am trying to accommodate the distinguished Senator from Minnesota. If Senator DURBIN wants to come to the floor and do his amendment, personally I do not have any objection to that. Let me check with our side and make sure we can do that, as long as we have an opportunity to amend the Durbin amendment.

Would it be possible to cut down the time so we could accommodate both amendments before the vote?

Mr. WELLSTONE. Absolutely. That has been my point.

Mr. HATCH. If you will be willing to take less time, we can allow 5 minutes for Senator LEVIN; and how much time does the Senator from Delaware need?

Mr. BIDEN. If the Senator will yield, I am not asking for any time to speak on NATO—that is what I want to speak on—because I thought this was a dead period. It is kind of a dead period for different reasons.

I ask the Senator to consider the request. If the Senator from Minnesota is willing to knock down his time—the Senator can speak for himself—the staff of the Senator from Illinois tells me he will be willing to cut down his time as well so they both can get a vote on their amendments prior to 4 o'clock.

What I am asking the Senator from Utah, whom I support on this bill, is to give them a chance, if they will cut down their time, to have a vote on both of their amendments. That is my request of the Senator from Utah. They are both here and can speak for themselves, obviously, better than I can.

Mr. HATCH. Let me suggest the absence of a quorum, and I will immediately see if I can get this done.

Mr. LEVIN. Will the Senator withhold so I may speak?

Mr. HATCH. I ask unanimous consent that the Senator from Michigan be given 5 minutes and then the floor come back to me at the conclusion of his remarks.

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

Mr. LEVIN. Mr. President, I thank my good friend from Utah. I was going to offer an amendment on behalf of Senator FEINSTEIN and myself. It is amendment No. 91 at the desk. It is similar to an amendment adopted last Congress during debate of the bankruptcy bill, which was deleted during negotiations with the House of Representatives. I am not going to offer this as an amendment to this year's bankruptcy bill but, rather, introduce it as a freestanding bill because of the agreement of Senator GRAMM, who is the chairman of the Banking Committee, to hold a hearing on our bill when it is filed as a freestanding bill.

When it is introduced, it will be referred to his committee. However, I want to spend 1 or 2 minutes explaining what this amendment is all about.

What credit card companies do now is charge interest to people, even though they pay part of their indebtedness on time.

It would be fine if they were just charging interest on part of the indebtedness which was outstanding and not paid on time. That is perfectly appropriate. But if somebody, for instance, starts with a zero balance, charges $1,000 on their credit card, pays $900 on time by the due date, then that person is not only charged interest on the $100 owed, that person is charged interest on the full $1000, even the part of his bill that is paid by the due date.

I don't know any other situation where somebody who pays an obligation on time is nonetheless charged interest on the part that is paid.

Again, our bill will address this by addressing the imposition of interest for on-time payments during the so-called "grace period." Currently, credit card lenders use complicated definitions of "grace period" to allow interest charges for payments even if they are made on time. Credit card lenders define "grace period" as applicable only if the balance is paid in full. Mastercard, for example, defines their "grace period" as "a minimum of 25 days without a finance charge on new purchases if the New Balance if paid in full each month by the payment due date." That means that even if a person pays 90 percent of his balance, he is still charged interest on money which is timely paid.

This is an overreach by the credit card companies. It should be corrected by the credit card companies. Most credit card customers, when they send in a check to pay their credit card on time, fairly assume they will not be charged interest on the money paid. But in fact they are, unless they happen to pay off the entire amount of their obligation. It is unfair. It is an overreach. It ought to be corrected by the credit card companies themselves. If it isn't, our bill will correct it for them.

Credit card companies are adding new and higher fees all the time in the small print of their lending terms. According to Credit Card Management, late fees, balance transfer fees, overlimit fees, and other penalty fees were a source of $5.5 billion in revenue for credit card companies in 1999, up from $3.1 billion in 1995.

Hopefully, the credit card companies will correct this overreach themselves, and this bill will not be necessary, but the chairman of the Banking Committee has indicated he is willing to hold a hearing on this bill and on similar practices by the credit card companies that might be brought to the attention of the Banking Committee, and based on that agreement by the Senator from Texas, I will not be offering this amendment on the bankruptcy bill but instead will be offering a freestanding bill on behalf of Senator FEINSTEIN and myself.

I thank the Chair. I thank the Senator from Utah for yielding me this time. I will not offer the amendment, and I withdraw the amendment at this time.

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

Mr. HATCH. Mr. President, I ask unanimous consent that the time prior to the vote in relation to the pending Wellstone amendment numbered 36, as modified, be limited to 10 minutes equally divided and no second-degree amendments be in order prior to the vote, and following that time, the amendment be laid aside and Senator DURBIN be recognized to call up his amendment No. 93, and following the reporting, Senator HATCH be recognized to offer a second degree, and time on both amendments be limited to 30 minutes equally divided.

Further, then, these votes occur first in relation to the second degree to Durbin, then in relation to the Durbin amendment, as amended, if amended,

and finally in relation to the Wellstone amendment, with 2 minutes between each vote for explanation, and the votes to begin no later than 3:20, and Senator WELLSTONE's time as previously ordered be limited to 5 minutes, and the majority leader be recognized for 5 minutes just prior to cloture.

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

The Senator from Illinois.

Mr. DURBIN. If I understood the unanimous consent, I can call up my amendment numbered 93 at this time. At some point, Senator HATCH may offer a second degree.

Mr. HATCH. I ask unanimous consent the Wellstone time be reserved to follow the 30 minutes equally divided between Senator DURBIN and myself.

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

AMENDMENT NO. 93

Mr. DURBIN. Mr. President, I don't know the sequence, but I want to make certain we are considering amendment No. 93 that I have offered. Senator WELLSTONE has a pending amendment as well. I am prepared to argue my amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. DURBIN. The amendment has been filed.

The PRESIDING OFFICER. The amendment was called up earlier. It is pending.

AMENDMENT NO. 96 TO AMENDMENT NO. 93

Mr. HATCH. I send an amendment to the desk and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 96 to amendment No. 93.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

Mr. DURBIN. Mr. President, I object, unless a copy is provided. We have no idea what is in the amendment.

Mr. HATCH. It is on your desk.

Mr. DURBIN. I do not object.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it took a few minutes to sort out what we are doing, and this is what it has come down to. I am offering an amendment to the bill before us with a bankruptcy reform bill which was considered 2½ years ago in the Senate and passed by a vote of 97–1.

Senator HATCH has come back and said, instead, it is a take it or leave it deal. We have this bill that is presently before us—take it or leave it. That is what the choice will be for my colleagues in the Senate. But I encourage them to take a close look at the differences between the substitute I am offering and what is being considered today in this Chamber.

This bankruptcy debate has gone on for over 4 years. A very small percentage of Americans will never set foot in bankruptcy court, thank the Lord, but those who do hope they will have a new day in their lives. Because of their income situations they cannot repay their debts. Many of these people would love to repay their debts but, unfortunately, they have been faced with medical bills far beyond what any family could take care of. They might have gone through a divorce and found themselves with little or no income to raise a family and all the bills finally stacked up and pushed them over the edge. They could face a situation where they have lost a job that they had for a lifetime and then they find themselves in bankruptcy court.

My colleague, Senator GRASSLEY of Iowa, spoke eloquently, when I offered my bill, about the need for us to change the process so the Senate could have bankruptcy reform. Let me read a little bit of what Senator GRASSLEY said in the CONGRESSIONAL RECORD of September 23, 1998. He said:

Mr. President, first of all I want to thank everyone in this body for the overwhelming vote of confidence on the work that Senator DURBIN and I have done on this bankruptcy bill. Getting to this point has been a very tough process involving a lot of compromise and a lot of refinement.

Senator GRASSLEY went on to say:

You heard me say on the first day of debate that for the entire time that I have been in the Senate that on the subject of bankruptcy—maybe not on every subject, but the subject of bankruptcy—there has been a great deal of bipartisan cooperation . . . this legislation has always passed with that sort of tradition.

About the amendment I am offering now, Senator GRASSLEY went on to say:

So I want to say to all of my colleagues that I not only thank them for their support but, more importantly . . . that tradition has continued. . . . I don't think we would have had the vote that we had today if it had not been for the bipartisanship that has been expressed. . . .

The vote was 97–1. The Grassley-Durbin bankruptcy reform had overwhelming bipartisan support. But, on two successive occasions, that bankruptcy bill went into a conference committee and, frankly, never emerged. What came back from the conference committee was a slam dunk, unbalanced, one-sided bankruptcy reform that favored credit card companies and financial institutions, and, frankly, did little or nothing for consumers and families across America.

I am pleased we have had this debate before us. But I tell you in the spirit that Senator GRASSLEY spoke to the Members of the Senate on the floor, I have offered the very bill which he and I worked on for so long, the bill that passed so overwhelmingly. We already have before us a thoroughly researched and broadly considered bill which was found acceptable to virtually every Member of this body in 1998. The bill before the Senate now, the Bankruptcy Reform Bill, is not a balanced bill. The bill we have before us today is one that is tipped decidedly in favor of credit card companies and banks.

There have been efforts made over the span of this debate to amend this bill to give consumers a fighting chance. Those efforts have failed. I have tried to offer an amendment, for example, which would require more complete disclosure on the monthly statements on credit cards. The credit card industry has refused. Why send a message to America of how divided we are in bankruptcy reform instead of coming up with a bipartisan bill that addresses the issue? The Senate can speak in a united, bipartisan voice, making clear we have reached a broad-based consensus on bankruptcy reform.

Let me review a few of the major differences between the bills and point out why I believe the bill I offer as a substitute is a much more balanced approach, a decision made by 96 of my colleagues and myself when we last voted on this.

The Durbin amendment uses a means test that requires every debtor, regardless of income, who files for chapter 7 bankruptcy to be scrutinize by the U.S. Trustee to determine whether the filing is abusive. We want to stop abusive filings and those who would exploit the bankruptcy court. The bill creates a presumption that a case is abusive if the debtor, the person who owes the debt, is able to pay a fixed percentage of unsecured nonpriority claims or a fixed dollar amount.

In my home State of Illinois, the average annual income for bankruptcy filers in the Central District where I live in Springfield, in 1998, was $20,448. Yet the average amount of debt which people brought into bankruptcy court was more than $22,000. It is clear that these people were over the edge. You can't get blood out of a turnip. When the credit industry wants to keep pushing and pushing and pushing for more and more money, they have lost sight of the reason for bankruptcy court. When people have reached the end of the road, it is time to give them a fresh start.

This figure shows these filers were hopelessly insolvent. They owed more money on debt than they had in collateral and their total income for the entire year. They don't even come close to meeting the standards where they would go through the scrutiny of this bill.

My amendment gives the courts discretion to dismiss or convert a chapter 7 bankruptcy case if the debtor can fund a chapter 13 repayment plan. What it means in simple language is this: If the court takes a look at the person in bankruptcy court and says, ''You can pay back a substantial part of this debt, we are not going to let you off the hook entirely,'' the Durbin

amendment says: Yes, the court can reach that decision. And that is an appropriate decision. Everybody should try in good faith to pay their bills.

But let us also concede there are some people who will never be able to repay these bills. Unfortunately, the amendment offered by Senator HATCH is one that doesn't give that kind of latitude and flexibility.

My approach is cheaper, it is more flexible, it is more sensible, and it is more fair. What is the sense of applying a complicated means test to every bankruptcy filing when studies have clearly shown the types of means tests envisioned in the amendment of Senator HATCH would only apply to a small fraction, far less than 10 percent of the people filing bankruptcy? A study by the American Bankruptcy Institute put the figure at 3 percent. That means that 100 percent of the people filing in bankruptcy court would have to go through a process that only applies to 3 percent of them.

Beyond the administrative costs, there is a lot of stress on poor families in this approach. Let me tell you why I think this bill is also balanced. I don't believe we should ration credit in America, but I believe as consumers and families across America you have a right to be informed, well informed about what you are getting into with a credit card. My amendment was more balanced in its approach. This bill before us, Senator HATCH's bill, does not approach credit card disclosure in a meaningful way. This should be a primary objective of bankruptcy reform: Reform the bankruptcy court, but also end some of the abuses of the credit card industry.

When you go home tonight and open the mail, you know what you are going to find—another credit card solicitation. If you happen to be a college student, you are a prime target for these credit card companies. They want to get students with limited or no income with credit cards in hand, charging debts across the campus and around the town, many of them finding themselves in over their head in no time at all.

If I want to take out a large loan at a reasonable interest rate, a few thousand dollars, or $100,000 as the mortgage on my home, I have to go through all kinds of scrutiny. The banks want to see my income tax forms, my bank statements, my pay stubs, and the like. But many of you know when you want to apply for a credit card the same tests don't apply.

We have heard a lot about the democratization of credit. On the one hand, it is a good thing; credit should be broadly available. The marketplace should work in a way so everyone who needs credit has access. But the pendulum has swung too far in the wrong direction. According to BAI Global, a market research firm in Tarrytown, NY, in 1999 Americans received 3 billion mailings advertising credit cards. That is more than three times the 900 million mailings in 1992, and those are only the ones that go through the mail. We know there are Internet solicitations and television and radio solicitations and magazine solicitations as well.

Let me tell you a little bit about the college students. At American University here in Washington, DC, every time a student purchases something from the bookstore at American U, he or she gets this bag. At the bottom of this bag are four—not one, but four—credit card solicitations for these students every time they go into the bookstore.

Another college has a phone-in system for registering for class. That sounds pretty convenient. I can remember standing in long lines when I had to register. But when the students come in, the first thing they hear from the university is a credit card solicitation. There is no avoiding it. If they want to register for class, the first thing they have to find out is whether they need a credit card. That is the most important question.

When I go to a University of Illinois football game, they wave a T-shirt at me: Do you want a free T-shirt? Sure. Well, all you have to do is sign up for a credit card.

Students are signing up. The dean of students tells us the No. 1 reason kids leave school—not because of academic failure—is because they are in over their heads when it comes to credit cards.

That sort of thing is absolutely indefensible. When you consider the fact the median family income for chapter 7 bankruptcy filers has been declining, it tells us that more and more people of limited means are taking out too many credit cards and getting in too far.

This bill that is being offered by the credit industry says several things:

First, if you get in over your head and want to file for bankruptcy, it is going to be tough.

Think about this for a minute.

There was an interesting article which appeared today in the Washington Post that said, ''Bad timing on the bankruptcy bill.'' If we are worried about confidence, and if people are worried about making purchases, are we going to pass the Hatch-Grassley bankruptcy bill to tell people if they purchase something and get in over their heads they are not going to be able to get out of their debt in bankruptcy court? Is that supposed to restore consumer confidence? Just the opposite is going to be true.

I think the writer of this, Robert Samuelson, makes a very good point.

One of the provisions I think we should consider is that consumers have more information on their monthly bill they receive from a credit card company—something that is clear and understandable and not ambiguous. The credit industry that wrote the bill before us said they will say to consumers across America that they will give them an 800 telephone number so they can call if they have any questions about the credit card.

When you go home tired at night and are fighting all the phone calls coming in, you don't want anyone to say they will give you an 800 telephone number.

What I suggested is something very simple, and it is a part of my amendment. I have a little show and tell. Let me demonstrate it.

This is a credit card statement that came to one of the people in my office. As you can see, it is pretty familiar to you. It has a second page with all of the things we read so carefully each month to figure out what the terms of the credit card are.

The concern I have is this whole question of the minimum monthly payment. I said to the credit card companies: When it comes to the minimum monthly payments on these monthly statements, could you be so kind as to say to the people who are being billed, if they make the minimum monthly payment and they don't increase their balance, how many months it will take for them to pay off the balance and how much will they have paid in principal and interest.

I don't think that is an outrageous idea.

This is an example of what it might look like. This says, if you make the minimum monthly payment, it will take you 8 months to pay off your current balance, and the total cost to you will be approximately $9,407 instead of the remainder of $5,435.

Do you know what the credit card companies told me when I suggested they put this information on the monthly statement? ''Impossible.'' It is impossible for us to calculate if they made the minimum monthly payment how long it would take them to pay the principal and interest.

You know better and I know better. The technology and the computers are such that they can provide this in an instant. But they do not want people to know this. Make the minimum monthly payment, and things are going to be just fine. When you get in too far, why don't you ''consolidate your debt'' and get another credit card, and pretty soon you are in over your head.

Pretty soon, if this bankruptcy bill passes, they will find when they walk into bankruptcy court they will be stuck with these debts. They cannot get away from them.

This is the greatest boon to the credit industry that has ever been passed by the Senate. And we are about to do it today, if we don't adopt the Durbin amendment.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. DURBIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I admire our colleague. He is very articulate. He is a very effective Member of this body.

We have filed an amendment to his amendment that basically, if we vote for it, would enact the bill we passed

last year 72–28 in the Senate, which I think would be a fitting conclusion to what has gone on here over the last number of weeks. But I know it causes heartburn for our colleague from Illinois. So, as a courtesy to him, I am going to withdraw my amendment at this time.

I ask unanimous consent that my amendment be withdrawn. And we will have a vote. I will move to table the Senator's amendment at the appropriate time, and I will also, if he needs more time for his amendment, grant him some of my time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 96) was withdrawn.

Mr. HATCH. Mr. President, let's understand the Senator's amendment. His amendment does not have the Schumer language in it that was passed yesterday. It doesn't have the Schumer language on abortion in it that we worked out very meticulously with the distinguished Senator from New York. That is very important language.

It doesn't have the privacy language that Senator LEAHY and the distinguished Senator from Vermont and I worked out over a long period of time. That is very critical language. Frankly, it is just an amendment that would substitute the current legislation with the bankruptcy reform bill that passed the Senate in the 105th Congress.

This amendment by the distinguished Senator from Illinois is a transparent attempt to kill bankruptcy reform. It was hastily produced and does not even include the amendments to keep it current; that is, some of the bankruptcy judgeship provisions that have been overtaken by them.

The Durbin amendment throws away 4 years of revision, compromise, and improvement.

The Durbin amendment is lacking in several important areas:

The amendment has no enforceable means test;

The amendment does not include the improved child support provisions requested by the child support community;

The amendment does not include the Leahy-Hatch ''Toysmart'' consumer privacy amendment;

The amendment does not have the reaffirmation provisions in the current bill which substantially improved consumer protections;

The amendment lacks the important consumer protections such as the ''Debtors' Bill of Rights'';

The amendment does not include 4 years of improvements for the financial netting provision;

The amendment does not address the abuse of the bankruptcy system by those who wish to discharge debts arising from violence; that is, the Schumer-Hatch compromise. That is a very important part of what we hope will be the final bill.

The amendment has much weaker anti-fraud provisions, such as weakened audit provisions and being more tolerant of repeated abusive filings.

The amendment deletes current law provisions allowing the court to consider charitable contributions when making a determination as to whether the debtor's filing is an abuse.

The amendment does not provide for retroactive enactment of Chapter 12 filings—farmers—from July 1, 2000 through the date of enactment.

The amendment would create an immediate effective date, which, given the scope of the legislation, is wholly inappropriate.

The amendment lacks improvements to the small business bankruptcy provisions in the bill.

This is a blatant effort to turn back the clock and force considerable renegotiation of provisions that have been negotiated in good faith by literally hundreds of Senators and Congresspeople over the last 4 years.

Make no mistake. A vote for this substitute is a vote to kill bankruptcy reform.

We oppose the Durbin amendment. I hope my colleagues on the other side will oppose it as well because basically it will upset everything we have tried to do and tried to accommodate Democrats on and Republicans on over the last 4 years.

A vote for this amendment is a vote against meaningful bankruptcy reform. I appreciate the fact the distinguished Senator believes deeply and he doesn't like this bill. He is one of a few who does not like this bill. He is one of the 28 who voted against the bill when it passed last year. If anything, the bill from last year has been modified with amendments from the other side.

The bill we ultimately, hopefully, will vote on and vote to invoke cloture on has been modified to please Members on the other side in a wide variety of ways.

We have tried to accommodate our friends on the other side. I certainly believe I have been fair as the manager of the bill; and I intend to continue to be. But this amendment would work against almost everything we have tried to accomplish over the last 4 years.

With that, does the distinguished Senator need some time?

Mr. DURBIN. Yes, I do.

Mr. HATCH. Mr. President, how much time?

Mr. DURBIN. I do not know how much time is remaining, but if I could have 10 minutes.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 9 minutes remaining.

Mr. HATCH. Could I give the Senator 5 minutes, and I will take 4?

Mr. DURBIN. That would be fine. I thank the Senator from Utah for his courtesy.

We have locked horns many times, but we are friends. I respect him very much.

Every time Senator HATCH tells you there is a provision in the bill before us that is not included in the Durbin bill—believe me, every time the credit industry gave us a morsel, they took away a beef steak. And that is what happened when it was all over.

The bill before us today is much worse on consumers in America than the bill this Senate passed by a vote of 97–1. And though the Senator from Utah tells me how terrible my bill is, he voted for it. He voted for it, as did most of the Senators who are here today.

Let me read to you some comments from people I think are worth repeating. This first comment comes from David Broder. We know him. He is a respected journalist and is published in the Washington Post, and other newspapers. This is what he says about this bankruptcy bill I am trying to replace:

> As for the bankruptcy bill, it deserves the veto Clinton gave it. Despite some useful provisions, it is an unbalanced measure, which does nothing to curb the mass marketing of credit cards to young and low-income people who perpetually pay the exorbitant interest on their monthly balances. It will squeeze money out of people who have been clobbered by job losses, divorce or medical disasters, yet allow some millionaires to plead bankruptcy while turning their assets into mansions in states with unlimited homestead exemptions.
>
> In both cases, money interests prevailed over the public interest.

That was David Broder in this morning's Washington Post.

Lawrence King is a law professor at New York University. I quote him:

> I fear this [bill] will end up creating an underground economy. People will go off the books. They'll ask to be paid in cash. They'll get a false Social Security number. They'll move.
>
> In my 40 years of dealing with Congress on bankruptcy legislation, this is the worst I've ever seen. It's the kind of bill that makes you want to point your fingers at individual congressmen and say, ''Shame on you.''

This bill before us today is not balanced. If that credit industry will not even include a provision on your monthly statement so you can make an informed decision about the kind of debt which you and your family can face, it tells the whole story, as far as I am concerned.

What we have offered in this substitute is a carefully crafted and balanced bill. It says the credit card companies have to end some of their abuses and that we believe that abuses in the bankruptcy court have to end.

I salute my colleague and friend from New York, Senator SCHUMER. It is true that his language yesterday on predatory lending is a good addition to the bill. But I will tell him that the bill I am offering—the one that passed 97–1—has my provision which directly attacks predatory lending.

Who are these predatory lenders? They are people who want a second mortgage on your grandmother's home, that turns into a balloon payment, that turns into a foreclosure, that turns into a trip to bankruptcy court,

where the home she saved for for a lifetime is lost to these people, these loan sharks, who take advantage of the system. Sadly, the financial and credit card industry came to the rescue of these loan sharks at the expense of elderly Americans who are being exploited by them.

Senator SCHUMER's amendment has helped immeasurably. I assure those who are listening to this debate that the Durbin amendment I have offered today has equally powerful language when it comes to ending predatory lending in the United States.

The credit industry and the financial industry oppose both measures. That ought to tell you the whole story about what is before us.

We have precious few opportunities in the Congress—certainly on the floor of this Senate—to consider any legislation to help consumers and families across America. Passing the Durbin amendment will help them. It will provide some balance to the bill. If we should defeat this amendment and go back to the original bill—which is now before us—as David Broder and others have said, the net losers will be families across America facing a slowdown in this economy, who fall behind in their debts and end up in bankruptcy court as the targets and as the victims of the credit industry. That is a wrong move.

I hope my colleagues in the Senate will join me in supporting this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I will yield to the distinguished Senator from Wisconsin, without losing my right to the floor, for the purpose of modifying his amendment.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be permitted to modify amendment No. 51 with the modification I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The submitted amendment (No. 51), as modified, is as follows:

(Purpose: To strike section 1310, relating to barring certain foreign judgments)

On page 439, strike line 19 and all that follows through page 440, line 12.

Mr. FEINGOLD. Mr. President, I thank the chairman for his courtesy and assistance.

Mr. HATCH. Thank you.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 93

Mr. HATCH. As I said before, the Durbin amendment would upset 4 solid years of negotiations between both sides of the aisle on both sides of Capitol Hill. It is lacking in all kinds of areas. There is no enforceable means test. It does not include the improved child support provisions that have been requested and desired by the child support community. It does not have the Leahy-Hatch privacy language. It does not have the reaffirmation provisions.

It lacks the Debtors' Bill of Rights. It lacks 4 years of improvements in the financial netting provisions. It does not address the abuse of the bankruptcy system by those who wish to discharge debts arising from violence, the Schumer-Hatch compromise. It has much weaker antifraud provisions, such as weakened audit provisions. You can just go on and on.

It deletes current law provisions in allowing the courts to consider charitable contributions when making a determination as to whether the debtor's filing is an abuse. It does not provide for retroactive enactment of chapter 12 filings that benefits our farmers from July 1, 2000, to the date of enactment.

The amendment would create an immediate effective date which, given the scope of the legislation, is wholly inappropriate, and it lacks improvements to the small business bankruptcy provisions that are in the bill currently before the Senate.

In my opinion, it is an attempt to turn back the clock and force considerable renegotiation of all of these provisions, and many other provisions, that we have worked so hard to put together over the last 4 years.

The bankruptcy bill is a bipartisan bill. It is not a Republican bill; it is not a Democrat bill. It is a bipartisan bill. We worked very strongly all these years to bring it about. I have to say, there are certain Senators in this body who have a right to do this but who have never wanted a change in the bankruptcy laws, at least the way the bill has been negotiated by the vast majority of people in both Houses of Congress. But a vote for this substitute is a vote to kill the bankruptcy bill.

I hope, after all of these years, and all of these months, and all of the time we have spent on the floor on this bill, that my colleagues will vote to table the amendment.

Mr. President, I yield back the remainder of my time and move to table the amendment, and ask for the yeas and nays. And I ask unanimous consent that the votes occur as we had in the original unanimous consent.

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

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATCH. No. We have to wait until the Wellstone—my motion to table has been approved?

The PRESIDING OFFICER. The Chair was in error. The unanimous consent agreement was that we now debate the Wellstone amendment.

Mr. HATCH. Right, before the motion to table.

The PRESIDING OFFICER. The motion to table has been made, and the rollcall vote will be ordered at the appropriate time.

The Senator from Minnesota.

AMENDMENT NO. 36, AS MODIFIED

Mr. WELLSTONE. Mr. President, I have spoken about this amendment for some time. I have just a few minutes to summarize again. This is already in the RECORD. In addition to the Broder piece that my colleague, Senator DURBIN, mentioned, I have the New York Times, Tuesday, March 13, ''Lobbying on Debtor Bill Pays Dividend''; two pieces by Tom Hamburger in the Wall Street Journal—''Auto Firms See Profit in Bankruptcy-Reform Bill Provision'' and ''Influence Market: Industries That Backed Bush Are Now Seeking Return on Investment,'' including in bankruptcy. Also, another piece by Robert Samuelson, ''Bad Timing on the Bankruptcy Bill.''

Mr. President, I have an amendment that I think is a real test case. It simply says, if you charge over 100 percent interest on a loan, and the borrower goes bankrupt, you cannot make a claim on that loan or the fees from that loan. In other words, the borrower's slate is wiped clean of the usurious loan, and he gets a fresh start.

This amendment is a commonsense solution to the problem I have talked about all afternoon. It allows the Senate to send a message to these loan sharks: If you charge an outrageous interest rate, if you profit from the misery and misfortune of others, if you stack the deck against the customer so that they become virtual slaves to your indebtedness, you will get no protection in bankruptcy court for your claims.

In talking about these payday loans, I say to my colleagues, these are poor people, low- and moderate-income people. They don't have other sources of credit. They get charged on these loans as they roll over every several weeks up to 2,000 percent interest per year. Is it too much to say that if you charge over 100 percent per year, you are not going to get the protection in bankruptcy? Is it too much for the Senate to be on the side of consumers, to be on the side of poor people?

This amendment is simple: Are we on the side of poor people? Do we provide some protection—for a single woman who is raising her family, for communities of color, senior citizens, working-income people who were put under by these interest rates—or are we on the side of some of the sleaziest loan sharks?

I hope Senators will support this amendment. It certainly will make this bill less harsh. It doesn't change the overall equation. This is a great bill for the credit card industry, a great bill for the financial services industry. I congratulate them. What a lobbying force; how much money and how much lobbying and how much power. A whole lot of vulnerable people have been left out; a whole lot of middle-income families have been left out.

I believe my colleagues will regret voting for this bill, but at the very minimum, they could vote for this amendment that goes after these loan sharks, that goes after these payday loans. It is such is deplorable practice. It is so outrageous, making such exorbitant profit off the misery of people.

We ought to be on the side of vulnerable consumers. We ought to be on the side of low- and moderate-income families. We ought not be on the side of these loan sharks. This amendment should receive 100 votes.

I say to my colleague from Illinois, for all the hours I have been out here, so far I have not heard one Senator come to the floor and debate this amendment. That is unbelievable to me.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. DURBIN. What the Senator is saying is that no one has come to the floor defending the payday loans and the loan sharks?

Mr. WELLSTONE. No one has come to the floor to defend the payday loans and the loan sharks. I have had this amendment on the floor for 3 or 4 days.

Mr. DURBIN. They have had ample opportunity. The Senator should get a unanimous vote.

Mr. WELLSTONE. I say to my colleague from Illinois, I think this may be the first amendment I have introduced that is going to get 100 votes.

Mr. DURBIN. I look forward to it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, lest there be a failure to talk about the other side, I might just do that.

Although the amendment is described as only attacking ''payday loans,'' it imposes new and burdensome regulation on virtually any company that offers consumer loans, including automobile or truck loans, or that cashes personal checks and charges a fee. It represents an attempt to use Federal law to in effect abolish ''payday loans'', intruding into an area traditionally reserved to the States.

Although lenders who provide ''payday loans'' are an easy target because the credit they offer is expensive, they in fact provide access to legitimate, short term credit for many poor families who otherwise would be forced to borrow from loan sharks to cover short term emergencies. Some borrowers, particularly poor borrowers, cannot qualify with conventional lenders. For that reason, some States permit ''payday'' lenders to operate.

This amendment would in effect drive payday lenders out of business.

It also is vastly overbroad, imposing new, burdensome regulation on many legitimate businesses.

The amendment amends the Bankruptcy Code to deny the claim of any creditor who charged more than a new, Federal maximum price ceiling for any type of automobile or consumer credit.

The amendment also imposes a maximum Federal price limit of 100 percent annual percentage rate on what any consumer creditor, automobile dealer, or check casher could charge in fees or interest for a loan or check cashing service, possibly preempting State regulation setting a lower or higher price limit. Violations of the maximum Federal price limit would result in denial in bankruptcy proceedings of the claim of the creditor, auto dealer or check casher.

This amendment strikes at any lender or merchant who charges flat fees permitted by State law in a lending transaction. For example, a $10 cash advance fee or a $15 Federal Express fee permitted by State law for quickly sending a check back to the borrower could exceed the limit if the credit was short term.

This amendment intrudes into an area traditionally regulated by the states. Some States permit ''payday'' loans, but this regulation would initiate federal regulation of the service.

Oppose this unwise and overbroad attempt to federally regulate an area traditionally regulated by the States.

This could hurt the very poor people who have to have these instant loans the Senator is trying to help. In fact, he hurts them.

I yield the remainder of my time to the distinguished Senator from Texas.

Mr. WELLSTONE. May I ask the Chair if I have any time left?

The PRESIDING OFFICER. The Senator has 51 seconds remaining. The Senator from Texas has 2 minutes 30 seconds.

Mr. GRAMM. Mr. President, this amendment is really a usury limit amendment. Our distinguished colleague from Minnesota simply objects to people lending at high interest rates.

I am sure there are some people who believe that if contracts are entered into at terms they find objectionable, the terms should not be enforced. But that is not the way the American commercial code works. What this amendment would do, in essence, is say that if I borrowed $100 for a week and I paid a $2 service charge on that loan, if the borrower went bankrupt, I wouldn't have to pay the loan because the Senator from Minnesota has judged that interest rate to be too high.

That is great when you are making $146,000 a year. That is great when every bank in your State would love to lend you money. But the plain truth is, there are a lot of Americans who need to borrow money, a lot of Americans who would like to borrow money for a week to get over a temporary credit problem they have. The terrible impact of this amendment is that it would destroy the ability of those people to use legitimate lenders and, in the process, would force them in many cases to borrow elsewhere and pay many times as much in interest.

Not only is this Government simply imposing its will on the marketplace, but it also has real unintended consequences. Let me give an example. Let's say you have a debit card and you pay a fee in case you have an overcharge from your balance. If you write a check for $100, that fee is going to exceed the amount prohibited under the Wellstone amendment and, as a consequence, you wouldn't have to pay that charge if something happened to the company and it went into bankruptcy.

Here is the problem: The kinds of interest rates that are being talked about sound high, and they are high when they are calculated on an annualized basis. But when you borrow for a week, the carrying charges and the finance charges, which aren't necessarily high for that period of time, by their very nature, produce a high annual rate.

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

Mr. GRAMM. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. WELLSTONE. Mr. President, I would not object, although I would like to have, and ask unanimous consent for, 1 additional minute to respond.

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

Mr. GRAMM. Let me give another example: If you took a cab in the District of Columbia and were driven to the airport, you would not consider the rate to be usurious. But if you took that same cab and were driven to Los Angeles, CA, and you were charged $50,000, you would likely consider that charge to be usurious. Do we have a law that tries to say that a rate going to California, which would be considered usurious, not be charged for traveling a much shorter local distance in the District of Columbia? The point is, when you are borrowing money for a week, you pay high annual interest rates.

So, the net result of this amendment is to deny people access to credit. If the amendment were adopted, it is true that borrowers would no longer be paying high rates, but it is equally, and more significantly, true they wouldn't be getting any loans at all for which they were willing to pay. They will be driven into the black market, and they will pay a higher rate.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, no legitimate lender charges over 100 percent interest on an annual basis. We have usury laws that deal with banks at the State level, and we should do so. But these payday lenders have carved out an exemption for themselves. These loan sharks have carved out an exemption for themselves.

If Senators are concerned about poor people, we should be thinking about other ways they can have access to credit. We are not doing that at all. But we now have an opportunity to make it clear that we are not going to let these loan sharks continue to feed off of the misery of poor people. We are not going to let them engage in this kind of exploitation.

To my colleagues who say, oh, no, 100 percent, or 300 percent, or 2,000 percent interest rates on an annual basis are just what poor people need, so please don't have an amendment, Senator WELLSTONE, that will hurt poor people; they need to be able to pay over 100 percent per year—your arguments are

absurd, as much as I like you. They are absurd.

Frankly, you can't get out of this vote. You are either for vulnerable citizens and families and you are against this kind of loan shark practices or you are on the side of these loan sharks. Senators, step up to the plate and vote.

I yield the floor.

Mr. HATCH. Mr. President, I move to table the amendment of the Senator from Minnesota, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 93

Mr. FEINGOLD. Mr. President, I rise to support Mr. DURBIN's amendment that is a complete substitute for the pending bankruptcy reform bill. This amendment is essentially the bill that passed the Senate in 1998 by a vote of 97–1. This near unanimous vote in favor of a bill shows that it is possible to have bankruptcy reform that the whole Senate can support if it is balanced and fair.

Unfortunately, I have said before, S. 420 is not balanced and fair. I have outlined in detail my concerns with this bill. Mr. DURBIN's amendment goes a long way to addressing those concerns and I will vote for it if we are permitted to vote on it.

One of the most significant improvements that the Durbin amendment accomplishes is that it contains much stronger credit card disclosure requirements.

Literally billions of credit card solicitations flood consumers' mailboxes each year. Not millions but billions.

Even though the number of bankruptcies is now on the way down, most experts agree that the rise in bankruptcy filings that occurred in the past decade was due in significant part to the irresponsible extending of credit by credit card companies and banks to people who have already shown that they cannot handle additional debt.

Just to give a single tangible example of the blizzard of solicitations that credit card issuers are now sending out, one member of my staff has collected solicitations he received by mail since this bill was marked up in the last Congress. In the last 20 months, he has received 95 mail offers for a new credit card. Now I am sure my staffer is a very creditworthy individual, but 95 offers for a new credit card? I am sure that my colleagues have received at least as many solicitations, even if they did not count them all up. And of course, these direct mail offers don't include the constant invitations for credit cards that people see every day on TV and on the Internet.

This is an industry whose sales pitches are out of control. The credit card companies are making bad decisions every day. People receive new cards with thousands of dollars of new credit when they have maxed out on 2, 5, or even 10 other cards.

And now the credit card companies have come before Congress asking for our help. And boy, are we about to give it to them. This bill is a bailout for the credit card industry. It is going to make it easier for credit card companies to collect more on the bad decisions they have made, the credit they have extended to people who are demonstrably poor credit risks. And make no mistake, giving the credit card companies more power will work to the detriment of women trying to collect alimony and child support from ex-husbands who have filed for bankruptcy.

Last December, the Wisconsin State Journal, a very middle-of-the-road paper in my home State, summarized well my concern about the extent to which this bill gives the credit card industry what it wants. The Journal wrote:

> When the credit card industry came to Congress to ask for help in collecting debts from deadbeats, Congress should have said: It's not government's job to bail you out. Why don't you tighten up your own lending practices? Instead, Congress let the industry turn a bankruptcy reform bill into a debt collection assistance plan.

The editorial continues:

> The House and Senate had before them 172 recommendations from the National Bankruptcy Reform Commission, which was led by Madison attorney Brady Williamson. The commission had stressed that bankruptcy law must remain balanced: It must work for creditors and debtors.
>
> But the congressmen also had before them lobbyists for the credit card industry and similar lenders. Quickly, bankruptcy reform legislation became a campaign fund-raising bonanza for the politicians, with the lending industry ''investing'' $20 million in contributions. Just as quickly, bankruptcy reform turned into the credit card industry's bill.

My colleagues are well aware of my concern about the influence of campaign money on politics and policy. As I have said a number of times, the bankruptcy bill is a poster child for the need for campaign finance reform. You only have to look at what the credit card industry gets in this bill, and just as importantly, the disclosure that consumers do not get, to understand that.

A full discussion of this amendment, or the larger bankruptcy issue, is impossible without a Calling of the Bankroll. Money and influence are at the very core of this debate.

I would like to call my colleagues' attention to an article from the February 26th issue of Business Week magazine. It's called ''Tougher Bankruptcy Laws—Compliments of MBNA?'' The article points out the extraordinary largesse of this one credit card company, which is, of course, a significant leader of the coalition supporting this bill.

The contributions of MBNA were also noted in an article in the New York Times entitled, ''Hard Lobbying on Debtor Bill Pays Dividend.''

Most of the $1.2 million in soft money that MBNA gave to the parties in the last cycle was given in the second half of 2000, when a ''shadow conference'' determined what the final bankruptcy bill would look like, and the bill was brought back to the House and the Senate in an extraordinary procedural maneuver. In particular, MBNA gave $100,000 in soft money to the National Republican Senatorial Committee on October 12, 2000, the very same day that the House gave final approval to the bill. MBNA has a habit of making well-timed contributions. On the very day that the House passed a bankruptcy conference report in 1998 and sent it to the Senate, MBNA gave a $200,000 soft money contribution to the NRSC.

To give my colleagues and the public an idea of just how generous MBNA has been, the corporation's Chairman & CEO, Alfred J. Lerner, and his wife, Norma, each made contributions of a quarter of a million dollars to the Republican National Committee in the last cycle.

And the generosity didn't stop there. According to an article in the Wall Street Journal from March 6th, MBNA President Charles M. Cawley is also an active political donor and fundraiser who gave $100,000 to the Bush-Cheney Inaugural Committee.

Of course, MBNA is not the only wealthy interest fighting against this bill, on the contrary, they have plenty of company. According to the Center for Responsive Politics, the nine members of the National Consumer Bankruptcy Coalition contributed more than $5 million in soft money, PAC money and individual contributions during the 2000 election cycle. The Coalition's members include Visa USA, Mastercard International and several financial industry trade groups, including the American Bankers Association and the American Financial Services Association.

This is the fourth time I have Called the Bankroll on the bankruptcy issue from this floor. You might wonder how I manage to come up with new information, bankroll after bankroll after bankroll. Well, the answer is simple: the industry keeps giving more and more money.

Huge sums, like quarter million dollar contributions, and six figure donations that just happen to be delivered on key days when legislation is up for a vote. This industry is not subtle. They want this legislation to become law, and they aren't shy about using the campaign finance system to get their way.

That is the context in which we consider this amendment. And that is all the more reason why sensible protections like that proposed in this amendment need to be adopted.

I urge my colleagues to support the Durbin amendment.

I ask unanimous consent that the articles from Business Week and The New York Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Business Week, Feb. 26, 2001]

TOUGHER BANKRUPTCY LAWS—COMPLIMENTS OF MBNA?

(By Christopher H. Schmitt)

Last December, as Congress struggled to wrap up a lame-duck session, it sent President Clinton an overhaul of bankruptcy laws. The bill, the most sweeping change in bankruptcy policy in two decades, had handily passed both houses. But Clinton, complaining that it was unfair to those who fall on hard times, let it die. That was a big disappointment to credit-card issuer MBNA Corp., which has spent several years lobbying for a bankruptcy rewrite and stands to be the biggest beneficiary of an overhaul.

Now, MBNA is about to hit pay dirt. New bankruptcy legislation is on a fast track. Judiciary panels in the House and Senate have held perfunctory hearings, and a bill could be on the House and Senate floors as early as late February. A White House spokesman has indicated that George W. Bush will sign it.

The bill—a carbon copy of last year's version—is aimed at stopping consumers from dissolving debts they can afford to repay. It would establish a ''needs-based'' formula that would determine whether debtors can pay off part of their debt under court supervision. Those earning at or above the median for their state would have to make good on at least part of their obligations. LARGESSE. While this would help all lenders, it especially benefits MBNA, the world's largest credit-card issuer. The credit that MBNA and its fellow plastic-issuers extend is typically unsecured, so they have less recourse than other creditors when a customer can't pay. Morgan Stanley Dean Witter analyst Kenneth A. Posner estimates that the overhaul could boost credit-card issuers' earnings by 5% this year. For MBNA, that could mean some $75 million more in profit, based on third-quarter earnings.

With the kind of payoff, the company has been pushing hard for the bill—and the election of a President who will sign it. In Campaign 2000, MBNA employees contributed $237,675 to Bush, making them the candidate's single biggest source of cash, according to the Center for Responsive Politics, a campaign-finance think tank in Washington. On the soft-money side, MBNA chipped in nearly $600,000, with about two-thirds going to the GOP. (Most of the rest went to a Democratic Party committee.) On top of that, MBNA Chairman and CEO Alfred Lerner and his wife, Norma, each kicked in $250,00 to the Republicans. Charles M. Cawley, CEO of MBNA's bank unit and a friend of Bush Sr., organized fund-raisers and gave $18,660 to Bush and the GOP.

Much of the money flowed in the second half of last year, when the bankruptcy bill was moving on Capitol Hill. One example: On the same day the House gave final approval, MBNA ponied up $100,000 for the Republican Party. ''This is just a real good illustration of the way things work in Washington: Money is given, money is given strategically, [and] money is given by industries for a particular purpose,'' says Celia Viggo Wexler, author of a Common Cause report on consumer-credit companies' political giving. Adds Edmund Mierzwinski, consumer director for the U.S. Public Interest Research Group: MBNA's largesse is ''clearly money well spent.'' Lerner, Cawley, and an MBNA spokesman did not return calls seeking comment.

Consumer groups say they'll continue to fight the bill, which they contend is especially ill-advised in the slowing economy. After falling 12% from a high of 1.44 million in 1998, bankruptcy filings are ticking up again. One early report shows cases in January rose 15% over a year ago. A handful of Democrats will seek to soften the bill's impact on indebted consumers, but quick approval seems guaranteed. ''This legislation is on a downward ski slope, never to be stopped.'' said Representative Sheila Jackson Lee (D-Tex.) at a recent hearing. And smoothing the way is MBNA.

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[From the New York Times, Mar. 13, 2001]

HARD LOBBYING ON DEBTOR BILL PAYS DIVIDEND

(By Philip Shenon)

WASHINGTON, Mar. 12.—A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to President Bush's 2000 campaign is close to its long-sought goal of overwhelming the nation's bankruptcy system.

Legislation that would make it harder for people to wipe out their debts could be passed by the Senate as early as this week. The bill has already been approved by the House, and Mr. Bush has pledged to sign it.

Sponsors of the bill acknowledge that lawyers and lobbyists for the banks and credit card companies were involved in drafting it. The bill gives those industries most of what they have wanted since they began lobbying in earnest in the late 1990's, when the number of personal bankruptcies rose to record levels.

In his final weeks in office, President Bill Clinton vetoed an identical bill, describing it as too tough on debtors. But with the election of Mr. Bush and other candidates who received their financial support, the banks and credit card industries saw an opportunity to quickly resurrect the measure.

In recent weeks, their lawyers and lobbyists have jammed Congressional hearing rooms to overflowing as the bill was redebated and reapproved. During breaks, there was a common, almost comical pattern. The pinstriped lobbyists ran into the hallway, grabbed tiny cell phones from their pockets or briefcases and reported back to their clients, almost always with the news they wanted to hear.

''Where money goes, sometimes you see results,'' acknowledged Representative George W. Gekas, a Pennsylvania Republican who was a sponsor of the bill in the House. But Mr. Gekas said that political contributions did not explain why most members of Congress and Mr. Bush appeared ready to overhaul the bankruptcy system.

''People are gaming this system,'' Mr. Gekas said, describing the bill as an effort to end abuses by people who are declaring bankruptcy to wipe out their debts even though they have the money to pay them. ''We need bankruptcy reform.''

Among the biggest beneficiaries of the measure would be MBNA Corporation of Delaware, which describes itself as the world's biggest independent credit card company. Ranked by employee donations, MBNA was the largest corporate contributor to the Bush campaign, according to a study by the Center for Responsive Politics, an election research group.

MBNA's employees and their families contributed about $240,000 to Mr. Bush, and the chairman of the company's bank unit, Charles M. Cawley, was a significant fundraiser for Mr. Bush and gave a $1,000 a-plate dinner in his honor, the center said. After Mr. Bush's election, MBNA pledged $100,000 to help pay for inaugural festivities.

MBNA was obviously less enthusiastic about the candidacy of former Vice President Al Gore, Mr. Bush's Democratic rival; according to the center, only three of the company's employees gave money to the Gore campaign, and their donations totaled $1,500.

The center found that of MBNA's overall political contributions of $3.5 million in the last election, 86 percent went to Republicans, 14 percent to Democrats. The company, which did not return phone calls for comments, made large donations to the Senate campaign committees of both political parties—$310,000 to the Republicans, $200,000 to the Democrats.

MBNA's donations were part of a larger trend within the finance and credit card industries, which have widely expanded their contributions to federal candidates as they stepped up their lobbying efforts for a bankruptcy overhaul.

According to the Center for Responsive Politics, the industries' political donations more than quadrupled over the last eight years, rising from $1.9 million in 1992 to $9.2 million last year, two-thirds of it to Republicans.

Kenneth A. Posner, an analyst for Morgan Stanley Dean Witter, said that the bankruptcy bill would mean billions of dollars in additional profits to creditors, and that it would raise the profits of credit card companies by as much as 5 percent next year. In the case of MBNA, that would mean nearly $75 million in extra profits in 2002, based on its recent financial performance.

The bill's most important provision would bar many people from getting a fresh start from credit card bills and other forms of debt when they enter bankruptcy. Depending on their income, it would bar them from filing under Chapter 7 of the bankruptcy code, which forgives most debts.

Under the legislation, they would have to file under Chapter 13, which would require repayment, even if that meant balancing overdue credit card bills with alimony and child- support payments.

Consumer groups describe the bill as a gift to credit card companies and banks in exchange for their political largess, and they complain that the bill does nothing to stop abuses by creditors who flood the mail with solicitations for high-interest credit cards and loans, which in turn help drive many vulnerable people into bankruptcy.

''This bill is the credit card industry's wish list,'' said Elizabeth Warren, a Harvard law professor who is a bankruptcy specialist. ''They've hired every lobbying firm in Washington. They've decided that it's time to lock the doors to the bankruptcy courthouse.''

The bill's passage would be evidence of the heightened power of corporate lobbyists in Washington in the aftermath of last year's elections, which left the White House and both houses of Congress in the hands of business-friendly Republicans.

Last week, corporate lobbyists had another important victory when both the Senate and the House voted to overturn regulations imposed during the Clinton administration to protect workers from repetitive-stress injuries.

Credit card companies and banks would not be the only interests served by the bankruptcy bill. Wealthy American investors in Lloyd's of London, the insurance concern, have managed through their lobbyists to insert a provision in the bill that would block Lloyd's from collecting millions of dollars that the company says it is owed by the Americans.

Lloyd's has hired its own powerful lobbyist, Bob Dole, to help plead its case on Capitol Hill. Last week, the chief executive of Lloyd's was in Washington to plot strategy.

The issue involves liabilities incurred by Lloyd's in the 1980's and 1990's when it was forced to pay off claims on several disasters,

like the Exxon Valdez oil spill. Investors in Lloyd's are expected to share both its profits and its losses, but the American have refused to settle the debts, claiming they were misled by Lloyd's.

As he watched consumer-protection amendments to the bankruptcy bill fail by lopsided margins last week, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee and a leading critic of the bill, said that colleagues had told him privately that they were ''committed to the banks and credit card companies—and they are not going to change.

''Some of them do this because they think it's the right thing to do,'' Mr. Leahy said.

But he said other senators were voting for the bill because they know that the banks and credit card companies ''are a very good source'' of political contributions. ''I always assume senators are doing things for the purest of motives,'' he added, his voice thick with sarcasm. ''But I have never had credit card companies show up at my fund-raisers, and I don't think they ever will.''

Mr. Gekas said the implication that money was buying support for the bankruptcy bill was insulting, and that the bill did most consumers a favor by ending practices by some debtors that had forced up interest rates for everybody else. ''Bankruptcies are costly to all of us who don't go bankrupt,'' Mr. Gekas said.

In the late 1990's, banks, credit card industries and others with an interest in overhauling the bankruptcy system formed a lobbying group, the National Consumer Bankruptcy Coalition, for the purpose of pushing a bankruptcy-overhaul bill through Congress.

They said they needed to act to deal with what was then a record number of personal bankruptcy filings. According to court records, the number of personal bankruptcies hit nearly 1.4 million in 1998, a record, up from 718,000 in 1990. The number fell to just under 1.3 million last year, although it is expected to rise again if the economy continues to sour.

The coalition's founders included Visa and Mastercard, as well as the American Financial Services Association, which represents the credit card industry, and the American Bankers Association.

The Center for Responsive Politics found that the coalition's members contributed more than $5 million to federal parties and candidates during the 1999–2000 election campaign, a 40 percent increase over the last presidential election.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Illinois, Mr. DURBIN.

Mr. LEAHY. I ask unanimous consent that I be able to continue for 1 minute, with the same amount of time for the Senator from Utah, before we go to a vote.

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

Mr. LEAHY. Mr. President, I wish to take the time to simply ask the Senator from Utah where we stand on the managers' package? Are we getting close to that time? We have a number of items being cleared or have been cleared. I would like to get that taken care of. I would like to be able to present the managers' package prior to the cloture vote.

Mr. HATCH. We are working on that, but we don't have it put together yet. I don't know if we can do that before the cloture vote, but we will continue to work on it.

Mr. LEAHY. Mr. President, I further ask of the Senator from Utah, if they are unable to complete the ones we have agreed on—the paperwork—it would fall, if cloture was voted, on the basis of germaneness.

The PRESIDING OFFICER. The time has expired.

Mr. HATCH. We are going to try to work with the Senator. It may take a unanimous consent postcloture.

Mr. LEAHY. Mr. President, I ask unanimous consent that when the managers' package is brought forward, and it is agreed on by the Senator from Utah and the Senator from Vermont, the items in it be considered germane.

Mr. HATCH. I cannot agree to that at this time, but I will certainly run that by the appropriate people.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the motion to table the amendment of the Senator from Illinois. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—64

| | | |
|---|---|---|
| Allard | Domenici | Miller |
| Allen | Ensign | Murkowski |
| Baucus | Enzi | Nelson (NE) |
| Bayh | Frist | Nickles |
| Bennett | Graham | Roberts |
| Biden | Gramm | Santorum |
| Bingaman | Grassley | Sessions |
| Bond | Gregg | Shelby |
| Breaux | Hagel | Smith (NH) |
| Brownback | Hatch | Smith (OR) |
| Bunning | Helms | Snowe |
| Burns | Hutchinson | Specter |
| Campbell | Hutchison | Stabenow |
| Carnahan | Inhofe | Stevens |
| Carper | Jeffords | Thomas |
| Chafee | Johnson | Thompson |
| Cleland | Kyl | Thurmond |
| Cochran | Lieberman | Torricelli |
| Collins | Lott | Voinovich |
| Craig | Lugar | Warner |
| Crapo | McCain | |
| DeWine | McConnell | |

NAYS—35

| | | |
|---|---|---|
| Akaka | Edwards | Lincoln |
| Boxer | Feingold | Mikulski |
| Byrd | Feinstein | Murray |
| Cantwell | Harkin | Nelson (FL) |
| Clinton | Hollings | Reed |
| Conrad | Inouye | Reid |
| Corzine | Kennedy | Rockefeller |
| Daschle | Kerry | Sarbanes |
| Dayton | Kohl | Schumer |
| Dodd | Landrieu | Wellstone |
| Dorgan | Leahy | Wyden |
| Durbin | Levin | |

ANSWERED ''PRESENT''—1

Fitzgerald

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 36, AS MODIFIED

Mr. GRASSLEY. Mr. President, I oppose the amendment of Senator WELLSTONE dealing with payday loans. For people who aren't familiar with this kind of loan, payday loans occur when a borrower gives a personal check to someone else, and that person gives the borrower cash in an amount less than the amount of the personal check. The check isn't cashed if the borrower redeems the check for its full value within 2 weeks.

At the onset, I would like to point out the fact that payday loans are completely legal transactions in many states. If a financial transaction is perfectly legal under state law, I don't think that it is wise policy to use the bankruptcy code to try and undo that legal state transaction.

Using the Bankruptcy Code for this purpose leads to perverse results because the only people who will receive any benefit or relief will be those who file for bankruptcy. The amendment would deny payday lenders the right to sit at the bankruptcy bargaining table. So other people who use payday loans who never file for bankruptcy will not benefit from this amendment. These people who have taken out loans but don't take the easy way out in bankruptcy court will still have to pay back their loan. Therefore, you have the perverse result of people who do not have the money to file for bankruptcy who will have to pay the loan as agreed. Even if you share Senator WELLSTONE's distaste for payday loans, this amendment won't benefit the poorest of the poor because most of them do not seek bankruptcy relief.

I also think that the Wellstone amendment would have the effect of making it harder for the poor and those with bad credit histories to gain access to cash—the very people that Senator WELLSTONE is concerned about. People who use payday loans simply cannot get loans through traditional sources because they are too risky, so a payday loan may be the only way they can get quick cash to pay for family emergencies or essential home and auto repairs.

I know that the intentions of my friend from Minnesota are honorable, but the effect of this amendment would be to make it harder for poor people to get the help they need when they need it. So I urge my colleagues to reject the Wellstone payday amendment.

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on agreeing to the motion to table amendment No. 36, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—58

| | | |
|---|---|---|
| Allard | Carper | Enzi |
| Allen | Chafee | Frist |
| Bennett | Cochran | Gramm |
| Bond | Collins | Grassley |
| Breaux | Craig | Gregg |
| Brownback | Crapo | Hagel |
| Bunning | DeWine | Hatch |
| Burns | Domenici | Helms |
| Campbell | Ensign | Hutchinson |

| | | |
|---|---|---|
| Hutchison | Miller | Snowe |
| Inhofe | Murkowski | Specter |
| Jeffords | Nelson (NE) | Stabenow |
| Johnson | Nickles | Stevens |
| Kyl | Reid | Thomas |
| Landrieu | Roberts | Thompson |
| Lincoln | Santorum | Thurmond |
| Lott | Sessions | Voinovich |
| Lugar | Shelby | Warner |
| McCain | Smith (NH) | |
| McConnell | Smith (OR) | |

NAYS—41

| | | |
|---|---|---|
| Akaka | Dayton | Leahy |
| Baucus | Dodd | Levin |
| Bayh | Dorgan | Lieberman |
| Biden | Durbin | Mikulski |
| Bingaman | Edwards | Murray |
| Boxer | Feingold | Nelson (FL) |
| Byrd | Feinstein | Reed |
| Cantwell | Graham | Rockefeller |
| Carnahan | Harkin | Sarbanes |
| Cleland | Hollings | Schumer |
| Clinton | Inouye | Torricelli |
| Conrad | Kennedy | Wellstone |
| Corzine | Kerry | Wyden |
| Daschle | Kohl | |

ANSWERED ''PRESENT''—1

Fitzgerald

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BIDEN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Would it be appropriate at this time to be able to ask unanimous consent to change my vote on the last tabling motion? It will not affect the outcome of the vote. I intended to vote with Senator WELLSTONE. I did not realize it was a tabling motion. I voted ''aye.'' I would like to change my vote to ''no.'' I ask unanimous consent to do that.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I will not object.

Mr. BIDEN. I thank my friend.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. HATCH. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for up to 5 minutes.

The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

First of all, I think this vote on the—

The PRESIDING OFFICER. The Senator will suspend for a moment.

We will have order in the body.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, we really do need order.

The PRESIDING OFFICER. We will please have order in the body. Please take your conversations off the floor. We cannot proceed until we have order.

Mr. WELLSTONE. I thank the Chair and thank my colleagues for their courtesy.

Mr. President, we just had a vote that dealt with payday loans, whether or not we were going to provide some protections to the most vulnerable consumers. That amendment failed.

My colleague, Senator DURBIN, and other colleagues, have come out on the floor with amendments that have gone after predatory practices. They have said: Look, let's give consumers some protection. Those amendments—or most of those amendments—have failed.

I had an amendment earlier which said, look, if you want to go after those people who are gaming this system, fine, but for goodness' sake, for the 50 percent of the people who are going under because of medical bills and who find themselves in these difficult circumstances, carve out an exemption. Do not make it so difficult for them to file for chapter 7. Do not make it so difficult for them to go through this procedure, this procedure, and this procedure. Do not put so many hurdles in their way.

Bankruptcy is a safety net not just for low-income people but for middle-income people.

There was a front page story the other day in the New York Times. The headline was: ''Lobbying On Debtor Bill Pays Dividend.''

I do not want to get myself in trouble with people in whom I believe. I do not make a one-to-one correlation such as, for example, the Senator from Utah and the Senator from Iowa; they have a different viewpoint. That is why they have argued for this bill, period. Let's just make that argument and stop there.

But I will tell you, at an institutional level, there is a serious problem with this bill. And it is this: When it comes to the financial services industry, the credit card industry, broadly defined, big givers, heavy hitters, a huge and powerful lobbying coalition, they have way too much access, and they have way too much say.

It is an institutional problem because the people filing for chapter 7, trying to rebuild their lives because of a major medical bill or because they have lost their job on the Iron Range or because there has been a divorce, they do not have the same clout. They do not have the same economic resources.

Quite frankly, I think this bill is too harsh, it is not balanced, it is not just, it is not fair, and there are a whole lot of families in this country who are going to pay the price.

I call on my colleagues to vote against cloture. I know the vast majority of Senators will not do so, but I will tell you, I do not believe by voting for cloture and then going forward and passing this bankruptcy bill we have done the right thing. I think this is good for the credit card industry. It is good for the financial services industry. But I think we have left out consumers.

We have left out a lot of low- and moderate- and middle-income people. We have left out a lot of women who are single and the heads of their households. We have left out a whole lot of people of color and a whole lot of people who are disproportionately among the ranks of working-income and low-income people.

So I say to Senators, I hope you will vote against cloture. This bill does not deserve to go forward. This bill represents the power of the financial services industry that has marched on Washington every single day for the last 3 years. And it leaves out ordinary citizens in a very profound and very harsh way. Senators, please vote against cloture.

The PRESIDING OFFICER. Under the previous order, the majority leader or his designee is recognized for up to 5 minutes.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I hate to disagree with my friend and colleague from Minnesota, but he could not be more wrong. This bill actually will do an awful lot of good for people in our society. I will not go into all the details on that. All I have to say is that a vote at this stage against cloture is a vote against bankruptcy reform.

The bill we are voting on is the same bill that got 70 votes last year, plus it includes the Schumer-Hatch violence amendment among a number of other Democratic Party amendments. Let me remind my colleagues, and everyone else who wants bankruptcy reform, that many of those who voted against this bill that passed 70–28 last December said if the Schumer violence language had been included, they would have voted for it. Well, it is included. We have worked that language out. It is a shame we have been forced to file cloture after all of the accommodations we have made. I would have preferred not to file cloture, but I believed that was the way we needed to proceed.

We have been very fair on this bill. I hope our colleagues will realize this is a very important bill. It makes very important changes that are needed in the bankruptcy laws of this country. We have accommodated both sides in virtually every way we possibly could. I hope everybody will vote for cloture, and let's get this bill passed and get it enacted into law.

Is there any time remaining?

The PRESIDING OFFICER. The Senator has 3 and a half minutes remaining.

Mr. HATCH. Is that all the time that is remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 28 seconds remaining.

Mr. HATCH. We are prepared to yield back.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. 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, do hereby move to bring to a close debate on S. 420, an original bill to amend title 11, United States Code, and for other purposes:

Trent Lott, Robert F. Bennett, Chuck Grassley, Orrin G. Hatch, Susan Collins, Pat Roberts, Lincoln Chafee, Strom Thurmond, Frank H. Murkowski, Mitch McConnell, Rick Santorum, Jeff Sessions, Richard G. Lugar, Gordon Smith, George Voinovich, and Bill Frist.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 420, a bill to amend title 11, United States Code, 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 legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—80

| | | |
|---|---|---|
| Akaka | Domenici | McCain |
| Allard | Dorgan | McConnell |
| Allen | Edwards | Mikulski |
| Baucus | Ensign | Miller |
| Bayh | Enzi | Murkowski |
| Bennett | Feinstein | Murray |
| Biden | Frist | Nelson (NE) |
| Bingaman | Graham | Nickles |
| Bond | Gramm | Reid |
| Breaux | Grassley | Roberts |
| Brownback | Gregg | Rockefeller |
| Bunning | Hagel | Santorum |
| Burns | Hatch | Sessions |
| Byrd | Helms | Shelby |
| Campbell | Hollings | Smith (NH) |
| Cantwell | Hutchinson | Smith (OR) |
| Carnahan | Hutchison | Snowe |
| Carper | Inhofe | Specter |
| Chafee | Inouye | Stabenow |
| Cleland | Jeffords | Stevens |
| Cochran | Johnson | Thomas |
| Collins | Kohl | Thompson |
| Conrad | Kyl | Thurmond |
| Craig | Lieberman | Torricelli |
| Crapo | Lincoln | Voinovich |
| Daschle | Lott | Warner |
| DeWine | Lugar | |

NAYS—19

| | | |
|---|---|---|
| Boxer | Harkin | Reed |
| Clinton | Kennedy | Sarbanes |
| Corzine | Kerry | Schumer |
| Dayton | Landrieu | Wellstone |
| Dodd | Leahy | Wyden |
| Durbin | Levin | |
| Feingold | Nelson (FL) | |

ANSWERED ''PRESENT''—1

Fitzgerald

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 19, and one voted ''present.'' Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. 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.

AMENDMENT NO. 19

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

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 19 is pending.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on amendment No. 19?

The PRESIDING OFFICER. No.

Mr. LEAHY. Is amendment No. 19 germane?

The PRESIDING OFFICER. It appears to be.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

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

Mr. LEAHY. Mr. President, I know the Senator from Alaska wishes to speak on his time. I am going to yield to him in just a second.

Is my understanding from the Senator from Iowa correct that it is now in order—I realize we are not about to vote right now—to get the yeas and nays on this amendment?

Mr. GRASSLEY. Sure.

Mr. LEAHY. Mr. President, 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.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I seek time under the time allocated to me under the current procedure in the Senate.

The PRESIDING OFFICER. The Senator is recognized.

## PORK

Mr. STEVENS. Mr. President, today the Citizens Against Government Waste issued their 2001 Pork List. I am here to discuss that briefly.

Five items on the first page of this list were requested in the President's budget as part of the Corps of Engineers regular program, but they are charged to be pork. Those were requested by President Clinton and his administration, not by me. Also, $11 million listed as pork in the Interior Department budget was also requested by the President, not me, to manage fish and game in Alaska. It shows the accuracy of this list.

Other items listed on this ''waste'' list include runway lights. It so happens that 80 villages in Alaska have no roads or hospitals. They depend on medical evacuation by aircraft when people have babies, suffer a heart attack, or have to have medical assistance. Those same villages have no runway lights at all.

North of the Arctic Circle, the Sun doesn't even rise beginning in mid-December until the end of the following January, making it impossible for an evacuation plane to land without lights. In fact, this is a persistent problem for us all winter throughout Alaska. After a Native man in Hoonah, AK, suffered a heart attack and sat on the tarmac for 3 days waiting for medical evacuation, the mayor wrote to me and asked for runway lights. We looked into it and found that it was true. I really did not realize there were so many of these small airports that had no lights.

I not only am proud that the Senate acceded to my request for runway lights in last year's appropriations bills, I want to put the Senate on notice that this year I am going to seek funds so that every village in Alaska has runway lights. Under the current procedure for allocation aid for improvement of airports, they are not eligible.

I believe if it is wasteful to make sure a woman in hard labor can deliver her baby in a hospital with a doctor attending, instead of in an airplane hangar with the help of a mechanic, then I am guilty of asking the Senate for pork and proud of the Senate for giving it to me.

The Citizens Against Government Waste listed funding to aid in the recovery of the endangered stellar sea lion as pork. The Senate and the whole Congress remember the battle over the sea lion at the end of the last session. That issue threatened to shut down the pollack fishery in Alaska, which supplies most of the fish for fast food and frozen products nationwide. The Office of Management and Budget estimated the closure of that fishery would cost the national economy as much as a half billion dollars annually. By making a Federal investment to assure sound science to protect the sea lions, we will avoid that loss in our fisheries, families will not lose their jobs, and the Federal Government will continue to collect corporate and personal income taxes far in excess of the money we put up to assure sound science is used in addressing that problem.

Likewise, the list includes transportation vouchers so welfare mothers can get to their jobs and get off welfare. By making another small investment in public transportation—$60,000 in this case—women, particularly in the Matanuska-Susitna Borough in our State, can work, pay taxes, and save

the Government thousands and thousands—hundreds of thousands of dollars in welfare benefits. If that is pork, again I am guilty.

Alaska has the highest rate of alcoholism in the Nation. Alaska is No. 1 in child abuse, No. 1 in domestic violence, and No. 1 in suicide, particularly among young men in the Native villages. Working with our Governor and State legislature, and faith-based institutions such as Catholic Charities that utilize volunteers, and an enormous number of volunteers, some of this pork brought the Federal Government in as a partner to address these problems that are persistent in our State. Those projects, along with homeless shelters, are listed as shameful pork in this list. For me, not addressing these crying human needs would be what would be shameful, and I am ashamed of the people who made the list.

Alaska has the highest unemployment rate in our Nation. Some communities have unemployment rates four times the national unemployment rate during the Great Depression. We have unemployment as high as 80 percent in some of our cities and villages. I addressed that issue with job training programs to help get people off welfare rolls and into productive employment where they will pay taxes. That, too, is listed as pork.

Despite the nationwide shortages of nurses, teachers, and pilots, those training programs which we instituted in our State are listed as pork. In a State where only a handful of communities have doctors, let alone nurses, our health needs are tremendous. By utilizing cost-effective telemedicine for our veterans and Native people, we offer basic health care services using community health aides in areas that have no doctors, no clinics, and no hospitals. Those programs, again, are listed as wasteful, even though they are the most cost-effective programs in the country, delivering health care service to people who are literally hundreds of miles from the doctors who provide the care through telemedicine.

Alaska, also unfortunately, is failing in educational achievement. In some of our school districts, not only will the schools receive a failing grade, but not one of the students in those schools can pass the State exit exam in order to graduate. But summer reading programs that we put in place to address those needs, and similar programs to address the problems of education in a State that is one-fifth the size of the United States and has such a small population, all of these things are listed as pork. The criterion seems to be if President Clinton requested it, it was not pork. If I requested it or a member of our committee requested it, it is pork.

Our State has 70 percent of the lands in national parks, 85 percent of the lands in national wildlife refuges, over one-third of the national forest lands, and receives less money for improvements and utilization of those lands than any other State that has such parks or wildlife refuges or forests. We have 50 percent of the coastline of the United States, and we harvest over 50 percent of the fish that are consumed in the United States. We have more than half of the Indian tribes in the United States. I challenge anyone to look at the dismal record of the executive branch in stewardship of either the Natives or these lands or fisheries areas, and compare that to what we have done here in the Congress.

My amendments last year were not pork. Not one of them will enrich any person or any community. They meet needs in my State. We don't build tunnels under rivers for $8 billion. We don't build sports stadiums with tax advantages. We are a sovereign State, and so long as I am here, we will receive a fair share of Federal spending in order to meet our needs.

I criticize those who made this list. I wish they would come out and face us. I will have a hearing, let them come and face us. It is high time these people who are issuing these lists have some responsibility. They issue the lists in order to get contributions from our citizens to try to prevent so-called pork. It is not pork at all. It is meeting the needs of the people in my State, and I for one am pleased, pleased, very pleased that my colleagues have supported my request to meet those needs.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I will be happy to yield.

Mr. BYRD. Let me thank the Senator from Alaska for being a good servant of his people. He was selected as the Alaskan of the Century—I believe that was the title, the Alaskan of the Century—last year.

Mr. STEVENS. That is correct.

Mr. BYRD. He knows the needs of its people. He knows who sends him here.

I welcome the Senator to the club. I have been in the same boat with the Senator in many ways, and I have no apologies to make for serving my people. I know who sends me here. I grew up in West Virginia when we had only 4 miles of divide four-lane highway in the whole State. There were only 4 miles in the whole State when I was starting out in the West Virginia Legislature.

I know West Virginia, and what is one man's pork is another man's job.

I hope the Senator will just turn the back of his hand to those who criticize him for helping his people. His people recognize that he deserves the kind of award they gave him. I join them.

As long as I am here I am going to remember the people who sent me here. This money isn't going overseas. The money—so-called pork—doesn't go overseas. It goes to help people in West Virginia—their schools, their highways. People need highways on which to get to work or just to go to the grocery store or go to the schools or to the doctor or to the hospital. Those highways I helped to build with that kind of ''pork'' have saved a lot of lives. It is much safer to drive on those four-lane highways in West Virginia than down through the curves and hollows, and along the deep ravines where one can't see up ahead beyond that next curve.

Let me pay my respect to the Senator for doing a good job, being a good Alaskan, and a good representative of the people of Alaska.

Mr. STEVENS. I thank the Senator.

Mr. LEAHY. Will the Senator yield to the Senator from Vermont?

Mr. STEVENS. I am happy to yield.

Mr. LEAHY. Mr. President, the Senator from Alaska and the Senator from Vermont represent, population-wise, two of the smallest States in the Union. There are differences, of course, as the Senator from Alaska represents a State greater than much of the continental United States.

I have always thought the genius of the founders of this country, as the Senator from West Virginia has pointed out on many occasions, was when they set up the Senate and they said every State will have equal representation. Vermont has two Senators—not determined by landmass, because if Alaska had two Senators based on landmass no other State would have any Senators. California, larger than many countries, has two Senators. The Senate is one place where States are equal.

Frankly, I have never heard the Senator from Alaska—I have served with him for 26 years, and I served with him on the Appropriations Committee during that time—ask for something for himself, never. I have heard him fight for his own State, the same way I hope I fight for my State, or the Senator from West Virginia fights for his State, or the Senator from Nevada for his.

I point out to those who may be critical of the Senator from Alaska fighting for Alaska that never has the senior Senator from Alaska gone in there and sought anything for himself. But he has fought for the needs of his State. Those needs are great. Nobody—I visited Alaska on several occasions—can possibly conceive of the enormous needs of a State such as Alaska because of its size and diversity. I think of the horrendous winters we sometimes get in Vermont. They cannot begin to match what they have in Alaska.

Frankly, I have always been proud to serve with the Senator from Alaska. We are of different parties. We are in many areas of different political philosophies. But I consider him one of the closest friends I have in the Senate. I have been proud to serve with him on the Appropriations Committee.

Mr. STEVENS. Mr. President, I thank each of the Senators for their comments. The other night someone asked me how big Alaska really is. We got out the statistics book and examined it. I will bet no one present realizes that my State is larger than Spain, plus France, plus Germany, plus Italy.

I would be willing to bet that we send more money to those areas than we spend in Alaska to meet the needs of the Americans who live there.

## BANKRUPTCY REFORM ACT OF 2001—Continued

Mr. STEVENS. Mr. President, under the provisions of rule XXII, I yield the remainder of my hour to the bill's manager.

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 20, AS MODIFIED

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand we have amendment No. 19, the amendment of the Senator from Vermont, pending. I ask unanimous consent that amendment No. 20 be modified by an amendment by myself and Mr. HATCH.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I withhold that for a moment.

While we are waiting on that matter—I am surely going to make the request again—we have my amendment with the yeas and nays on it. And I understand that the leader would prefer that votes begin in the morning. I have no objection to the leader stacking that with other votes to occur in the morning. We have the yeas and nays on it.

I urge, however, that those who have germane amendments on our side come to the floor and offer them, seek the yeas and nays, if they wish, and speak on them tonight. There is no reason why we cannot finish this bill sometime during the day tomorrow.

Mr. President, there appears to be some difficulty. I was of the understanding that Senator HATCH wanted this modified. I was going to offer that modification as a courtesy to Senator HATCH. I will not offer the modification and am perfectly happy to have them go ahead and vote on my original amendment.

I yield the floor.

Mr. President, I ask unanimous consent to modify amendment No. 20 on behalf of myself and Mr. HATCH. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 20), as modified, is as follows:

(Purpose: To protect the identity of minor children in bankruptcy proceedings)

On page 124, between lines 10 and 11, insert the following:

**SEC. 233. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.**

(a) PROHIBITION.—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

**"§ 112. Prohibition on disclosure of identity of minor children**

''In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 107(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''112. Prohibition on disclosure of identity of minor children.''.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on that amendment?

The PRESIDING OFFICER. The yeas and nays have not been called for.

Mr. LEAHY. I ask unanimous consent that it be in order at this point to ask for the yeas and nays on amendment No. 20, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

VITIATION OF MODIFICATION

Mr. LEAHY. Mr. President, I ask unanimous consent to vitiate the action on amendment No. 20.

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

AMENDMENT NO. 41, AS MODIFIED

Mr. LEAHY. Mr. President, I ask unanimous consent that similar action be now done in relation to amendment No. 41; that is, that amendment No. 41 be modified on behalf of myself and Senator HATCH.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 41), as modified, is as follows:

(Purpose: To protect the identify of minor children in bankruptcy proceedings)

On page 124, between lines 10 and 11, insert the following:

**SEC. 233. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.**

(a) PROHIBITION.—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

**"§ 112. Prohibition on disclosure of identity of minor children**

''In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 107(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''112. Prohibition on disclosure of identity of minor children.''.

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays, instead, on amendment No. 41, as modified.

The PRESIDING OFFICER. Apparently, the yeas and nays have already been ordered.

Mr. LEAHY. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent, notwithstanding rule XXII, that at 12 o'clock noon on Thursday, the Senate proceed to vote in relation to the pending amendment No. 19; that upon disposition of amendment No. 19, the Senate vote in relation to amendment No. 41, as modified; that the amendments now be laid aside; and that there be 2 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 420 at 9:30 on Thursday, there be 10 hours remaining under the provisions of rule XXII.

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

Mr. GRASSLEY. Mr. President, I further ask unanimous consent that at 9:30 on Thursday, Senator WELLSTONE be recognized to offer any of his germane amendments, Nos. 69, 70, 71, 72, 73, and 74, and time consumed be considered Senator WELLSTONE's time under the provisions of rule XXII.

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

Mr. GRASSLEY. I further ask unanimous consent that at 10:30 a.m. on Thursday, Senator KOHL be recognized in order to call up a filed amendment, No. 68, regarding the homestead provision. Further, I ask that there be 90 minutes for debate equally divided in the usual form, and that following the debate, the Kohl amendment be temporarily set aside with a vote to occur in relation to the amendment at a time determined by the two managers; further, that there be no amendments to

the Kohl amendment in order prior to the vote.

Mr. REID. No objection.

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

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

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

## MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

## CLEAN AIR AND GLOBAL WARMING

Mr. KERRY. Mr. President, I rise to make a few remarks about the rather stunning announcement we read this morning on the front page of a number of newspapers about President Bush's reversal of a campaign promise he made with great clarity in the course of the last year. That is the reversal of a very clear promise by the President to support efforts to reduce pollution, particularly carbon dioxide emissions from powerplants in this country.

On the campaign trail last year, then-candidate Bush made clear his support for legislation to reduce nitrogen oxide, sulfur dioxide, mercury, and carbon dioxide from powerplants, the so-called four pollutants. There has been a great deal of science, a great deal of research done over these last years with respect to the impact of these pollutants on the quality of our life on this planet.

On September 29, 2000, President Bush could not have been more clear. He said:

> With the help of Congress, environmental groups and industry, we will require all powerplants to meet clean air standards in order to reduce emissions of sulfur dioxide, nitrogen oxide, mercury and carbon dioxide within a reasonable period of time.

Only 10 days ago, EPA Administrator Christie Whitman reaffirmed the President's position that he would support and seek legislation to cut global warming pollution from powerplants.

This is the second time in 2 weeks that a policy announcement by a Secretary in the Bush administration has been reversed by the White House only a few days after that policy announcement was made. I am referring to the prior policy announcement made by Secretary Powell with respect to the efforts to renew negotiations left off by the Clinton administration with North Korea. Two days after Secretary Powell said, indeed, that is what the administration would do, the President and the White House announced they would not, and the rug was essentially pulled out from under Secretary Powell. Now we see the same thing with Secretary Whitman. She announces that, indeed, she intends to enforce the President's campaign promise, and many groups around the country welcomed having a President of the United States who was prepared to offer leadership and to move us in the right direction.

Yesterday it became clear, all of a sudden, that the President was no longer interested in doing what he said, helping Congress and environmental groups and industry and, apparently, even his own EPA Administrator in that effort. It turns out that the President not only does not support it but he opposes it.

A lot of Americans will have their own judgments about what happens when people run for office and within a few months of running for office renege on the promises they make to the American people about why it is they ought to be elected. In a letter to Senator HAGEL and others, the President said:

> I do not believe that the government should impose on power plants mandatory emissions reductions for carbon dioxide, which is not a pollutant under the Clean Air Act.

The White House has offered explanations for the President's flipflop by saying that the President did not understand that carbon dioxide emissions from powerplants is currently not regulated. Therefore, his pledge was misinformed, and the mistake.

With all due respect, I find that statement to be an inadequate explanation, not so much because the President didn't know the current implementation requirements of the Clean Air Act but because, despite that lack of awareness, he proceeded to make such a sweeping promise to the American people and to allow his EPA Administrator to continue that promise for a few weeks while in office.

The second reason for the President's reversal, the White House claims, is a ''new'' study by the Department of Energy that concludes that the cost of environmental protections is too great. Let me underscore that: The cost of environmental protections is too great.

I don't think that analysis properly balances the many different variables in how you arrive at the true cost because that cost has to be balanced, not just based on the exact cost of putting in the implementing technology, you also have to measure the downside cost to the United States of America, indeed to the globe, for not taking the kinds of steps we need to take.

Our country, I regret to say, has been the largest emitter in the world, growing at the fastest rate in the world in terms of energy use, and the least responsive in terms of the steps we should be taking to deal with this. This country has to come to grips at sometime with the realities of the profligate energy policies we are pursuing that wind up using extraordinary amounts of resources relative to our population without the kind of balance necessary to create what is called a sustainable energy policy, a sustainable environmental policy.

I find it also troubling that this one study, called ''Analysis of Strategies for Reducing Multiple Emissions from Power Plants,'' is deemed to be somehow a new revelation. The study was a request of the Department of Energy by former Congressman David McIntosh who, it happens, has been one of the harshest critics of environmental protections who has served in the Congress. The study is a classic case of bad information in, bad information out. Some would call it, with respect to the technology world, computers: Garbage in, garbage out. It purposefully restricts market mechanisms, and it assumes highest cost generation. As a result, its conclusions are entirely prefixed, preordained to come out with an expense factor that does not reflect where the technology is, where the state of the art is, or where the realities are economically.

I recommend that the President review a series of other economic analyses that embrace market mechanisms, that reflect real costs, and other kinds of environmental protections. This includes a different and more recent study by the Department of Energy that concludes that a multipollutant approach can reduce pollutions from large generators with net savings to the consumer.

I am not someone who comes to the floor as an environmentalist and suggests that the environmental movement has not on occasion pressed for a solution that may, in fact, demand too much too quickly, or sometimes, I agree, we have environmental rules that are not even thoughtfully applied. There are times when we require of small businesses the same meeting of standards as we require for large businesses. It obviously does not make sense to the economies of scale or the gains or the capacities of those businesses to perform.

I readily accept the notion that there are some places that we can do better, there are some ways in which we can harness the energy of the marketplace and use market forces to find solutions. I believe Republican and Democrat alike in past administrations have been negligent in being creative about reaching out to the private sector and putting the private sector at the table and asking the private sector for ways in which we could do things with least cost, least regulation, least intrusiveness from Washington, and harness the energy of the marketplace in finding some of these solutions.

Regrettably, even when that has happened, when companies have stepped forward and shown that there are cheaper ways of doing things, we now

see the President embracing a study that reflects none of that creativity and none of that capacity on the part of the private sector.

Let me be very specific about that. A number of companies have stepped forward to embrace the four pollutant approach I am talking about. They include Consolidated Edison, PG&E, Northeast Utilities, PECO, and others. These companies have found a way to embrace a four pollutant reduction strategy and do so in a way that benefits their company's bottom line and also benefit the consumers at the same time.

I want to put this in a context, if I may. Why is this so important to our country and to the concerns we have about global warming and about pollutants in the air and the quality of life? I don't know a thoughtful Republican or Democrat who doesn't understand the linkage of some of the things we emit into the air and water in various forms of pollution, which have a terrible impact on the lives of our fellow citizens.

The country has been treated to a couple of movies recently that showed what happens when you have that kind of pollution taking place—the impact of it on the lives of our fellow citizens. I had the privilege of attending, as an official observer for the Senate, the discussions in Rio when President Bush's father was President in 1992—the Earth Summit, when the United States said we would try to hold ourselves to the emissions baseline of 1990 levels. We never took the steps necessary to live up to that voluntarily agreed-upon goal. Since then, I have been to Kyoto, to The Hague, and Buenos Aires, in each place where global negotiations were taking place, where Presidents and prime ministers and environmental ministers and financial ministers were all struggling together to find a way to reduce emissions. In every one of those discussions, all of the less developed countries, and our European partners, looked at the United States of America as a culprit, as the problem, because we weren't willing to embrace some of the steps they were taking, or were prepared to take, in order to enter a global solution that has an impact on all of us.

I say to my colleagues, I am not talking about politics, I am talking about facts—scientific facts. Just recently, 2,500-plus scientists at the United Nations, through the IPCC, released increased data regarding our status with respect to global warming.

The decade of the 1990s was the hottest decade in all of human history. The glaciers on five continents are receding at record rates. One thousand square miles of the Larsen ice shelf in Antarctic has collapsed into the ocean. Arctic sea ice has thinned by 40 percent in only 20 years.

For the first time, boats are traversing the Canadian Arctic without hitting ice pack. What used to take 2 years as a journey has now taken only 2 months. Permafrost in Alaska and Siberia is defying its name by thawing. Ocean temperatures throughout the world are rising, and a quarter of the world's reefs have been bleached.

The scientific evidence that pollution is dangerously altering the atmosphere is becoming more compelling as each year passes. This is peer-reviewed, hard science—reviewed science from the best researchers in the world. I believe it is compelling and it demands action.

In January of 2000, the Intergovernmental Panel on Climate Change released its third assessment report. The IPCC involves thousands of scientists from around the world and many of the very best American scientists. It was organized in the early nineties by President Bush to assist governments in assessing the state of the global climate and what threat pollution may or may not pose to it.

This January, the IPCC released its strongest, most conclusive and most alarming assessment of the global climate. It warned that rising temperatures are attributable to human activities; that temperatures may rise at a far faster rate than previously expected—as high as 10.4 degrees over the next 100 years—and that the consequences will be adverse and far reaching. The potential consequences include droughts, floods, rising seas, the displacement of tens of millions of people living in coastal areas, and the massive die of plant and animal species.

The chair of IPCC, Dr. Robert Watson, put it his way:

> We see changes in climate, we believe we humans are involved, and we're projecting future climate changes more significant over the next 100 years than the last 100 years.

And the IPCC report is only the latest in a body of science that demands action.

October 2000, ''Coral Reefs Dying; Most May Be Dead In 20 Years.''

> Addressing the International the Coral Reef Symposium on the island of Bali, researchers warn that more than a quarter of the world's coral reefs have been destroyed and remaining reefs could be dead in 20 years. The most serious threat to the reefs is global warming. Coral reefs are crucial anchors for marine ecosystems, and more than a half billion people depend on reefs for their livelihood, researchers at the conference say.

March 2000, ''NOAA Finds Oceans Warming.''

> Scientists at the National Oceanographic Data Center find that the world's oceans have soaked up much of the warming of the last four decades, delaying its full effect on air temperatures. Scientists speculate that perhaps half of human-caused climate change is not yet in evidence in the form of higher air temperatures, because of the delay caused by oceans.

January 2000, ''NAS Concludes Warming Is 'Undoubtedly Real.' ''

> A study by the National Research Council of the National Academy of Sciences concludes that the warming of the Earth's surface is ''undoubtedly real'' and that surface temperatures in the last two decades have risen at a rate substantially greater than the average for the past 100 years. This study put to rest charges that satellite data contradicted land-based data.

December 1999, ''Arctic Melting Almost Certainly The Result of Pollution.''

> A computer-based study by the University of Maryland and NASA's Goddard Space Flight Center finds less than a 2 percent chance that observed melting of Arctic sea ice is the result of normal climatic variations—and less than a 0.1 percent chance that melting over the last 46 years is the result of normal variations. Arctic sea ice is melting at a rate of 14,000 square miles per year, an area larger than Maryland and Delaware combined. Melting of arctic ice accelerates global warming, since ice reflects 80 percent of solar energy back into space and water absorbs solar energy. Meanwhile, the melting of arctic ice could disrupt ocean currents and salinity levels.

June 1999, ''Greenhouse Gases Higher Now Than Any Time In 420,000 Years.''

> A two-mile-long ice core drilled out of an Antarctic ice sheet shows that levels of heat-trapping greenhouse gases are higher now than at any time in the past 420,000 years. Scientists with the National Center for Scientific Research in Grenoble, France, find that carbon dioxide levels rose from about 180 parts per million during ice ages to 280–300 parts per million in warm periods—far below the current $CO_2$ concentration of 360 parts per million. Methane levels, meanwhile, rose from 320–350 parts per billion during ice ages to 650–770 parts per billion during the warm spells. The current methane concentration is about 1,700 parts per billion.

April 1998, ''20th Century Was The Warmest In 600 Years.''

> Based on annual growth rings in trees and chemical evidence contained in marine fossils, corals and ancient ice, scientists at the University of Massachusetts at Amherst find that the 20th century was the warmest in 600 years, and that 1990, 1995 and 1997 were the warmest years in all of the 600-year period. Scientist conclude that the warming ''appears to be closely tied to emission of greenhouse gases by humans and not any of the natural factors,'' such as solar radiation and volcanic haze.

January 1998, ''Changes May Happen Quickly With A Climate Shock.''

> A University of Rhode Island study of ice cores from Greenland shows that when the last ice age ended, the change was sudden. In Greenland, a 9 to 18 degree F increase in temperatures probably took place in less than a decade. The finding challenges the widespread assumption that climate changes are in all cases gradual, and suggests that human-induced climate change could occur rapidly rather than slowly.

I could go on; the science is compelling.

I committed to finding a solution to the problem of global warming. Some of my colleagues—and now the President—have charged that dealing with this problem will bankrupt the American economy. I disagree. I believe that America can have a strong economy and a healthy environment. Fortunately, more and more companies are stepping forward to solve this problem and lead the way where government won't. BP will reduce its emission to 10 percent below its 1990 levels by 2010. Polaroid will cut its emissions to 20 percent below 1994 levels by 2005. Johnson & Johnson will reduce its emissions to 7 percent below 1990 levels by

2010. IBM will cut emissions by 4 percent each year till 2004 based on 1994 emissions. And, Shell International, DuPont, Suncor Energy Inc., Ontario Power Generation have all made similar commitments.

All the dire predictions of economic calamity from entrenched polluters just is not credible when leading companies are doing exactly what they say cannot be done. We know the power of technology to transform an industry—just look at the impact of technology on information and medicine—and technology and innovation can transform how we produce and use energy.

President Bush's reversal will also weigh heavily on the international talks to fight global warming. As a Senate observer to the talks, I have seen firsthand how America's inaction has prevented progress. In 1992 the U.S. pledged to reduce its greenhouse gas emissions to 1990 levels by 2000 through the strictly voluntary Framework Convention on Climate Change. We will miss that goal and end the year with emissions 13 percent above 1990 levels.

Our failure goes beyond numbers alone. In the past eight years, we have not taken a single meaningful step toward our commitment. We have not seized opportunities to increase efficiency and reduce pollution from automobiles, appliances, electric utilities, housing, commercial buildings, industry or transportation. Nor have we provided sufficient economic incentives for the development and proliferation of solar, wind, hydrogen and other clean energy technologies. A range of sound proposals have been floated in Congress, but almost all have been relegated to the legislative scrap heap.

Instead, Congress has enacted budget riders to keep us mired in the unsustainable status quo. An unwise mix of politics and special interests has produced laws prohibiting the government from even studying the efficacy of strengthening efficiency standards for cars and light trucks, laws blocking stronger efficiency standards for appliances, and laws hampering energy and environmental programs because, their sponsors mistakenly argue, these programs represent an unconstitutional implementation of the unratified Kyoto Protocol.

This regressive record is fatal to the international effort. It heightens distrust, undermines the credibility essential to success, and gives opening to our sharpest critics to seek advantage. For example, the U.S. has insisted that unrestricted, international emissions trading be part of the global warming pact. Trading is a proven method to achieve greater environmental benefits at lower costs; it has halved the cost and accelerated the environmental gains of Clean Air Act. But European nations—led by Germany and France—charge the trading program must be severely restricted or it will become a loophole by which the U.S. will avoid domestic action. They make that charge as much for reasons of economic and political self-interest as they do for environmental concerns, but, nonetheless, our paltry environmental record at home lends dangerous credibility to their charge, and that makes the work of our negotiators all more difficult. Moreover our inaction has an equally dangerous practical effect. Every year we fail to act, our environmental goals become more difficult to achieve.

Mr. President, it is early in this Congress and even earlier in President Bush's new administration. I remain hopeful, but being hopeful is becoming increasingly difficult, particularly today. President Bush has rejected a policy that can work, that can benefit the environment and the nation. He did it really before the debate even started. And he broke the most important campaign pledge he made regarding the environment. And it took him less than two months to do it.

Let me just say that I wanted to review for my colleagues—and I hope some will perhaps take an interest in reviewing these other assessments—a number of major assessments of the negative impact on crops, on quality of health, on sea life, on major areas that should be of enormous concern to all of us, not as Republicans and Democrats, but as thinking U.S. Senators. I don't want to approach this in a doctrinaire way, but I know that we have a responsibility to contribute our part to a major solution and reduction in global greenhouse gases, as well as to contribute to the better quality and health of our citizens.

This decision by the President which, once again, gives increased power to the large energy interests of the country is the wrong decision for our Nation and the wrong decision in the long run for creating the sustainable environmental approach. My hope is that my colleagues and the administration itself will review and come up with an approach that will better serve the interests of our Nation.

## ERWIN MITCHELL AND THE GEORGIA PROJECT

Mr. CLELAND. Mr. President, on March 7, 2001, the Washington Post reported that the recent census indicates a 60-percent growth in our Nation's Hispanic population, which now totals 35.3 million. Georgia has also been witness to this growth. In 1991 the Hispanic student population in Dalton, GA, was only 4 percent and now 10 years later, Hispanic enrollment in Dalton public schools has skyrocketed to 51 percent. The data from the 1999–2000 school year show that 45 percent of students in Dalton and 13 percent in Whitfield County are Spanish speaking. There are children of hard-working families who are an important part of the Dalton community. Accordingly, business and community leaders in that north Georgia community recognize the need for innovative and comprehensive solutions to address the recent influx of immigrants. Recent studies show that where quality education programs are joined with community-based services, immigrants have an increased opportunity to become an integral part of their community and their children are better prepared to achieve success in school.

The Georgia Project has provided an innovative solution to the needs of northwest Georgia. This is a teacher exchange program which brings bilingual teachers from Mexico to provide language instruction to all Dalton/Whitfield students. In addition, the program also sponsors a Summer Institute which provides Dalton/Whitfield teachers with the opportunity to study Mexican culture and history and the Spanish language in Monterrey, Mexico.

The driving force behind this endeavor has been the creative efforts of Erwin Mitchell. His dedication to public service and fairness was evident during his days as a Member of the House of Representatives. This same dedication and spirit of duty were the guiding forces behind the award-winning Georgia Project. As the mastermind behind the Georgia Project, Erwin Mitchell's efforts have been confirmed by the rising test scores of Dalton/Whitfield students on the Iowa Test of Basic Skills. His work has recently been recognized by both the National Education Association, NEA, and the National Association for Bilingual Education, NABE. The NEA has selected him to receive the NEA's 2001 George I. Sanchez Memorial Award for his ''exemplary contributions in the area of human and civil rights.'' NABE has named him the 2001 Citizen of the Year for his ''efforts in shaping a successful future for America's students.''

This wave of immigration is not limited to Georgia alone. For example, the Waterloo, IA, school system is being challenged to teach 400 Bosnian refugee children who came here without knowing our language, culture or customs. Schools in Wausau, WI, are filled with Asian children wanting to achieve success in the United States. In Wayne County, MI, 34 percent of the student population are Arabic-speaking and receive special help. According to the U.S. Census Bureau, the recently arrived immigrant and refugee population living here today will account for 75 percent of the total U.S. population growth over the next 50 years. This growth is occurring in places like New York, Los Angeles, and Miami, but also in nontraditional immigrant communities like Gainesville, GA, and Fremont County, ID. Innovative programs are being offered across the country to help accommodate these populations, which is why I have once again introduced the Immigrants to New Americans Act. This legislation will create a competitive grant program within the Department of Education that funds model programs, which, one, help immigrant children to succeed in America's classrooms and,

two, help their families access community services such as job training, transportation, counseling, and child care.

Our country's diversity is growing and it is vital for us to support successful programs like the Georgia Project that address the needs of changing communities.

## ADDITIONAL STATEMENTS

### TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

• Mr. LUGAR, Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 2000–2001 Eighth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indiana. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, ''Eating Around the World From Hoosier Farms.'' I would like to submit for the RECORD the winning essays of John Leer of Hamilton County, and Michelle Kennedy of Jasper County. As State winners of the Youth Essay Contest, these two outstanding students are being recognized on Friday, March 16, 2001 during a visit to our Nation's Capitol.

The essays are as follows:

EATING AROUND THE WORLD FROM HOOSIER FARMS

(By John Leer, Hamilton County)

Jean woke up on a crisp, Canadian morning to the smell of moist hot cakes baking on the skillet; to accent the hot cakes, Jean's mother had prepared apple compote with sweet brown sugar. Fresh sausage patties were succulently sizzling in their own oils and grease. On this particular morning, Jean thought to himself of the rich Canadian culture this meal represented. To his own dismay, however, his mother told him most of the ingredients used had come from the farms of Indiana.

After looking deeper into the issue, Jean too realized that most of his food had originated in the Midwest and especially in Indiana. If something were to happen to the farms of Indiana, he would be devastated. He would miss the grain used in the bread, all of the pork and beef, and even the chilled glass of milk used to wash down a chocolate chip cookie.

Then, Jean went outside to accomplish his daily, morning chores of feeding the oxen and cleaning their stalls; he noticed that in bold letters the sack said the feed was made in Indiana. The idea that his entire daily routine depended on a successful yield from Hoosier farms scared him; if a long drought began or a downfall of water occurred, he would not be eating hot cakes or drinking milk very much longer. The Hoosier farmer was invaluable to him.

Throughout the day he noticed more foods of his daily diet grown in Indiana: melons, tomatoes, pumpkins, corn, and more. During geography class, Jean learned that Indiana is a leading importer to Canada and that Canada depends on the Hoosier fields. After getting off the school bus, he raced towards the television only to turn on the weather station; he had finally realized that Indiana food and weather played a critical role in his daily life.

EATING AROUND THE WORLD FROM HOOSIER FARMS

(By Michelle Kennedy, Jasper County)

As an eighth grade student from the country of Japan, I enjoy many American products. My day starts early in the morning. As I prepare for my school day I usually have breakfast which might include eggs and sausage from Indiana farms. Grains from Indiana farms are imported so we might enjoy cereals, breads, and pastries.

Japan does not have the space available for farmground or livestock operations. What we have are very small farms. Indiana grains and livestock products are very important to us. We grow much rice but, other products such as pork, beef, and poultry are needed to compliment our rice industry.

After a day of school I might stroll through the open markets in our city. These market places have fruits and vegetables from the Hoosier farms. In Japan we are always studying new technology. We are very interested in by-products of Indiana farmers.

Many things I use at school are by-products of American farms. Soy ink and soy crayons are by-products of Indiana soybeans. It is important for countries in the world to be able to trade with one another. We are all dependant upon each other.

Japan buys 8.9 billion dollars of United States Agriculture products each year. Indiana agriculture plays a big part in this.

2000–2001 DISTRICT ESSAY WINNERS

District 1: Christoper Wacnik (Lake County) and Megan Spillman (St. Joseph County).

District 2: Andrew Pasquali (Noble County) and Natalie Rummel (Elkhart County).

District 3: Mitchell Swan (Jasper County) and Michelle Kennedy (Jasper County).

District 4: Jacob Little (Jay County) and Janna Rines (Jay County).

District 5: Tyler Smith (Hendricks County) and Laura Trust (Morgan County).

District 6: John Leer (Hamilton County) and Jeri Boone (Hamilton County).

District 7: Kegan Knust (Clay County) and Nicole Dike (Knox County).

District 8: Carson Ritz (Franklin County) and Erin Rauch (Franklin County).

District 9: John Michel (Warrick County) and Michelle Jochim (Gibson County).

District 10: Max Muhoray (Jefferson County) and Jennifer Prickel (Ripley County).

2000–2001 COUNTY ESSAY WINNERS

Benton: Jesse Becker and Carolyn Jenkinson; Cass: John Workman and Julie Richardson; Clay: Kegan Knust and Nicole Hayes; Delaware: Cais Hasan and Aleisha Fetters; Elkhart: Natalie Rummel; Fayette: Sarah King; Franklin: Carson Ritz and Erin Rauch; Fulton: Thomas Landis and Alicia Long; Gibson: Michelle Jochim; Greene: Alex Weathers and Jessica Chaney; Hamilton: John Leer and Jeri Boone.

Hendricks: Tyler Smith; Jackson: Kim Meier; Jasper: Mitchell Swan and Michelle Kennedy; Jay: Jacob Little and Janna Rines; Jefferson: Max Muhoray and Amanda Simmons; Jennings: Wayne Carmickle and Andrea Webster; Knox: Josh Anthis and Nicole Dike; Lake: Christopher Wacnik and Aubrette Marie Biegel; Marion: Ben Campbell and Fatima Patino; Martin: Nicole Lengacher; Morgan: Laura Trusty.

Noble: Andrew Pasquali; Posey: Tracie Johnson; Ripley: Jennifer Prickel and Jeremy Borgman; St. Joseph: Daniel Seitz and Megan Spillman; Starke: John Gibson and Sonya Crouch; Vanderburgh: Mark Turpin; Vermillion: Marvin Woolwine and Kelli Knight; Wabash: Matt Street and Mandy Renbarger; Warrick: John Michel and Erika Downey; Washington: Ryan Satterfield and Ashley Ingram; Wayne: Nick Kerschner and Anne Hamilton.•

### NORTH GEORGIA COLLEGE AND STATE UNIVERSITY

• Mr. MILLER. Mr. President, I would like to take this opportunity to recognize the achievements of the Blue Ridge Rifles and Color Guard of North Georgia College and State University, who recently placed first overall at the 29th annual Tulane Naval ROTC Mardi Gras Invitational Drill Meet in New Orleans, LA.

The North Georgia College and State University is one of six 4-year military colleges in the United States. Since its inception in 1873, NGCSU's military college has been renowned for its ability to produce exceptional officers in all service branches. This skill has resulted in many performance championships, including 12 titles from the Mardi Gras Drill Meet.

The Mardi Gras Invitational Drill Meet draws teams representing the service academies, senior and junior military colleges, and reserve officer training corps programs at civilian colleges and universities. The Blue Ridge Rifles and the Color Guard of NGCSU have exhibited consistently excellent performances at the Mardi Gras Invitational. This tradition continued with the most recent Mardi Gras Invitation Drill Meet, held on February 23, 2001, where the NGCSU cadets competed against 42 military drill teams from colleges and universities throughout the United States. The Blue Ridge Rifles, under the command of Cadet Captain Phillip Pelphry and Cadet Master Sergeant Zachary Poole, received first place in platoon basic drill, second place in squad drill, and first place in platoon exhibition drill. The North Georgia College and State University Color Guard, under the command of Cadet Captain Chris Rivers, received first place in the color guard competition.

I would like to recognize the following cadets for their fine representation of North Georgia College and State University and of the entire state of Georgia.

The Blue Ridge Rifle Team: Joseph Byerly; Gregg Carey; Joshua Carvalho; Josh Clemmons; Byron Davison; John Filiatreau; Kurt Fricton; Jason Howard; Joseph Marty; Phillip Pelphry; Jason Pon; Zachary Poole; Jason Ryncarz; Jonathan Sellars; Benjamin Sisk; Jeffrey Wagner; Zachary Zeis; and The Color Guard Team: Colin Arms; Peter Bender; Kyle Harvey; Ernesto Johnson and Chris Rivers.•

## TRIBUTE TO ELIZABETH ROBERT

• Mr. LEAHY. Mr. President, I want to congratulate Elizabeth Robert, a graduate of Middlebury College and the University of Vermont, for her success in transforming the struggling Vermont Teddy Bear Company into a highly profitable e-business.

Ms. Robert joined the Vermont Teddy Bear Company as its Chief Financial Officer in 1995 and only two years later rose to the position of Chief Executive Officer. In 1997, profits at Vermont Teddy Bear Company were way down and the future was bleak. Now, only three years later, sales are up 50 percent and the company boasts more than $22 million in annual sales. This spectacular turnaround was spearheaded by Elizabeth Robert, who harnessed the power of the Internet to transform the Teddy Bear Company into a successful Bear-Gram gift delivery service. The company's website is http://store.yahoo.com/vtbear/.

Recently, The Rutland Herald and The Times Argus, featured Ms. Robert as a ''captain of industry.'' I ask that the full text of the Rutland Herald/Times Argus article of March 11, 2001, titled ''Elizabeth Robert: A 'captain of industry' bears watching'' be printed in the RECORD.

Liz's success is a shining example for all Vermonter business leaders to follow. By taking advantage of the new markets offered by the Internet and developing a sharply focused business plan, the Vermont Teddy Bear Company has doubled its sales and significantly expanded its customer base.

Last year, I invited Liz Robert to be the keynote speaker at my annual Women's Economic Opportunity Conference in Vermont. Ms. Robert shared her personal story with hundreds of women who attended the conference and encouraged each of them to follow their dreams. As an incredibly successful businesswoman and the mother of two teen-aged daughters, she is an inspiration for all of us. My wife, Marcelle, and I were proud to be there with her.

### ELIZABETH ROBERT: A ''CAPTAIN OF INDUSTRY'' BEARS WATCHING

(By Sally West Johnson)

Elizabeth Robert is nothing like her product. This woman, who took over the floundering Vermont Teddy Bear Co. and returned it to solvency, exudes a cool, angular self-confidence that is not a bit like the warm and cuddly personae of her stuffed bears.

A wiry, athletic 45-year-old, Robert has been with Vermont Teddy Bear since 1995, when she signed on as chief financial officer in what was already a financially troubled time. The charm of founder John Sortino's bear-peddling pushcart operation on Church Street in Burlington had long since worn thin; his successor, Patrick Burns, ''took us on a trip down teddy-bear lane,'' says Robert, explaining that Burns had a vision of turning the company into a Disney-like conglomerate that sold all things ursine. But that idea tanked, and when Burns left town, Robert took over as chief executive officer in October 1997.

In truth, taking on a top job had been in her game plan for a long time. It's part of who she is, and she knew it. She comes from several generations of highly accomplished women. Her grandmother emigrated from Armenia to Paris, where she worked in the laboratory of Mme. Marie Curie and later, according to Robert, became the first female pediatrician in Geneva. In the early 1940s, Robert's mother was working as a photo editor at Time-Life Inc. ''I grew up in a household where everything was possible,'' she says.

A Middlebury College alumna, class of 1978, she married English professor Bob Hill in 1980, then had her first child 10 days before entering graduate school at the University of Vermont. They have since divorced. With an MBA in hand, she worked at all sorts of jobs for the next few years: at Vermont Gas Systems, as a financial consultant, and as campaign manager for Louise McCarren's 1990 run for lieutenant governor. It was McCarren, now president of Verizon in Vermont, who pointed out the obvious to her.

''She told me that I wanted to be a captain of industry . . . and she was exactly right,'' says Robert of her mentor. ''I had been learning, accumulating a skill set with undefined purpose. Now I knew what the purpose was.''

She leapt into her future by signing on as chief financial officer with a high-tech start-up in Williston, Air Mouse Remote Controls. ''We were constantly groveling for money, constantly short of cash,'' she recalls. If it didn't seem to be a blessing at the time, ''all that experience would be relevant to me when I got to Vermont Teddy Bear.''

Robert's success at VTB has made her much in demand as a speaker, especially when the subject is business strategizing. Invited to address a UVM graduate class last fall, she immediately turns the tables on her students. ''What business is Vermont Teddy Bear in?'' she asks them. (Hint: The correct answer is not ''selling teddy bears.'')

''We are in the Bear-Gram gift delivery service,'' she informs them after a few proffer hesitant guesses. ''We are delivering a highly personalized message, and one that can be changed right up to the last minute.''

Are Vermont Teddy Bears expensive? Yes, partly because they are exclusively made in America, which costs more than making them overseas. But then VTB isn't selling toys for kids. ''You can't sell the Lover Boy bear off the retail shelf for $65 or $75 even on Madison Avenue,'' explains Robert, ''but you can sell them for $85 if you guarantee delivery the next day and sell them with an embroidered shirt and a personal message transcribed by a bear counselor.''

She settles into the story of VTB's decline into—and resurrection from—bankruptcy with the confidence born of success. It is a classic tale of a company getting too big, too fast. ''We went from revenues of $300,000 in 1990 to $20 million in 1994,'' she recounts. But after an IPO in late 1993, ''the company hit the wall. We were spending huge amounts of money: We were advertising on Rush Limbaugh for $1 million a year; we spent $8.1 million on the new building (in Shelburne).''

In some ways, the financial crisis was relatively easy to manage: ''When there is no money,'' she notes, ''the answer is always 'no.'" With Robert's modified, and sharply focused, sales strategies, the company began to come back. A hugely successful Valentine's Day in 1998 liquidated the old inventory and brought in a huge pile of cash. The company picked up corporate-gift clients such as Seagrams, Nabisco and Triaminic, the cold-medicine people. It also focused on direct marketing of Bear-Grams through radio advertising to a clientele Robert calls generically ''Late Jack''—a guy between 18 and 54 years old who has forgotten the holiday, whatever it is. They can bail him out at the last minute with a gift that costs about the same as a nice bouquet of flowers but lasts a lot longer and is more personal.

In fiscal 1998, VTB reported a net loss of $2 million. Thanks to ''Late Jack,'' in fiscal 2000 company books showed sales of $33 million, with a profit of $3.7 million. At the moment, Elizabeth Robert is pretty much where she wanted to be.

''I am now a captain of industry,'' she says. The remark is candid, not boastful. ''I'm not at the end of my career by any means, but I don't see the need to move on at this point.''•

## TRIBUTE TO GENE CONNOLLY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Gene Connolly of Windham, NH, for being recognized as the ''2001 Principal of the Year'' by the New Hampshire Association of Principals.

Gene has been the principal of Gilbert H. Hood Middle School in Derry, NH, for the past six years and has focused on the needs of the students as his most important priority. He is an inspirational leader whose vision offers a focus for the child-centered curriculum which provides opportunities for everyone. The teachers who work with Gene feel valued and challenged by his leadership.

A graduate of Springfield College, Gene received a Bachelor of Science degree in Physical Education. He later earned a Masters of Education degree from Notre Dame College and is a Doctoral candidate in Leadership at the University of Massachusetts.

Gene is a school district negotiator and member of the negotiating team for Derry, NH. In service to his community, Gene also coached AAU Youth Basketball and the Windham Youth Basketball League.

Gene is a tribute to his community and profession. It is an honor and a privilege to represent him in the United States Senate.•

## TRIBUTE TO PAMELA ILG

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Pamela Ilg of New Boston, NH, for being recognized as the ''2001 Assistant Principal of the Year'' by the New Hampshire Association of Principals.

Pamela serves as Assistant Principal and Vocational Director at Concord High School in Concord, NH. She has created a caring, supportive and accountable environment with high expectations for students and staff. A strong leader, Pamela possesses an exceptional ability working with people.

A graduate of the University of Lowell, Pamela earned Bachelor of Arts degrees in English and Social Studies. She later earned a Masters of Education degree in Counseling, attended a Principal's Academy on Learning at Dartmouth College and earned a C.A.G.S. in Administration and Supervision at the University of New Hampshire.

As an educator, Pamela has been an integral part of the school community working with staff, students, parents and the community in the total education process.

Pamela's commitment to serving the education community in New Hampshire has set an example that is admirable. It is an honor to represent her in the United States Senate.●

## TRIBUTE TO TOM THOMSON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Tom Thomson of Orford, NH, for being recognized with the ''Outstanding Achievements in Sustainable Forestry'' award by the American Forest Foundation.

As a young man, Tom purchased his first wood lot of 125 acres with his two older brothers near Orford, NH. He continued to purchase more land and managed its resources adhering to the principles of sound forestry.

Tom's family tree farm is certified by the American Tree Farm System as being a productive, sustainable forest that provides outstanding wildlife habitat and recreational opportunities, and contributes to soil conservation and water quality. The tree farm has now expanded to over 2,600 acres in New Hampshire and Vermont.

Tom has been a tireless promoter of sustainable forestry for both New England and national woodland owners. A contributor to his community, he takes every opportunity to share information about tree farming. The Thomson Family Tree Farm is open year-round to school groups and individuals who want to learn more about sound, long-term forest management.

His wise management of forest land and his commitment to promoting good forestry practices to others has earned Tom many honors throughout the years. Tom has accomplished a great deal for New Hampshire and the people of this State look upon him with tremendous gratitude and admiration for all that he has done.

I am honored to call Tom a friend and a fellow Granite Stater. It is an honor and a privilege to represent Tom Thomson in the United States Senate.●

## MESSAGE FROM THE HOUSE

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 223. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act.

H.R. 308. An act to establish the Guam War Claims Review Commission.

H.R. 834. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

H.R. 880. An act to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 57. Concurrent resolution condemning the heinous atrocities that occurred on March 5, 2001, at Santana High School in Santee, California.

The message further announced that pursuant to Public Law 106–292 (36 U.S.C. 2301), the Speaker appoints the following Members of the House of Representatives to the United States Holocaust Memorial Council: Mr. LANTOS and Mr. FROST.

The message also announced that pursuant to section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), the Speaker appoints the following member on the part of the House of Representatives to the Coordinating Council on Juvenile Justice and Delinquency Prevention: Mr. Michael J. Mahoney of Chicago, Illinois, to a 1-year term.

The message further announced that pursuant to section 5(a) of the James Madison Commemoration Commission Act (Public Law 106–550), the Minority Leader appoints the following Members of the House of Representatives to the James Madison Commemoration Commission: Mr. BOUCHER and Mr. MORAN of Virginia.

The message also announced that pursuant to section 5(b) of the James Madison Commemoration Commission Act (Public Law 106–550), the Minority Leader appoints the following individuals on the part of the House to the James Madison Commemoration Advisory Committee: Dr. James Billington of Virginia and the Honorable Theodore A. McKee of Pennsylvania.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 223. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act; to the Committee on Energy and Natural Resources.

H.R. 308. An act to establish the Guam War Claims Review Commission; to the Committee on Energy and Natural Resources.

H.R. 834. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 880. An act to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 57. Concurrent resolution condemning the heinous atrocities that occurred on March 5, 2001, at Santana High School in Santee, California; to the Committee on the Judiciary.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–989. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2001–20) received on March 12, 2001; to the Committee on Finance.

EC–990. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2001 Census Count'' (Notice 2001–21) received on March 12, 2001; to the Committee on Finance.

EC–991. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Class Life of Floating Gaming Facilities'' (UIL168.20–07) received on March 12, 2001; to the Committee on Finance.

EC–992. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Form 7004—Research Credit Suspension Period'' ((Notice 2001–29)(OGI110763–01)) received on March 13, 2001; to the Committee on Finance.

EC–993. A communication from the Chief of the Regulatory Policy Office, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''T.D. ATF–444; Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped from Puerto Rico to the United States'' (RIN1512–AC24) received on March 13, 2001; to the Committee on Finance.

EC–994. A communication from the General Counsel of the General Accounting Office, transmitting, a report concerning the scope of congressional authority in election administration; to the Committee on Rules and Administration.

EC–995. A communication from the Director of Finance of the United States Capitol Historical Society, transmitting, the report of audited financial statements from January 31, 1998, 1999, and 2000; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 143: A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes (Rept. No. 107–3).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 527. A bill to amend the Internal Revenue Code of 1986 to exempt State and local political committees from duplicative notification and reporting requirements made applicable to political organizations by Public Law 106–230; to the Committee on Finance.

By Mr. BOND:

S. 528. A bill to amend the National Voter Registration Act of 1993 to modify the requirements for voter mail registration and for other purposes; to the Committee on Rules and Administration.

By Mr. CLELAND (for himself and Mr. MILLER):

S. 529. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Georgia; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. MURKOWSKI, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CRAIG, Mrs. MURRAY , Mr. JOHNSON, Mr. SCHUMER, and Mr. CONRAD):

S. 530. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. CLELAND, and Mr. DORGAN):

S. 531. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BURNS, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD):

S. 532. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 533. A bill to provide for the equitable settlement of certain Indian land disputes regarding land in Illinois; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 534. A bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as ''mad cow disease'') and foot-and-mouth disease in the United States; to the Committee on Governmental Affairs.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, and Mr. WELLSTONE):

S. 535. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000; to the Committee on Indian Affairs.

By Mr. SHELBY:

S. 536. A bill to amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of marketing and behavioral profiling information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 537. A bill to direct the Secretary of Transportation to require the use of dredged material in the construction of federally funded transportation projects; 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. SMITH of Oregon:

S. Res. 60. A resolution urging the immediate release of Kosovar Albanians wrongfully imprisoned in Serbia, and for other purposes; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 16, a bill to improve law enforcement, crime prevention, and victim assistance in the 21st century.

S. 27

At the request of Mr. MCCAIN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 41

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 124

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 124, a bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws, and for other purposes.

S. 148

At the request of Mr. CRAIG, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Wisconsin (Mr. KOHL), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 148, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

S. 244

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 244, a bill to provide for United States policy toward Libya.

S. 275

At the request of Mr. KYL, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 304

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 304, a bill to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 349

At the request of Mr. HUTCHINSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 388

At the request of Mr. MURKOWSKI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 388, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 409

At the request of Mrs. HUTCHISON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 409, a bill to

amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 466

At the request of Mr. HAGEL, the names of the Senator from Montana (Mr. BAUCUS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Georgia (Mr. CLELAND), the Senator from Minnesota (Mr. DAYTON), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Ms. STABENOW), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 509

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 509, a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

S. 525

At the request of Mr. GRAHAM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 525, a bill to expand trade benefits to certain Andean countries, and for other purposes.

S. CON. RES. 23

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 23, a concurrent resolution expressing the sense of Congress with respect to the involvement of the Government in Libya in the terrorist bombing of Pan Am Flight 103, and for other purposes.

S. RES. 21

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 21, a resolution directing the Sergeant-at-Arms to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

S. RES. 24

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 24, a resolution honoring the contributions of Catholic schools.

S. RES. 25

At the request of Mr. CRAIG, the names of the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. KOHL), the Senator from Utah (Mr. HATCH), the Senator from California (Mrs. BOXER), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 25, a resolution designating the week beginning March 18, 2001 as ''National Safe Place Week.''

S. RES. 43

At the request of Mr. MURKOWSKI, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Virginia (Mr. ALLEN), the Senator from Idaho (Mr. CRAPO), the Senator from Idaho (Mr. CRAIG), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. HELMS), the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. THOMAS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN), the Senator from Tennessee (Mr. FRIST), the Senator from Virginia (Mr. WARNER), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 43, a resolution expressing the sense of the Senate that the President should designate the week of March 18 through March 24, 2001, as ''National Inhalants and Poisons Awareness Week.''

AMENDMENT NO. 94

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of Amendment No. 94 proposed to S. 420, an original bill to amend title II, United States Code, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 528. A bill to amend the National Voter Registration Act of 1993 to modify the requirements for voter mail registration and for other purposes; to the Committee on Rules and Administration.

Mr. BOND. Mr. President, today I rise to introduce a commonsense election reform bill which we have entitled the Safeguard the Vote Act. I realize other reform issues have received a lot of media attention, but I think it is vital to focus on the fundamental issue of casting and counting votes honestly and fairly as well.

Over the past months, many Americans saw for the first time how actual vote counting is done or not done. We have had a real-life civics lesson that was as unexpected as it was frustrating. Those of us in positions of responsibility need to fix what needs fixing, reform what needs reforming, and prosecute where actual wrongdoing has occurred.

Voting is the most important civic duty and responsibility for citizens in our form of government. It should not be diluted by fraud, false filings in lawsuits, judges who do not follow the law, politicians who try to profit from confusion, and people who just abuse the system.

Let me be clear, at the same time voters must not be unduly confused by complicated ballots or confounded by inadequate phone lines or voting booths. These barriers to voting are absolutely unacceptable, and we need to make sure they do not exist.

Having said that—and I believe very strongly in it—I also say to some who want to hide the other abuses, do not try to use general confusion as an excuse or a justification for fraud.

I want to make one simple point as I begin. Vote fraud is not about partisanship. It is not about Democrats versus Republicans. It is not about the north side of St. Louis versus the south side of St. Louis. It is not about somebody getting a partisan advantage. It is about justice.

Vote fraud is a criminal not a political act. Illegal votes dilute the value of votes cast legally. When people try to stuff the ballot box, what they are really doing is trying to steal political power from those who follow election laws.

On election night in November of 2000, I was exercised and somewhat upset, one might say, as we learned about what was going on in St. Louis city where orders had been issued to keep the voting booths open in certain areas for an extended period of time. Lawyers appealed that decision, and the Missouri Court of Appeals shut them down. They wrote:

> (E)qual vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

Unfortunately, what we have seen in St. Louis these past months has been nothing short of breathtaking. Some might say that we have even become a national laughingstock. We have dead people registering by mail.

This city alderman died more than 10 years ago. He was registered to vote on cards turned in just before the March 6 mayoral primary. We had people registering from vacant lots. The media in St. Louis was very aggressive, and they checked on some of the voter addresses. There was no building there. They did not even see the tents in which people were living.

Voter rolls in St. Louis had more names on the registered active and inactive list than there were people in St. Louis city. It begins to raise suspicions.

A city judge exceeded the law by providing extended voting hours for only selected polling places. Then there is the strange story of a plaintiff in that case who claimed he ''has not been able to vote and fears he will not be able to vote because of long lines at the polling places and machine breakdowns.'' It was discovered he had two problems. He was dead, in which case long lines should not have been a problem because he was not going anywhere anyway.

The lawyer then came up with somebody else: Oh, what we really meant to say was a guy whose name is similar to that, so they tracked him out. The

problem was he had already voted when the lawyers filed the sworn statement saying that he was worried about not being able to vote, which, I guess, we can only conclude meant he was worried about casting a second illegal ballot.

We have had felons voting, people not even registered voting. Just when you think we have seen it all—this is my favorite—here is the voting registration card that was sent in in October of 1994 by one Ritzy Mekler. The interesting thing about Ritzy Mekler is that Ritzy is a dog. We do not know how many times Ritzy may have voted, but this seems to be an unwarranted extension of the voting franchise. Much as I love dogs, I don't really think they should be voting. This is certainly a new avenue for those who like pets. But that is the kind of thing with which we need to deal.

The end result of all these revelations is that a city grand jury in St. Louis is now investigating fraudulent voter registration, and the lawyers involved have sent the U.S. attorney a 250-page report. People are beginning to take it seriously. You don't have to take my word for it. Local St. Louis city Democrats have had a few things to say.

St. Louis' current mayor, Clarence Harmon, said:

> I think there is ample, longstanding evidence of voter fraud in our community.

State representative Quincy Troupe said:

> There is no doubt in any black elected official's mind that the whole process has discouraged honest elections in the city of St. Louis for some time. We know that we have people who cheat in every election. The only way you can win a close election in this town, you have to beat the cheat.

From another side, 11th ward alderman, Matt Villa, said:

> Who knows who did it. But it is apparent they are trying to cheat and steal this election.

The St. Louis Post-Dispatch, which has been aggressively covering this story, noted on its editorial page:

> St. Louis appears to have a full-blown election scandal that grows with each newly discovered box of bogus registration cards.

As I noted earlier, I believe it is our duty to fix what needs to be fixed, reform what needs to be reformed, and prosecute where there has been wrongdoing. In St. Louis, I believe criminal prosecutions are being considered. Coupled with the bill I am introducing today, this should go a long way toward cleaning up what has gone wrong in St. Louis.

I might add, just the threat of criminal prosecutions appear to have made a difference in the mayoral primary in St. Louis last week. It was a lot more honest than it has been in a long time. There is nothing like the healthy atmosphere of possible criminal prosecutions to make people think maybe we should not try to steal this election.

Well, let me go through the list of things we found out are contributing to fraud.

The first obvious problem is the blatant fraud of the bogus voter registrations. With dead people reregistering, fake names, phony addresses, and dogs being registered, it is clear the system is being abused.

Nearly all of these fraudulent registrations were the mail-in forms. Our plan begins by addressing this type of fraud with a few simple reforms. These are changing Federal law, which in some instances, has actually facilitated voter fraud.

1. First-time voters who register by mail would be required to vote in person and present a photo ID the first time after registration. We trust that the local officials would recognize the dog if she came in—even with a photo registration.

2. If the follow-up registration card is returned to the election office as undeliverable by the post office, States would be allowed immediately to remove those names from the rolls, provided they made a good-faith effort to ensure that eligible voters would not be removed from the rolls.

3. Finally, the bill would give the States the authority to include on the mail registration form a place for notarization or other form of authentication. Under current Federal law, States are actually prohibited from including this safeguard.

I believe the incentives for the bogus addresses and fake names would be virtually eliminated by these simple safeguards, while all the legitimate efforts to encourage new voters to register could, should, and must continue.

The second major problem we have seen in St. Louis is that the voter rolls are so clogged up with incorrect or fraudulent data that legal voters are shortchanged. St. Louis city actually, as I said earlier, has more voters listed on its active plus inactive rolls than the voting age population of the city. That is not surprising if they are registering dead people, dogs, and people from vacant lots.

Even more amazing is the fact that the Secretary of State said in a recent report that 5,000 of the names on the inactive list are actually duplicates of other names on the inactive list. There are numerous other examples of names on both the active and inactive lists at the same time. These inactive lists are what is being used for election day registration and voting. They just go in and say my name is on the inactive list. Hundreds were allowed to vote in that instance.

Thus, it is painfully clear that something must be done to keep the voter rolls clean and accurate.

The bill I introduce includes two basic reforms to assist in the cleanup of voter rolls. First, it would require States to conduct a program of cleaning up lists wherever the voter roll list of eligible voters is larger than the number of people of voting age in that county or city. That seems to make only common sense. I can't imagine anyone opposing that if you have more people registered than you have people, something is wrong.

Second, my proposal adopts the commonsense approach just used by the St. Louis election board in their March primary. For those voters whose names have been moved to the inactive list, it would require that a photo ID be presented by the voter as part of their oral or written affirmation of their address when they seek to vote again. The board of elections just required this in last week's election, and that election seemed to go off without a hitch.

I believe these straightforward reforms will go a long way toward restoring the confidence in the voter registration and balloting process. But for those who insist on continuing their fraudulent activities, this bill strengthens criminal penalties for those who commit fraud or conspire to commit voter fraud.

Finally, given the dimensions of the vote fraud scandal in St. Louis, this legislation creates a national pilot project to clean up voter lists in St. Louis in order to assist in ending election day corruption across the Nation.

I have proposed that the Federal Election Commission run the project in St. Louis city and St. Louis County to develop a method we can use nationally to maintain accurate voter rolls and ensure that all properly registered voters are permitted to vote without wrongfully being disenfranchised by failure of their registration to be effective, or by allowing others who are not qualified and registered to vote, diluting their votes. The FEC would also coordinate records of voters registered to vote at places authorized under the National Voter Registration Act of 1993, along with State death and felony conviction records and the official voter registered for each polling place.

As the Missouri Court of Appeals wrote when they shut down the improper efforts to keep only certain polling places open:

> . . . (C)ommendable zeal to protect voting rights must be tempered by the corresponding duty to protect the integrity of the voting process. . . . (E)qual vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

With these new tools, and some real leadership, the election boards of St. Louis City, and St. Louis County could get the big broom—and start cleaning up the mess. Criminal investigations are ongoing, I hope that anyone responsible for cheating will be caught and punished. But we must get a handle on the voter rolls. People who register and follow the rules shouldn't be frustrated by inadequate polling places and phone lines or confused by out-of-date lists. At the same time, we must require voter lists to be scrubbed and reviewed in a much more timely manner—so the cheaters cannot use confusion as their friend.

I certainly don't want St. Louis to have the lasting reputation described by my old friend Quincy Troupe:

The only way you can win a close election in this town, you have to beat the cheat.

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By Mr. GRASSLEY (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. MURKOWSKI, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CRAIG, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. CONRAD):

S. 530. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation for myself and Senators JEFFORDS, LEAHY, MURKOWSKI, BREAUX, SMITH of Oregon, DORGAN, FEINSTEIN, CRAIG, MURRAY, JOHNSON, SCHUMER, and CONRAD.

This legislation, entitled the ''Bipartisan Renewable Efficient Energy with Zero Effluent, (BREEZE) Act'', extends the production tax credit for energy generated by wind for five years. The current tax credit is set to expire on January 1, 2002.

As author of the Wind Energy Incentives Act of 1993, I sought to give this alternative energy source the ability to compete against traditional, finite energy sources. I strongly believe that the expansion and development of wind energy must be facilitated by this production tax credit.

Wind, unlike most energy sources, is an efficient and environmentally safe form of energy production. Wind energy makes valuable contributions to maintaining cleaner air and a cleaner environment. Every 10,000 megawatts of wind energy produced in the United States can reduce carbon monoxide emissions by 33 million metric tons by replacing the combustion of fossil fuels.

Since the inception of the wind energy production tax credit in 1993, more than 1,128 megawatts of generating capacity have been put online. This generating capacity powers nearly 300,000 homes, or 750,000 people.

Over 900 megawatts of new wind energy capacity was added just last year, bringing wind energy generating capacity in the U.S. to more than 2,500 megawatts. This new wind energy will power the equivalent of over 240,000 American homes, while displacing over 1.8 million tons of carbon dioxide.

Equally important, wind energy increases our energy independence, thereby providing the United States with insulation from an oil supply dominated by the Middle East. Our national security is currently threatened by a heavy reliance on oil from abroad.

The price of wind energy has been reduced more than 80 percent in the past two decades, making it the most affordable type of renewable energy. In order to continue this investment in America's energy future, we must extend the production tax credit.

Currently, my own State of Iowa has 4 new wind power projects ready to go online just this year. These 4 projects, with the megawatt capacity of over 240, will join the already existing 20 facilities in Iowa. Even large petroleum producing States like Texas are recognizing the growing potential of wind energy. Texas has the third largest wind farm in the world, and plans to add 5 new facilities this year, adding to the 7 already online.

Moreover, wind energy has vast potential to contribute to California's electricity supply. As we all know, California is currently suffering because of an energy market with insufficient energy generation and production that is overly dependent on natural gas.

Just in the past few weeks, plans have been unveiled to develop what will be the world's two largest wind power plants in the Northwest. One will be installed on the Oregon-Washington boundary and the other at the U.S. Department of Energy's Nevada Test Site. Together, the two plants will have a capacity of 560 megawatts and will generate enough power annually to serve more than half a million people. In addition, a number of other new projects coming online this year in the West will also bring much-needed additional generating capacity to the region.

Wind energy also produces substantial economic benefits. For each wind turbine, a farmer or rancher can receive more than $2,000 per year for 20 years in direct lease payments. Iowa's major wind farms already pay more than $640,000 per year to landowners. In California, the development of 1,000 megawatts would mean annual payments of approximately $2 million to farm and forest landowners.

Extending the wind energy tax credit would allow for even greater expansion in the wind energy field. Wind is a domestically produced natural resource, found abundantly across the country. Because wind energy is homegrown, it cannot be controlled by any foreign power.

Wind energy can be harnessed without injury to our environment. Wind is a reliable form of power that is renewable and inextinguishable. This legislation ensures that wind energy does not fall by the wayside as a productive alternative energy source.

The Senate needs to extend this important legislation and I encourage my colleagues to join us in this effort.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 530

*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 ''Bipartisan Renewable, Efficient Energy with Zero Effluent (BREEZE) Act''.

**SEC. 2. 5–YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM WIND.**

Section 45(c)(3)(A) of the Internal Revenue Code of 1986 (relating to wind facility) is amended by striking ''January 1, 2002'' and inserting ''January 1, 2007''.

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By Mrs. LINCOLN (for herself, Mr. CLELAND, and Mr. DORGAN):

S. 531. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. LINCOLN. Mr. President, I rise today to introduce the National Recreation Lakes Act of 2001—a bill that will recognize the benefits and value of recreation at federal lakes and give recreation a seat at the table in the management decisions of all our federal lakes. I am proud to be joined in this effort today by Senator CLELAND of Georgia and Senator DORGAN of North Dakota.

Recreation on our federal lakes has become a powerful tourist magnet, attracting some 900 million visitors annually and generating an estimated $44 billion in economic activity—mostly spent on privately-provided goods and services. And by the middle of this century, our federal lakes are expected to host nearly 2 billion visitors per year.

Yet, even with the millions of visitors each year to our lakes and reservoirs, recreation has suffered from a lack of unifying policy direction and leadership, as well as insufficient interagency and intergovernmental planning and coordination. Most federal agencies are focused on the traditional functions of man-made lakes and reservoirs: flood control, hydroelectric power, water supply, irrigation, and navigation. And often recreation is left out of the decision process.

This legislation will reaffirm that recreation is also an authorized purpose at almost all federal lakes and direct the agencies managing these projects to take action to reemphasize recreation programs in their management plans. This legislation will emphasize partnerships between the Federal Government, local governments, and private groups to promote responsible recreation on all our federal lakes.

It will establish a National Recreation Lakes Demonstration Program comprised of up to 25 lakes across the nation. At each of these federal lakes, the managing agency will be empowered to develop creative agreements with private sector recreation providers as well as state land agencies to enhance recreation opportunities. Rather than just building new federal campgrounds with tax dollars, we need to create new partnerships to provide support for building recreation infrastructure that is in line with visitor and tourist desires for recreation. The National Recreation Lakes Demonstration Program will be a pilot project to test these creative agreements and management techniques on a small scale to demonstrate their effectiveness at promoting recreation on federal lakes.

Second, this legislation will establish a Federal Recreation Lakes Leadership Council to coordinate the National Recreation Lakes Demonstration Program and coordinate efforts among federal agencies to promote recreation on federal lakes.

It also will include the Bureau of Reclamation and the U.S. Army Corps of Engineers in the Recreation Fee Demonstration Program. The Fee Demo Program has had wide successes in Arkansas and across the country in allowing individual parks and recreation areas to keep more of their fee revenues on-site to reduce the often overwhelming maintenance backlog.

The legislation will also provide for periodic review of the management of recreation at federal water projects—something long overdue. A great deal has changed since many of the water projects were authorized, yet the initial legislative direction from over 70 years ago continues to be the basis for the management practices now in the year 2001—and that is not right.

Finally, the legislation will provide new opportunities to link the national recreation lakes initiative with other federal recreation assistance efforts, including the Wallop-Breaux program for boating and fishing.

Let me give you a little background on how this legislation was developed. In 1996, the U.S. Senate recognized that recreation was becoming more important on federal lakes and conceived the National Recreation Lakes Study Commission to review the current and anticipated demand for recreational opportunities on federally managed lakes and reservoirs. The National Recreation Lakes Study Commission were charged to ''review the current and anticipated demand for recreational opportunities at federally managed man-made lakes and reservoirs'' and ''to develop alternatives for enhanced recreational use of such facilities.''

The Commission released its long-awaited report confirming the impact of recreation on federally-managed, man-made lakes in June of last year. The Commission also recognized that we are far from realizing their full potential. The study documented that these lakes are powerful tourist magnets, attracting some 900 million visitors annually and generating an estimated $44 billion dollars in economic activity—mostly spent on privately-provided goods and services.

During the Energy and Natural Resources Committee's hearing in 1999 on the Recreation Lakes Study, the chairman and I spent some time discussing how children today do not take full advantage of the outdoor opportunities that are available to them. It is so important that we encourage our children to enjoy the great outdoors that often times is less than an hour's drive away.

As the mother of twin 4-year-old boys, I feel we need to encourage our children to be children, not to become adults too quickly, to learn how to enjoy the outdoors. The only way we can do that is by exposing them to it early and often.

In this Nation, we have nearly 1,800 federally managed lakes and reservoirs. There are 38 in my home state of Arkansas. With so many federal lakes throughout the country, there's no reason why we shouldn't do all we can to promote recreation. I know that in Arkansas, we don't think twice about getting away to the lake for the weekend to go boating or fishing, or to just get away from the day-to-day grind. And that doesn't even begin to get into the tremendous economic impact from recreation on our federal lakes.

Last August, I conducted a tour of two of our Corps of Engineers managed lakes in Arkansas—Lake Ouachita and Greers Ferry Lake—to observe how our lakes are managed and to see where recreation falls on the priority list. I saw many opportunities where the Corps of Engineers, working with local officials and private citizens, could, through innovative management techniques, better provide for the recreation needs of the thousands of Arkansans that visit Arkansas' lakes each year. This bill will enable our federal lakes in Arkansas and around the country to invest in and manage for recreation so we all can enjoy a day out on the lake.

This bill is not an attempt to completely rewrite how federal lakes in this country are managed or to put recreation in front of all other authorized purposes at federal lakes. The National Recreation Lakes Act of 2001 will work with all current laws and regulations to ensure that recreation is given a seat at the table when the management decisions are made for our federal lakes.

This is a good bill. In everything from the creation of jobs to the money that tourists like myself spend at the marinas and local stores surrounding the lake—our Federal lakes and reservoirs have an immense recreational value that can and does bring revenues into our local economies. The best way to encourage and expand this aspect is to ensure that recreation is given a higher priority in the management of our federal lakes.

I encourage my colleagues to support this legislation and look forward to the debate on how we can promote recreation on our federal lakes.

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. 531

*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 ''National Recreation Lakes Act of 2001''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) recreation is an authorized purpose at almost all Federal lakes;

(2) lakes created by Federal dam projects have become powerful magnets for diverse recreation activities, drawing hundreds of millions of visits annually and generating tens of billions of dollars in economic benefits;

(3) recreational opportunities are provided at such lakes, on surrounding land, and on downstream tailwaters by Federal agencies and through partnerships among Federal, State, and local government agencies and private persons; and

(4) the quality of recreational opportunities at and around Federal lakes depends on clean air and water and attractive viewsheds.

(b) PURPOSES.—The purposes of this Act are—

(1) to require Federal agencies responsible for management of lakes created by Federal dam projects to pursue strategies for enhancing recreational experiences at the lakes; and

(2) to direct Federal agencies to investigate the possibilities for the use of, and to use, creative management of the project lakes that optimizes both recreational opportunities and other purposes of the project lakes, including—

(A) provision of agricultural and municipal water supplies;

(B) provision of flood control and navigation benefits;

(C) production of hydroelectric power; and

(D) protection of water quality.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) COUNCIL.—The term ''Council'' means the Federal Lakes Recreation Leadership Council established by section 5.

(2) NATIONAL RECREATION DEMONSTRATION LAKE.—The term ''national recreation demonstration lake'' means a project lake that is designated as a national recreation demonstration lake under section 4.

(3) PARTICIPATING AGENCY.—The term ''participating agency'' means—

(A) the Bureau of Indian Affairs;

(B) the Bureau of Land Management;

(C) the Bureau of Reclamation;

(D) the National Park Service;

(E) the United States Fish and Wildlife Service;

(F) the Forest Service;

(G) the Army Corps of Engineers;

(H) the Tennessee Valley Authority; and

(I) any other project lake management agency that participates in the Program at the request of the Council.

(4) PROGRAM.—The term ''Program'' means the national recreation lakes demonstration program established by section 4.

(5) PROJECT LAKE.—The term ''project lake'' means an impoundment of water that—

(A) is part of a water resources project operated, maintained, or constructed by or with the participation of any Federal agency;

(B) has a maximum storage capacity of 200 acre feet or more; and

(C) includes recreation as an authorized purpose.

(6) PROJECT LAKE MANAGEMENT AGENCY.—The term ''project lake management agency'' means a Federal agency that manages a project lake.

(7) RECREATION.—

(A) IN GENERAL.—The term ''recreation'' means—

(i) a water-related recreational activity that takes place on, adjacent to, or in a project lake or tailwater; and

(ii) a recreational activity or wildlife-related activity that takes place on federally managed land in the vicinity of a project

lake that is permitted under a land management plan in effect on the date of enactment of this Act.

(B) INCLUSIONS.—The term ''recreation'' includes—

(i) boating (including power boating, sailing, rafting, kayaking, and canoeing), diving, swimming, camping, trail-based activities, and picnicking; and

(ii) fishing and other wildlife-related activity.

**SEC. 4. NATIONAL RECREATION LAKES DEMONSTRATION PROGRAM.**

(a) ESTABLISHMENT.—There is established the National Recreation Lakes Demonstration Program consisting of the 25 national recreation demonstration lakes to be established under this Act.

(b) CRITERIA.—

(1) IN GENERAL.—The Council shall develop and establish criteria for use in selecting project lakes managed by participating agencies for designation as national recreation demonstration lakes.

(2) REQUIREMENTS.—The criteria shall—

(A) include lake size, diversity of current and potential recreational uses, opportunities for partnerships with private and public entities, and present and projected regional recreation demand; and

(B) require a strong showing of local support from the area of the lake, including support from State and local governments, private citizens, and businesses.

(3) CONSULTATION.—In developing the criteria, the Council shall consult with participating agencies to encourage the nomination of project lakes for the Program so as to include project lakes in all regions of the country and project lakes that will provide a variety of recreational experiences.

(c) NOMINATION OF NATIONAL RECREATION DEMONSTRATION LAKES.—A participating agency or an interest group located in the immediate vicinity of a project lake may nominate the project lake to become a national recreation demonstration lake by submitting to the Council a nomination in accordance with such procedures as the Council may establish.

(d) DESIGNATION OF NATIONAL RECREATION DEMONSTRATION LAKES.—

(1) IN GENERAL.—On receiving the nominations from participating agencies and local interest groups, the Council shall designate 25 project lakes to be national recreation demonstration lakes.

(2) SELECTION CRITERIA.—In selecting project lakes for designation as national recreation demonstration lakes, the Council shall endeavor to include project lakes in all regions of the country and project lakes that will provide a variety of recreational experiences.

(3) EFFECTIVE PERIOD.—A designation of a project lake as a national recreation demonstration lake shall be effective for a period not to exceed 10 years.

(e) AUTHORIZED ACTIVITIES AT NATIONAL RECREATION DEMONSTRATION LAKES.—

(1) ENHANCEMENT OF RECREATION ACTIVITIES.—Each participating agency shall use authorities under this Act to enhance opportunities for recreation activities on, in, and in the vicinity of national recreation demonstration lakes.

(2) NEW AUTHORITIES.—In accordance with the Act of October 22, 1986 (16.U.S.C 497b) and the Act of November 13, 1998 (16 U.S.C. 5951 et seq.), the head of any participating agency except the National Park Service may conduct any activity to experiment with permits, fees, concession agreements, and innovative management structures at a national recreation demonstration lake under the jurisdiction of the participating agency.

(3) ASSISTANCE TO UNITS OF LOCAL GOVERNMENT IN THE VICINITY OF A NATIONAL RECREATION DEMONSTRATION LAKE.—The head of any participating agency that manages a national recreation demonstration lake may carry out activities (including planning and marketing activities, the establishment of advisory boards, and other activities) to improve communications and cooperation between the agency and local community interests in the vicinity of the lake with respect to management of the national recreation demonstration lake.

(f) LOCAL ADVISORY COMMITTEES.—

(1) ESTABLISHMENT AND PURPOSE.—Under guidelines developed by the Council, the head of a participating agency shall establish, for each national recreation demonstration lake managed by the agency, a local advisory committee comprised of State and local government and private sector representatives.

(2) DUTIES.—The duties of a local advisory committee shall be to recommend and coordinate with project lake managers on projects proposed to be completed by the participating agency under the Program.

(3) OTHER AUTHORITIES AND REQUIREMENTS.—

(A) MEETINGS.—All meetings of a local advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

(B) RECORDS.—A local advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

(C) COMPENSATION.—Members of a local advisory committee shall not receive any compensation.

(D) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a local advisory committee established under paragraph (1).

**SEC. 5. FEDERAL LAKES RECREATION LEADERSHIP COUNCIL.**

(a) ESTABLISHMENT.—There is established a council to be known as the ''Federal Lakes Recreation Leadership Council'' as contemplated by the memorandum of agreement among the Secretary of the Interior, Secretary of Agriculture, Secretary of the Army, and Chairman of the Tennessee Valley Authority dated October 27, 1999.

(b) MEMBERSHIP.—The Council shall be composed of—

(1) the Secretary of the Interior (or designee), who shall serve as the Chairperson of the Council;

(2) the Secretary of the Army (or designee);

(3) the Secretary of Agriculture (or designee);

(4) the Director of the Tennessee Valley Authority (or designee);

(5) a representative of the recreation industry, appointed by the President;

(6) a representative of the National Association of State Park Directors, appointed by the President; and

(7) a director of a State Fish and Wildlife Agency, appointed by the President.

(c) TERMS; VACANCIES.—

(1) TERM.—

(A) IN GENERAL.—Except as provided under subparagraph (B), a member shall be appointed for the life of the Council.

(B) PRESIDENTIAL APPOINTEE.—A member of the Council appointed under paragraphs (5), (6), or (7) of subsection (b) shall be appointed for a term of 5 years.

(2) VACANCIES.—A vacancy on the Council—

(A) shall not affect the powers of the Council; and

(B) shall be filled in the same manner as the original appointment was made.

(d) PURPOSE.—The purpose of the Council shall be to—

(1) increase the awareness of the social and economic values associated with project lake recreation among project lake management agencies and other stakeholders with an interest in recreation at project lakes;

(2) develop policies that provide an environment for success that emphasizes the role of recreation at project lakes;

(3) protect and manage recreation and other resources to optimize all resource benefits; and

(4) promote a process that will involve Federal, State, tribal, and local units of government and field managers in the planning, development, and management of recreation uses at project lakes.

(e) DUTIES.—The Council shall—

(1)(A) work to implement the goals and recommendations of the National Recreation Lakes Study Commission as detailed in the Commission's 1999 report entitled ''Reservoirs of Opportunity''; and

(B) use the report as a guide for all Council actions;

(2) solicit each project lake management agency to become a participating agency;

(3) respond to requests for assistance from Members of Congress in drafting legislation, including new authorization and funding requirements, to best achieve the purposes of this Act;

(4) promote collaboration among agencies to provide training opportunities, interagency development assignments, and regular lake manager meetings;

(5) promote the development and consistency of—

(A) data collection at project lakes, including—

(i) making scientific assessments of watershed and natural resource conditions; and

(ii) making assessments of customer facility and infrastructure needs; and

(B) required maintenance schedules;

(6) promote agency policies that encourage construction, operation, and maintenance of high quality visitor and recreational services and facilities by concessioners and permittees at project lakes, including adequate opportunities for profitability and recovery of capital investments;

(7) develop consistent guidance to encourage construction, operation, and maintenance of commercial recreation facilities and other visitor amenities at project lakes;

(8) recognize and reward innovation and collaboration at project lakes;

(9) develop public information materials to identify the type and location of recreation facilities and programs at project lakes;

(10) promote cooperation and share new approaches from Federal and State managing agencies, Indian tribes, and the private sector to embrace a culture of innovation and entrepreneurship;

(11) develop training courses on business skills to close the recreation needs gap;

(12) support annual regional workshops with State, tribal, local, and private sector participants to seek feedback and assistance in achieving the goals of the Program;

(13) develop and establish an application and selection process to implement the Program;

(14) develop guidelines for the formation of local advisory committees to be established by project lake management agencies managing national recreation demonstration lakes; and

(15) develop and administer a competitive grant program for distributing available funds among national recreation demonstration lakes for purposes described in this Act under which—

(A) the total number of lakes improved under the program shall not exceed 25 lakes; and

(B) grants are provided in a manner that, to the maximum extent practicable, reflects the geographical diversity of the United States.

(f) PRINCIPLES.—In all its actions and recommendations, the Council shall consider the following principles:

(1) WATERSHED HEALTH.—The health of the watersheds associated with project lakes must be protected.

(2) NEIGHBORING COMMUNITIES.—Neighboring communities should be encouraged to participate in planning the recreation needs and other uses of project lakes to help to diversify the economic base of the community and promote sustainable practices to protect resources.

(3) FEDERAL RESPONSIBILITIES.—Federal responsibilities to enhance recreation at project lakes while operating projects to optimize water use for all beneficial purposes should be reaffirmed.

(4) MANAGEMENT FLEXIBILITY.—Management flexibility should be increased and support for management innovation should be demonstrated.

(5) SUPPORT.—Public and private support should be attracted to provide public outdoor recreation activities at project lakes.

(g) FACA.—The Council shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(h) TERMINATION OF COUNCIL.—The Council shall terminate 15 years after the date on which funds are first made available to carry out this section.

**SEC. 6. PERIODIC REVIEW AND REVISION OF OPERATING POLICIES FOR PROJECT LAKES.**

(a) REPORTS.—

(1) PROJECT LAKE MANAGEMENT AGENCIES.—Not later than 1 year after the date of enactment of this Act, the head of each project lake management agency shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Council a report that describes—

(A) actions taken by the agency to communicate to personnel of the agency the requirements of this Act and other laws relating to recreation use of project lakes; and

(B) actions to be taken by the agency to expand recreation opportunities at project lakes, including a schedule for taking the actions.

(2) COUNCIL.—Not later than 3 years after the date of enactment of this Act, and every 2 years thereafter, the Council shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives a report describing actions taken by participating agencies to expand recreation opportunities at project lakes.

(3) PARTICIPATING AGENCIES.—

(A) PERIODIC REPORTS.—The head of each participating agency shall periodically report to the Council regarding activities of the participating agency under this section.

(B) COMPREHENSIVE REVIEW.—Not later than 5 years after the date of enactment of this Act and at least once every 15 years thereafter, the head of each participating agency shall conduct a comprehensive review of operating policies for project lakes managed by the agency that describes—

(i) the actions taken by the agency to communicate to personnel of the agency the requirements of this Act and other laws relating to recreation use of project lakes; and

(ii) the actions to be taken by the agency to expand recreation opportunities at project lakes, including a schedule for taking the actions.

(b) POLICIES.—

(1) IN GENERAL.—The head of each project lake management agency shall—

(A) revise the policies of the agency as necessary to incorporate new information and ensure coordinated management of project lakes to produce high levels of benefits for recreation and all authorized purposes and designated uses of project lakes; and

(B) where recreation is consistent with the project lake purposes and designated uses of project lands and waters, give recreation appropriate attention in all agency decisions and policies relating to the project lake.

(2) TAILWATERS.—In conducting any activity relating to the tailwater of a project lake, the head of a project lake management agency shall—

(A) investigate ways to consider recreational uses dependent on water release schedules and release volumes;

(B) consider release schedules to enhance such opportunities and uses of the tailwater; and

(C) appropriately balance all of the purposes of the project.

**SEC. 7. RECREATION FEE DEMONSTRATION PROGRAM.**

Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601–6a note; Public Law 104–134), is amended—

(1) in subsection (a)—

(A) by inserting ", the Bureau of Reclamation," after "the National Park Service";

(B) by striking "Service) and" and inserting "Service),"; and

(C) by inserting before "shall each" the following: ", and the Secretary of the Army (acting through the Corps of Engineers)";

(2) in subsection (b), by striking "four agencies" and inserting "6 agencies"; and

(3) in subsection (e)—

(A) by striking "and" and inserting a comma; and

(B) by inserting ", and the Secretary of the Army" before "shall carry out".

**SEC. 8. USE OF FEDERAL WATER PROJECT FUNDING FOR MATCHING REQUIREMENTS FOR RECREATION PROJECTS AT NATIONAL RECREATION DEMONSTRATION LAKES.**

(a) FEDERAL WATER PROJECT RECREATION ACT.—The Federal Water Project Recreation Act is amended—

(1) in section 2 (16 U.S.C. 460l–13)—

(A) in subsection (a), by striking "it and to bear" and all that follows through "recreation," and inserting "the project,"; and

(B) in subsection (b)—

(i) by striking "recreation and"; and

(ii) by striking "recreation or";

(2) in section 3 (16 U.S.C. 460l–14)—

(A) in subsection (b)(1), by striking "it and will bear" the first place it appears and all that follows through "recreation," and inserting "the project,"; and

(B) in subsection (c), by striking paragraph (2); and

(3) in section 4 (16 U.S.C. 460l–15), by striking "recreation and" and all that follows through "those purposes" and inserting "fish and wildlife purposes".

(b) FEDERAL AID IN FISH RESTORATION ACT.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.) is amended by striking the first section 13 (relating to effective date) and the second section 13 (relating to State use of contributions) and inserting the following:

**"SEC. 13. APPLICATION OF FEDERAL WATER PROJECT SPENDING TO NON-FEDERAL SHARE OF COVERED RECREATION PROJECTS.**

"(a) DEFINITIONS.—In this section:

"(1) COVERED RECREATION PROJECT.—The term 'covered recreation project' means construction or reconstruction of a facility for recreation at a national recreation demonstration lake that is carried out with assistance under this Act.

"(2) NATIONAL RECREATION DEMONSTRATION LAKE.—The term 'national recreation demonstration lake' has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.

"(3) RECREATION.—The term 'recreation' has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.

"(b) TREATMENT OF USE OF AMOUNTS APPROPRIATED FOR A FEDERAL WATER PROJECT.—The use for any covered recreation project of amounts appropriated for a Federal water project shall be treated as payment of the non-Federal share of costs required under this Act.".

(c) FEDERAL AID IN WILDLIFE RESTORATION ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.) is amended—

(1) by redesignating section 10 as section 11; and

(2) by inserting after section 9 the following:

**"SEC. 10. APPLICATION OF FEDERAL WATER PROJECT SPENDING TO NON-FEDERAL SHARE OF RECREATION PROJECTS.**

"(a) DEFINITIONS.—In this section:

"(1) COVERED RECREATION PROJECT.—The term 'covered recreation project' means construction or reconstruction of a facility for recreation at a national recreation demonstration lake that is carried out with assistance under this Act.

"(2) NATIONAL RECREATION DEMONSTRATION LAKE.—The term 'national recreation demonstration lake' has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.

"(3) RECREATION.—The term 'recreation' has the meaning given the term in section 2 of the National Recreation Lakes Act of 2001.

"(b) TREATMENT OF USE OF AMOUNTS APPROPRIATED FOR A FEDERAL WATER PROJECT.—The use for any covered recreation project of amounts appropriated for a Federal water project shall be treated as payment of the non-Federal share of costs required under this Act.".

**SEC. 9. COST-SHARE ASSISTANCE FOR RECONSTRUCTION OR REPLACEMENT OF RECREATION FACILITY.**

(a) ASSISTANCE AUTHORIZED.—The head of each project lake management agency may provide financial assistance to a State or local agency to cover a portion of the total costs incurred for the reconstruction or replacement of a recreation facility operated under an agreement with the State or local agency at a project lake.

(b) COSTS INCLUDED.—The total costs of reconstruction or replacement of a recreation facility include the costs associated with all components of the reconstruction or replacement project, including—

(1) project administration;

(2) the provision of technical assistance; and

(3) contracting and construction costs.

(c) LIMITATION.—Assistance provided under subsection (a) shall not be used for costs incurred in maintaining or operating the recreation facility.

**SEC. 10. RELATIONSHIP TO OTHER LAWS.**

This Act does not affect—

(1) the purposes of any project lake authorized before the date of enactment of this Act;

(2) the authority of any State to manage fish and wildlife; or

(3) the authority of any State or the Federal Government to enter into any agreement relating to a project lake.

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $10,000,000 for each of fiscal years 2002 through 2006, to remain available until expended.

(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available under

subsection (a) may be used to pay administrative costs incurred by the Secretary of the Interior in coordinating the activities of the Council and participating agencies under this Act.

Mr. DORGAN. Mr. President, I want to express my support for the National Recreation Lakes Act which is being introduced today by Senator BLANCHE LINCOLN and others. This bill will give recreation interests a seat at the table when decisions are made about the use of Federal lakes. I think that this bill in an important part of recognizing the great benefits that our Federal lakes provide to communities all across the country.

This bill creates a pilot program that will encompass 25 national recreation demonstration lakes. These lakes will ensure that recreational interests get a voice in the decision making process. We rely on these lakes for so many different things: irrigation, hydro-power, navigation. In many cases, recreational interests are an afterthought. This bill will give recreation the priority that it deserves.

Lake Sakakawea is located in my home state of North Dakota. I have worked with the community leaders there to try and make the importance of recreational interests a part of the discussion regarding the level of the lake and the use of the water in the lake. This is a perfect example of a lake that would benefit from this legislation.

I commend Senator LINCOLN for the hard work that she has done on this legislation and I look forward to working with her to move this bill through the legislative process.

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By Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BURNS, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD):

S. 532. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, today, along with Senators BAUCUS, BURNS, DASCHLE, JOHNSON, and CONRAD, I am introducing legislation that would provide equitable treatment for U.S. farmers in the pricing of agricultural pesticides. This legislation would allow a state, a person, or a farm organization or cooperative/farm supply company to serve as a registrant for a Canadian pesticide which is identical or substantially similar to a U.S. registered pesticide. This bill is identical to the legislation I introduced last September.

The need for this legislation is as great as ever. We are about to start spring planting, and U.S. farmers are once again going to be required to pay more—in some cases almost twice as much—than their Canadian counterparts for crop protection products that are virtually identical in substance.

I have pointed out in the past that when the U.S.-Canada Free Trade Agreement came into effect, part of the understanding on agriculture was that our two nations were going to move rapidly toward the harmonization of pesticide regulations. Howsever, we have entered a new decade, and century, no less, and relatively little progress in harmonization has been accomplished that is meaningful to family farmers.

Since this trade agreement took effect, the pace of Canadian spring and durum wheat, and barley exports to the United States have grown from a barely noticeable trickle into annual floods of imported grain into our markets. Over the years, I have described many factors that have produced this unfair trade relationship and un-level playing field between farmers of our two nations. The failure to achieve harmonization in pesticides between the United States and Canada compounds this ongoing trade problem.

Our farmers are concerned that agricultural pesticides that are not available in the United States are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities that are subsequently imported and consumed in the United States. They rightfully believe that it is unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. However, it is not just a difference of availability of agricultural pesticides between our two countries, but also in the pricing of these chemicals.

A year ago, our farmers were denied the right to bring a pesticide across the border that was cleared for use in our country, but was not available locally because the company who manufacturers this product chose not to sell it here. They were selling a more expensive version of the product here. The simple fact is, this company was using our environmental protection laws as a means to extract a higher price from our farmers. This simply is not right.

I have pointed out, time and time again, the fact that there are significant differences in prices being paid for essentially the same pesticide by farmers in our two countries. In fact, in a recent survey, farmers in the United States were paying between 117 percent and 193 percent higher prices than Canadian farmers for a number of pesticides. This was after adjusting for differences in currency exchange rates at that time.

The farmers in my state are simply fed up with what is going on. They see grain flooding across the border, while they are unable to access the more inexpensive production inputs available in our ''free trade'' environment. And I might add, this grain coming into our country has been treated with these products which our farmers are denied access to. This simply must end.

As I stated earlier, today, my colleagues and I are reintroducing legislation that would take an important step in providing equitable treatment for U.S. farmers in the pricing of agricultural pesticides. This bill would only deal with agricultural chemicals that are identical or substantially similar. It only deals with pesticides that have already undergone rigorous review processes and whose formulations have been registered and approved for use in both countries by the respective regulatory agencies.

The bill would establish a procedure by which states may apply for and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical or substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States. The need for this bill is created by pesticide companies which use chemical labeling laws to protect their marketing and pricing structures, rather than the public interest. In their selective labeling of identical or substantially similar products across the border they are able to extract unjustified profits from farmers, and create un-level pricing fields between our two countries.

This bill is one legislative step in the process of full harmonization of pesticides between our two nations. It is designed specifically to address the problem of pricing differentials on chemicals that are currently available in both countries. We need to take this step, so that we can begin the process of creating a level playing field between farmers of our two countries. This bill would make harmonization a reality for those pesticides in which their actual selling price is the only real difference.

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. 532

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

**SECTION 1. REGISTRATION OF CANADIAN PESTICIDES BY STATES.**

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended by adding at the end the following:

''(d) REGISTRATION OF CANADIAN PESTICIDES BY STATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

''(i) is registered for use as a pesticide in Canada;

''(ii) is identical or substantially similar in its composition to a comparable domestic pesticide registered under section 3; and

''(iii) is registered in Canada by the registrant of the comparable domestic pesticide or by an affiliated entity of the registrant.

''(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide—

''(i) that is registered under section 3;

''(ii) the registration of which is not under suspension;

''(iii) that is not subject to—

''(I) a notice of intent to cancel or suspend under any provision of this Act;

''(II) a notice for voluntary cancellation under section 6(f); or

''(III) an enforcement action under any provision of this Act;

''(iv) that is used as the basis for comparison for the determinations required under paragraph (4);

''(v) that is registered for use on each site of application for which registration is sought under this subsection;

''(vi) for which no use is the subject of a pending interim administrative review under section 3(c)(8);

''(vii) that is not subject to any limitation on production or sale agreed to by the Administrator and the registrant or imposed by the Administrator for risk mitigation purposes; and

''(viii) that is not classified as a restricted use pesticide under section 3(d).

''(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—A State may register a Canadian pesticide for distribution and use in the State if the registration—

''(i) complies with this subsection;

''(ii) is consistent with this Act; and

''(iii) has not previously been disapproved by the Administrator.

''(B) PRODUCTION OF ANOTHER PESTICIDE.—A pesticide registered under this subsection shall not be used to produce a pesticide registered under section 3 or subsection (c).

''(C) EFFECT OF REGISTRATION.—A registration of a Canadian pesticide by a State under this subsection—

''(i) shall be deemed to be a registration under section 3 for all purposes of this Act; and

''(ii) shall authorize distribution and use only within that State.

''(D) REGISTRANT.—

''(i) IN GENERAL.—A State may register a Canadian pesticide under this subsection on its own motion or on application of any person.

''(ii) STATE OR APPLICANT AS REGISTRANT.—

''(I) STATE.—If a State registers a Canadian pesticide under this subsection on its own motion, the State shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(II) APPLICANT.—If a State registers a Canadian pesticide under this subsection on application of any person, the person shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(3) REQUIREMENTS FOR REGISTRATION SOUGHT BY PERSON.—A person seeking registration by a State of a Canadian pesticide in a State under this subsection shall—

''(A) demonstrate to the State that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

''(B) submit to the State a copy of—

''(i) the label approved by the Pesticide Management Regulatory Agency for the Canadian pesticide; and

''(ii) the label approved by the Administrator for the comparable domestic pesticide.

''(4) STATE REQUIREMENTS FOR REGISTRATION.—A State may register a Canadian pesticide under this subsection if the State—

''(A) obtains the confidential statement of formula for the Canadian pesticide;

''(B) determines that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide;

''(C) for each food or feed use authorized by the registration—

''(i) determines that there exists an adequate tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

''(ii) identifies the tolerances or exemptions in the notification submitted under subparagraph (E);

''(D) obtains a label approved by the Administrator that—

''(i)(I) includes all statements, other than the establishment number, from the approved labeling of the comparable domestic pesticide that are relevant to the uses registered by the State; and

''(II) excludes all labeling statements relating to uses that are not registered by the State;

''(ii) identifies the State in which the product may be used;

''(iii) prohibits sale and use outside the State identified under clause (ii);

''(iv) includes a statement indicating that it is unlawful to use the Canadian pesticide in the State in a manner that is inconsistent with the labeling approved by the Administrator under this subsection; and

''(v) identifies the establishment number of the establishment in which the labeling approved by the Administrator will be affixed to each container of the Canadian pesticide; and

''(E) not later than 10 business days after the issuance by the State of the registration, submit to the Administrator a written notification of the action of the State that includes—

''(i) a description of the determination made under this paragraph;

''(ii) a statement of the effective date of the registration;

''(iii) a confidential statement of the formula of the registered pesticide; and

''(iv) a final printed copy of the labeling approved by the Administrator.

''(5) DISAPPROVAL OF REGISTRATION BY ADMINISTRATOR.—

''(A) IN GENERAL.—The Administrator may disapprove the registration of a Canadian pesticide by a State under this subsection if the Administrator determines that the registration of the Canadian pesticide by the State—

''(i) does not comply with this subsection or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(ii) is inconsistent with this Act.

''(B) EFFECTIVE PERIOD.—If the Administrator disapproves a registration by a State under this subsection by the date that is 90 days after the date on which the State issues the registration, the registration shall be ineffective after the 90th day.

''(6) LABELING OF CANADIAN PESTICIDES.—

''(A) IN GENERAL.—Each container containing a Canadian pesticide registered by a State shall bear the label that is approved by the Administrator under this subsection.

''(B) DISPLAY OF LABEL.—The label shall be securely attached to the container and shall be the only label visible on the container.

''(C) ORIGINAL CANADIAN LABEL.—The original Canadian label on the container shall be preserved underneath the label approved by the Administrator.

''(D) PREPARATION AND USE OF LABELS.—After a Canadian pesticide is registered under this subsection, the registrant shall—

''(i) prepare labels approved by the Administrator for the Canadian pesticide; and

''(ii) conduct or supervise all labeling of the Canadian pesticide with the approved labeling.

''(E) REGISTERED ESTABLISHMENTS.—Labeling of a Canadian pesticide under this subsection shall be conducted at an establishment registered by the registrant under section 7.

''(F) ESTABLISHMENT REPORTING REQUIREMENTS.—An establishment registered for the sole purpose of labeling under this paragraph shall be exempt from the reporting requirements of section 7(c).

''(7) REVOCATION.—

''(A) IN GENERAL.—After the registration of a Canadian pesticide, if the Administrator finds that the Canadian pesticide is not identical or substantially similar in composition to a comparable domestic pesticide, the Administrator may issue an emergency order revoking the registration of the Canadian pesticide.

''(B) TERMS OF ORDER.—The order—

''(i) shall be effective immediately;

''(ii) may prohibit the sale, distribution, and use of the Canadian pesticide; and

''(iii) may require the registrant of the Canadian pesticide to purchase and dispose of any unopened product subject to the order.

''(C) REQUEST FOR HEARING.—Not later than 10 days after issuance of the order, the registrant of the Canadian pesticide subject to the order may request a hearing on the order.

''(D) FINAL ORDER.—If a hearing is not requested in accordance with subparagraph (C), the order shall become final and shall not be subject to judicial review.

''(E) JUDICIAL REVIEW.—If a hearing is requested on the order, judicial review may be sought only at the conclusion of the hearing on the order and following the issuance by the Administrator of a final revocation order.

''(F) PROCEDURE.—A final revocation order issued following a hearing shall be reviewable in accordance with section 16.

''(8) SUSPENSION OF STATE AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—If the Administrator finds that a State that has registered 1 or more Canadian pesticides under this subsection is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this subsection, other provisions of this Act, or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or has failed to exercise adequate controls of 1 or more Canadian pesticides registered under this subsection, the Administrator may suspend the authority of the State to register Canadian pesticides under this subsection until such time as the Administrator determines that the State can and will exercise adequate control of the Canadian pesticides.

''(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before suspending the authority of a State to register a Canadian pesticide, the Administrator shall—

''(i) notify the State that the Administrator proposes to suspend the authority and the reasons for the proposed suspension; and

''(ii) before taking final action to suspend authority under this subsection, provide the State an opportunity to respond to the proposal to suspend within 30 calendar days after the State receives notice under clause (i).

''(9) LIMITS ON LIABILITY.—No action for monetary damages may be heard in any Federal court against—

''(A) a State acting as a registering agency under the authority of and consistent with this subsection for injury or damage resulting from the use of a product registered by the State under this subsection; or

''(B) a registrant for damages resulting from adulteration or compositional alteration of a Canadian pesticide registered under this subsection if the registrant did not have and could not reasonably have obtained knowledge of the adulteration or compositional alteration.

''(10) DISCLOSURE OF INFORMATION BY ADMINISTRATOR TO THE STATE.—The Administrator may disclose to a State that is seeking to register a Canadian pesticide in the State information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the

Administrator that the State can and will maintain the confidentiality of any trade secrets and commercial or financial information provided by the Administrator to the State under this subsection to the same extent as is required under section 10.

''(11) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—

''(A) IN GENERAL.—On request by a State, the registrant of a comparable domestic pesticide shall provide to the State that is seeking to register a Canadian pesticide in the State under this subsection information that is necessary for the State to make the determinations required by paragraph (4) if the State certifies to the registrant that the State can and will maintain the confidentiality of any trade secrets and commercial and financial information provided by the registrant to the State under this subsection to the same extent as is required under section 10.

''(B) PENALTY FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant of a comparable domestic pesticide fails to provide to the State, not later than 15 days after receipt of a written request by the State, information possessed by or reasonably accessible to the registrant that is necessary to make the determinations required by paragraph (4), the Administrator may assess a penalty against the registrant of the comparable pesticide.

''(ii) AMOUNT.—The amount of the penalty shall be equal to the product obtained by multiplying—

''(I) the difference between the per-acre cost of the application of the comparable domestic pesticide and the application of the Canadian pesticide, as determined by the Administrator; and

''(II) the number of acres in the State devoted to the commodity for which the State registration is sought.

''(C) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty under this paragraph shall be assessed unless the registrant is given notice and opportunity for a hearing in accordance with section 14(a)(3).

''(D) ISSUES AT HEARING.—The only issues for resolution at the hearing shall be—

''(i) whether the registrant of the comparable domestic pesticide failed to timely provide to the State the information possessed by or reasonably accessible to the registrant that was necessary to make the determinations required by paragraph (4); and

''(ii) the amount of the penalty.

''(12) PENALTY FOR DISCLOSURE BY STATE.—

''(A) IN GENERAL.—The State shall not make public information obtained under paragraph (10) or (11) that is privileged and confidential and contains or relates to trade secrets or commercial or financial information.

''(B) DISCLOSURE.—Any State employee who willfully discloses information described in subparagraph (A) shall be subject to penalties described in section 10(f).

''(13) DATA COMPENSATION.—A State or person registering a Canadian pesticide under this subsection shall not be liable for compensation for data supporting the registration if the registration of the Canadian pesticide in Canada and the registration of the comparable domestic pesticide are held by the same registrant or by affiliated entities.

''(14) FORMULATION CHANGES.—

''(A) IN GENERAL.—The registrant of a comparable domestic pesticide shall notify the Administrator of any change in the formulation of a comparable domestic pesticide or a Canadian pesticide registered by the registrant or an affiliated entity not later than 30 days before any sale or distribution of the pesticide containing the new formulation.

''(B) STATEMENT OF FORMULA.—The registrant of the comparable domestic pesticide shall submit, with the notice required under subparagraph (A), a confidential statement of the formula for the new formulation if the registrant has possession of or reasonable access to the information.

''(C) SUSPENSION OF REGISTRATION FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant fails to provide notice or submit a confidential statement of formula as required by this paragraph, the Administrator may issue a notice of intent to suspend the registration of the comparable domestic pesticide for a period of not less than 1 year.

''(ii) EFFECTIVE DATE.—The suspension shall become final not later than the end of the 30-day period beginning on the date of the issuance by the Administrator of the notice of intent to suspend the registration, unless during the period the registrant requests a hearing.

''(iii) HEARING PROCEDURE.—If a hearing is requested, the hearing shall be conducted in accordance with section 6(d).

''(iv) ISSUES.—The only issues for resolution at the hearing shall be whether the registrant has failed to provide notice or submit a confidential statement of formula as required by this paragraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v(c)) is amended—

(A) in paragraph (1), by inserting ''IN GENERAL.—'' after ''(1)'';

(B) in paragraph (2), by inserting ''DISAPPROVAL.—'' after ''(2)'';

(C) in paragraph (3), by inserting ''CONSISTENCY WITH FEDERAL FOOD, DRUG, AND COSMETIC ACT.—'' after ''(3)''; and

(D) by striking ''(4) If the Administrator'' and inserting the following:

''(4) SUSPENSION OF AUTHORITY TO REGISTER PESTICIDES.—Except as provided in subsection (d)(8), if the Administrator''.

(2) The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the item relating to section 24(c) and inserting the following:

''(c) Additional uses.

''(1) In general.

''(2) Disapproval.

''(3) Consistency with Federal Food, Drug, and Cosmetic Act.

''(4) Suspension of authority to register pesticides.

''(d) Registration of Canadian pesticides by States.

''(1) Definitions.

''(2) Authority to register Canadian pesticides.

''(3) Requirements for registration sought by person.

''(4) State requirements for registration.

''(5) Disapproval of registration by Administrator.

''(6) Labeling of Canadian pesticides.

''(7) Revocation.

''(8) Suspension of State authority to register Canadian pesticides.

''(9) Limits on liability.

''(10) Disclosure of information by Administrator to the State.

''(11) Provision of information by registrants of comparable domestic pesticides.

''(12) Penalty for disclosure by State.

''(13) Data compensation.

''(14) Formulation changes.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.

Mr. BURNS. Mr. President, I rise today to express my support of the Pesticide Harmonization Act. Last year, Senator DORGAN attempted to address this problem in the VA/HUD Appropriations Conference. I committed myself to work with him and move this legislation this year. I am a cosponsor of this bill because of this commitment and to even out a serious trade imbalance facing the agriculture industry in our country.

In my home State of Montana and many other western and mid-western States, we have faced a number of trade disputes between Canada and the United States. One of the most glaring discrepancies deals with pesticides. Chemicals that are sold for one price just across the border in Canada are sold at a considerably higher cost to American producers. Why does this happen you may ask? The EPA places strong regulations on chemicals used in the United States and therefore, the chemical companies believe they should hike up the prices to pay for their trouble.

The chemicals in Canada and the United States, in most cases, have the exact same chemical make-up. The same company manufactures them, but often gives them a different name and nearly always prices the American chemicals higher. The crops treated with chemicals our farmers are not allowed to use are easily imported into the United States. These crops were developed at a lower production cost and are now competing with American products. I am a strong believer in fair trade, but for free trade to actually occur, this problem must be addressed.

Currently, American farmers are facing a serious economic recession. Prices are the lowest they have been in a number of years and there does not appear to be a light at the end of the tunnel. Additionally, the West is looking at yet another year of severe drought. Already, snow packs are considerably below normal. Also, fertilizer costs are sky-rocketing with the high cost of fuel and energy. Compounding their problem is being forced to pay twice as much for nearly the same chemicals as their foreign neighbors.

If enacted, this bill would eliminate current obstacles and even the playing field for our farmers. It would allow States or individual producers to seek a registration for a Canadian pesticide. This could only be done if, upon request by the State, the pesticide is found to be identical or substantially similar to the U.S. pesticide. The EPA still has final authority to disapprove the registrations within 90 days. Once the pesticide is found to be the same or similar and the EPA approves, the State or individual can travel to Canada and purchase the chemical.

Our farmers and ranchers have been paying too much for their pesticides and chemicals for too long. From my years as a football referee, I learned everyone needs to follow the same rules to play the game. We need to make sure Canadian farmers and U.S. farmers are playing under the same rules. I

believe this bill makes that happen. I look forward to working with my colleagues on this crucial issue to America's farmers and ranchers.

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By Mr. CAMPBELL:

S. 534. A bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as ''mad cow disease'') and foot-and-mouth disease in the United States; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I introduce the Mad Cow Prevention Act of 2001 which would help ease the American consumer's growing concern about our food supply. We can no longer take for granted that our food supply will not be tainted by bovine spongiform encephalopathy, BSE, commonly known as Mad Cow Disease, which has infected over 175,000 cattle in Great Britain and Europe. We also should be concerned about the growing threat of foot-and-mouth disease and other associated diseases to America's meat supply.

The bill I introduce today establishes a Federal Interagency Task Force, to be chaired by the Secretary of Agriculture, for the purpose of coordinating actions to prevent the outbreak of Mad Cow Disease. The agencies will include the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health and Human Service, the Secretary of Treasury, the Commissioner of the Food and Drug Administration, the Director of the National Institutes of Health, the Director of the Centers for Disease Control, the Commissioner of Customs, and any other agencies the President deems appropriate.

No later than 60 days after the enactment of this legislation the task force will submit to Congress a report which will describe the actions the agencies are taking and plan to take to prevent the spread of BSE and make recommendations for the future prevention of the spread of this disease to the United Sates. The Task Force should also consider and report on foot-and-mouth disease, chronic wasting disease and other diseases associated with our meat industries.

Recently, a situation developed in Texas prompting the quarantine of over a 1000 head of cattle. The animals were quickly purchased and taken out of the food chain by Purina. But, this incident shows how easily a contamination may start. It also has raised questions on how this disease can be controlled.

In order to address this problem, on February 9, 2001, I wrote to Secretary Veneman and requested a report from the USDA regarding our government's response to mad cow disease specifically addressing: what USDA is doing to address this problem; what other federal agencies are doing; what any future plans are; and how USDA proposes to prevent the introduction and spread of mad cow disease in the United States.

However, since I sent my letter to the USDA Secretary, the situation in Europe has gone from bad to worse. Therefore, I believe a government-wide approach is now necessary and that is why I am introducing this bill today. We simply must act quickly.

Currently, our nation's farmers and ranchers are benefitting from profitable good cattle prices, and our meat supply is safe. But, as a Western Senator from a state with a significant cattle industry that trades in the international market, I share the growing fears of constituents about the potential devastating impact mad cow disease would have if it spreads to and within the United States. The emerging potential for mad cow disease in the United States would also raise devastating health implications for humans. We cannot, in good conscience, take a chance that would allow an outbreak to occur in the U.S. which would destroy America's cattle industry and devastate consumers' confidence in our food supply.

In my home state of Colorado alone there are more than 3.15 million head of cattle and more than 12,000 beef producers. Nationwide, Colorado ranks 4th in cattle on feed and 10th in overall cattle numbers. Nearly one-third of Colorado counties are classified as either economically dependent on the cattle industry or a vital role in their economies. It is critical that we in Congress do everything we can to protect this industry in Colorado and across the country.

Over the past two months, there has been a series of news reports which highlight the spread of Mad Cow in Europe. Newsweek ran a cover story, ABC aired a provocative story and countless other reports have shown the potential situation we could face. And, today, the crisis surrounding foot-and-mouth disease is on the front page of our major newspapers. With the focus shifting to the United States, consumers are becoming wary and growing more concerned about the potential of the spread of the disease to our shores.

The Mad Cow Prevention Act of 2001 I introduce today is a necessary step towards addressing the potential disaster of this disease in our country. I urge my colleagues to support its speedy passage.

I ask unanimous consent that recent news clips, and the text of the bill be printed in the RECORD.

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

S. 534

*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 ''Mad Cow Prevention Act of 2001''.

**SEC. 2. INTERAGENCY TASK FORCE.**

(a) IN GENERAL.—There is established a Federal interagency task force, to be chaired by the Secretary of Agriculture, for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as ''mad cow disease''), foot-and-mouth disease and related diseases in the United States.

(b) MEMBERSHIP.—The membership of the task force shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce;

(3) the Secretary of Health and Human Services;

(4) the Secretary of the Treasury;

(5) the Commissioner of Food and Drug;

(6) the Director of the National Institutes of Health;

(7) the Director of the Centers for Disease Control and Prevention;

(8) the Commissioner of Customs; and

(9) the heads of such other Federal departments and agencies as the President considers appropriate.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the task force shall submit to Congress a report that—

(1) describes actions that are being taken, and will be taken, to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases in the United States; and

(2) contains any recommendations for legislative and regulatory actions that should be taken to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases in the United States.

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[From ABCNEW.com: ''20.20'' Feature, Mar. 3, 2001]

COULD MAD COW REACH AMERICA?

SOME SCIENTISTS WORRY THE U.S. IS NOT TAKING PROTECTIVE MEASURES

Across Europe, hundreds of thousands of cows and bulls suspected of having mad cow disease have been ground up and stored in huge mounds in airplane hangars—still infected and dangerous to humans. Others are being incinerated but the ashes themselves are contaminated.

Michael Hansen, of the consumer advocacy group the Consumers Union, says the infectious strain is ''virtually indestructible . . . it defies all of our thinking about what living things are and how they should act.''

No cases of mad cow disease have been found yet in the United States, but some say America is not in the clear.

POSSIBLE THREAT IN UNITED STATES

Professor Richard Lacey is one of the leading experts on mad cow disease and was one of the first to sound the alarm in Britain. He says America needs to be very much on the alert. ''It is just possible that there is no mad cow disease in the U.S.A., but I believe it's more likely there is, but not detected yet,'' he says.

Lacey, a microbiologist at Leeds University in England, was perhaps the most outspoken scientist to warn British authorities that human could contract bovine spongiform encephalopathy by eating infected beef. The warning was largely ignored and dismissed as scientifically impossible until five years ago when people began to die.

Victims of the degenerative brain disease lose their motor skills and slowly waste away. There is no vaccine and no treatment, which is why Lacey is concerned that the United States isn't doing all it could to protect itself.

The U.S. banned British beef and cattle products in 1989 and the American beef industry has taken additional precautions. The head of the National Cattleman's Beef Association, Chuck Shroeder, says that along

with federal regulators, his group has actually gone through mock drills to prepare for the discovery of mad cow disease. Containment procedures have been planned and a full-scale public relations campaign is ready to go. ''We're not just whistling on our way past the graveyard on this,'' he says.

Shroeder is confident that necessary measures have been taken and protections in place. ''If the disease were ever discovered here, we could number one, identify it, number two contain it, and number three, eliminate it as quickly as possible.'' The government reports that its inspectors have yet to find a single cow with mad cow disease in the U.S.

FEEDING CATTLE TO CATTLE

How was mad cow disease able to spread from cow to cow in England and elsewhere in Europe?

A key reason, Lacey says, was the practice of including group-up remnants of cattle in cattle feed. This practice was widespread in Europe and, to a lesser extent, the United States.

Lacey refers to this as a kind of forced animal cannibalism.

When mad cow disease broke out, the practice of feeding cattle back to cattle was stopped in England, but it continued in the United States until four years ago. And Hansen says other potentially dangerous feeding practices now banned in the U.K. continue in the United States today.

It remains legal in the United States, for example, to ''grind up cattle, feed them to pigs, and then grind up the pigs and feed them to the cows,'' says Hansen. Lacey calls this a ''real danger,'' that ''must be stopped immediately.''

But government and industry officials say there's no reason to follow Europe in banning the practice, because there's no evidence to date that the disease can spread between pigs and cattle.

Lacey says nevertheless the United States should adopt the same ban as a precaution: ''My advice to the U.S. authorities is to simply ban the incorporation of animal remains in animal feed.''

But Shroeder defends U.S. practices. ''We have been driven here by the best science that we can access, we have protected the U.S. beef supply very, very carefully,'' he says.

CHRONIC WASTING DISEASE: A DIFFERENT STRAIN?

There's another concern no so easily answered. There is growing concern about a possible American version of mad cow disease showing up in deer and elk in the West. It is called chronic wasting disease and some suspect it has already claimed human lives.

Hansen says this chronic wasting disease is dangerously similar to mad cow disease. ''It's a different strain of the disease and it appears to be spreading in the wild,'' he says.

Tracie McEwen believes her 30-year-old husband Doug, who ate elk all his life, may have been a victim. He died of a rare brain disorder normally only seen in people older than 55, with symptoms remarkably similar to those who died the slow, agonizing death of mad cow disease in England.

The death of Tracie McEwen's husband and that of two others under the age of 30 have raised questions for health officials concerned about the similarity to mad cow disease.

Lacey thinks the ''link between eating deer and getting a type of mad cow disease is very plausible,'' and it's one more reason that American authorities shouldn't think they have all the answers about the disease. He says, ''you have to act on the assumption that the disease may well be there, because if you wait until you know it's there, then it's too late.''

Meanwhile, some members of Congress have asked for an investigation into whether the government should be taking additional steps to protect against the spread of mad cow disease should it arrive in this country.

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[From Newsweek, Mar. 12, 2001]

CANNIBALS TO COWS: THE PATH OF A DEADLY DISEASE

(By Geoffrey Cowley)

*Health officials say they've got Mad Cow under control, but millions of unaware people may be infected. Why it could still turn into an epidemic.*

Peter Stent was a seasoned dairyman, but he had never seen anything like this. Just before Christmas, in 1984, one of his cows at Pitsham Farm in South Downs, England, started shedding weight, losing its balance and acting as skittish as a cat.

When the vet came to investigate, the animal was acting completely crazy—drooling, arching its back, waving its head, threatening its peers. And by the time it died six weeks later, Stent was seeing the same symptoms in other cows. Nine were soon dead, and no one could explain why. The vet dubbed the strange malady Pitsham Farm syndrome, since it didn't seem to exist anywhere else. Little did he know.

Alison Williams was 20 years old at the time, and living in the coastal village of Caernarfon, in north Wales. She was bright and outgoing, a business student who loved to sail and swim in the nearby mountain lakes. but her personality changed suddenly when she was 22. She lost interest in other people, her father recalls, and quit school to live at home with her parents and her brother. She still enjoyed the outdoors, but she took to sitting alone on her bed, staring out the window for hours at a time. By 1992, Alison was having what her doctors diagnosed as nervous breakdowns, and by 1995 she had grown paranoid and incontinent. ''A month before she died, she went blind and lost use of her tongue,'' her dad recalls. ''She spent her last five days in a coma.''

SOMETHING BIGGER?

Anyone with a television has heard such stories, maybe even sussed out the connection between them. Mad-cow disease, or bovine spongiform encephalopathy (BSE), has killed nearly 200,000 British and European cattle since it cropped up on Pitsham Farm. The human variant that Alison Williams contracted has claimed 94 lives as well. What few of us realize is that these tolls could mark the beginning of something vastly bigger. No one knows just how BSE first emerged. But once a few cattle contracted it, 20th-century farming practices guaranteed that millions more would follow. For 11 years following the Pitsham Farm episode, British exporters shipped the remains of BSE-infected cows all over the world, as cattle feed. The potentially tainted gruel reached more than 80 countries. And millions of people—not only in Europe but throughout Russia and Southeast Asia—have eaten cattle that were raised on it.

It's possible, of course, that the worst is already behind us. After dithering for a decade, governments in the United Kingdom and Europe have lately taken bold steps to control BSE. The number of bovine cases is now falling in Britain—and the United States has yet to even report one. American officials banned British cattle feed in 1988, as soon as scientists implicated it in BSE, and later barred the recycling of domestic cows as well. The U.S. government, the cattle industry and many experts now voice confidence in the nation's fire wall and say the risk to consumers is slight. In truth, however, America's safeguards and surveillance efforts are far weaker than most people realize. And in many of the developing countries that now face the greatest risk, such efforts are nonexistent. How many of the world's cattle are now silently incubating BSE? How many people are contracting it? The truth is, we don't know. ''We have no idea how many deaths we're going to seek in the coming years,'' says Dr. Frederic Saldmann, a French physician who has recently seen both cows and people stricken in his country. ''We've been checkmated.''

Mad cow is the creepiest in a family of disorders that can make Ebola look like chickenpox. Scientists are only beginning to understand these afflictions. Known as transmissible spongiform encephalopathies, or TSEs, they arise spontaneously in species as varied as sheep, cattle, mink, deer and people. And once they take hold they can spread. Some TSEs stick to a single species, while others ignore such boundaries. But each of them is fatal and untreatable, and they all ravage the brain—usually after long latency periods—causing symptoms that can range from dementia to psychosis and paralysis. If the prevailing theory is right, they're caused not by germs but by ''prions''—normal protein molecules that become infectious when folded into abnormal shapes. Prions are invisible to the immune system, yet tough enough to survive harsh solvents and extreme temperatures. You can freeze them, boil them, soak them in formaldehyde or carbolic acid or chloroform, and most will emerge no less deadly than they were.

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[From the Washington Post, Mar. 14, 2001]

U.S. ADDS TO BAN ON EUROPEAN MEATS—FOOT-AND-MOUTH EPIDEMIC IS CITED

(By David Brown)

The Agriculture Department yesterday banned importation of most pork and goat products from the 15 European Union countries to protect American livestock from an epidemic of foot-and-mouth disease causing panic overseas.

Canada instituted a similar ban yesterday in an effort to keep the highly contagious animal disease out of North America. Foot-and-mouth does not spread to human beings, but can kill or severely sicken animals. The disease was last seen in the United States in 1929, and in Canada in 1952.

An epidemic of the disease broke out in England last month and French officials confirmed yesterday that it had found foot-and-mouth in a herd of cattle in the nation's northwest region. It was the first detection of the viral infection in the country since 1981 and the first case on the continent since the British outbreak began.

While the economic impact of the U.S. ban is relatively small, the move illustrates the level of concern about this pathogen in particular, and the ease of spread of infectious diseases across national boundaries in general.

The ban will cover about $294 million worth of meat products and about $1 million in live animals. The vast majority of the meat is pork from Denmark and other Scandinavian countries.

Certain dairy products, such as hard cheeses and yogurt, will not be covered by the ban. Canned hams also will not be affected by the ban. Importation of horses will be permitted.

''This temporary ban is in place for USDA to take time to assess our exclusion efforts as a precaution to ensure that we do not get'' foot-and-mouth disease in the United States, said department spokeswoman Meghan Thomas.

A spokeswoman for the European Commission expressed surprise at yesterday's announcement, saying the organization learned

of it from reporters. ''We've had no formal prior notification,'' said Maeve O'Beirne. ''We don't know what the definitive list [of banned products] O'Beirne. ''We don't know what the definitive list [of banned products] will be. This is, hopefully, a temporary measure.''

The value of the products is small compared to total meat imports to the United States, although not trivial. Total pork imports from all countries last year totaled slightly more than $1 billion in value. Beef and veal imports from all sources in 1999 were worth $2.1 billion.

This latest move almost eliminates nonfish meat imports from Europe. Beef imports from Britain were banned in 1989 as protection against bovine spongiform encephalopathy, also known as ''mad cow disease.'' Beef and sheep products have also been banned from other European countries.

Nicholas D. Giordano, international trade specialist with the National Pork Producers Council, said the pork imported from Europe consists mostly of ribs produced in Denmark. The United States is a net exporter of pork, and European imports equal about 1 percent of U.S. pork production, he said.

Non-meat products covered by the new ban consist mostly of purebred pigs and pig seman, an Agriculture Department official said.

The ban was also praised by Sen. Tom Harkin (D–Iowa), a member of the Senate Agriculture Committee from a large pork-producing state.

''If [the disease] were to return to America, the results would be absolutely devastating,'' he said in a statement. ''USDA is taking the right step in temporarily banning imports . . . Right now we just don't know how far this disease has spread. It is common sense to take protective measures.''

Although horses can still be brought from Europe to the United States, they must be cleaned and disinfected, along with any equipment that accompanies them, said Thomas, the USDA spokeswoman. Straw and manure are burned.

Agriculture officials have alerted airports and ports of entry to more closely inspect travelers from Europe for products that might possibly carry the foot-and-mouth virus. Food-sniffing dogs are being used in some places. The virus can persist in feed and environmental surfaces for weeks, and people reporting visits to farms or contact with livestock must have any footwear disinfected.

French Agriculture Minister Jean Glavany yesterday announced that the disease had been found among cattle on a farm in Mayenne, between Paris and the Atlantic coast. The disease was evidently carried by sheep imported from Britain to a nearby farm, and then spread to the Mayenne cows.

In Britain, more than 120,000 carcasses have been burned because of the disease, the Agriculture Ministry said, with another 50,000 due for destruction. Separate cases have broken out at more than 200 farms and sluaghterhouses.

France has burned some 20,000 sheep that were imported from Britain before the outbreak was known, and another 30,000 homegrown animals that might have been exposed. Most other European countries have also burned animals imported from Britain. Now, they will presumably burn any recent imports from France as well—as some parts of Germany started doing yesterday.

The basic approach is to kill and burn any animal that may have been exposed to the disease. The animals are lined up, shot, and then piled around gasoline-stacked timbers for burning. Farms where even a single case was suspected now have no animals left—and thus no source of income. Governments are now gearing up large-scale compensation programs.

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[From the New York Times, Mar. 14, 2001]

MEAT FROM EUROPE IS BANNED BY U.S. AS ILLNESS SPREADS

(By Christopher Marquis and Donald G. McNeil Jr.)

WASHINGTON, March 13.—The United States banned imports of animals and animal products from the European Union today after learning that foot-and-mouth disease had spread to France from Britain.

The Agriculture Department said it was taking the precaution to protect the domestic industry from a possible outbreak of the virus, which could cost the American industry billions of dollars in just one year.

The virus poses little danger to people, even if they eat the meat of infected animals. But it is virulently contagious and is devastating for cattle, swine, sheep, deer and other cloven-hoofed animals, which it generally debilitates and often leaves unable to grow or produce milk.

The ban, which applies to exports from all 15 countries of the European Union, prompted some European officials to complain that the Bush administration was overreacting.

But three members of the European Union—Belgium, Portugal and Spain—are closing their borders to French meat, as is Switzerland. Norway banned imports of French farm products, and Germany and Italy took protective measures. Canada also banned meat imports from the European Union, as well as from Argentina, which has found foot-and-mouth disease in the northwest. Argentina said it would voluntarily restrict beef exports.

Kimberley Smith, a spokeswoman for the Agriculture Department, said many items including most cheeses and cured or cooked meats, are not affected because they are heated in a way that kills the virus.

The ban is expected to hit pork producers the most. European beef is already banned by the United States because of mad cow disease, which can cause fatal Creutzfeldt-Jakob disease in humans.

The Agriculture Department is ''taking this time to assess our exclusion activities as a precaution to ensure that we don't get foot-and-mouth disease in the United States,'' Ms. Smith said. She said the department could not say how long the ban would last.

Department officials did not detail which European products would be subject to the ban. But they said it would prohibit the importation of live swine, pork and meat from sheep and goats, regardless of whether it is fresh or frozen. Yogurt and most cheeses would be permitted, they said, because those sold in the United States are made from pasteurized milk.

Canned ham or any other food products that have been heated above 175 degrees Fahrenheit are permitted because such processing inactivates the virus, the officials said.

The production of such favored items as French brie and Italian prosciutto is closely monitored to meet stringent export standards, she said, so they are not affected by today's ban. Brie entering the United States is made from pasteurized milk and is considered safe.

A spokesman for the European Commission in Washington, Gerry Kiely, said the ban would cost European exporters as much as $458 million a year in sales. The agriculture department put the cost at $400 million at most.

Earlier today French officials confirmed that foot-and-mouth disease was found among cattle at a dairy farm in Laval, in northwestern France. Officials said farmers in the area had imported sheep from Britain, which is at the center of the current outbreak and has already slaughtered about 170,000 animals to contain the disease.

The disease, which is so infectious that it can be spread by footwear and cars, appeared in France despite tight precautions. The infected dairy farm, near La Baroche-Gondouin in the Mayenne district, was inside an isolation zone.

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By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, and Mr. WELLSTONE):

S. 535. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with 11 original cosponsors, including Senators MCCAIN and DASCHLE, entitled the ''Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001.'' The legislation makes a simple, yet important, technical change to the ''Breast and Cervical Cancer Treatment and Prevention Act'' by correcting a provision of last year's bill to ensure the coverage of breast and cervical cancer treatment for Native American women.

The National Breast and Cervical Cancer Early Detection Program, funded through the Centers for Disease Control and Prevention, CDC, supports screening activities in all 50 states and through 15 American Indian/Alaska Native organizations. However, the CDC program provides funding only for screening services and not for treatment.

Last year's bill, which passed the Senate by unanimous consent and had 76 cosponsors, gives states the option to extend Medicaid treatment coverage to certain women who have been screened by programs operated under the National Breast and Cervical Cancer Early Detection Program and diagnosed as having breast or cervical cancer. Through passage of the ''Breast and Cervical Cancer Treatment and Prevention Act,'' for those women not otherwise eligible for Medicaid, States may elect to expand their Medicaid programs to provide breast and cervical cancer treatment as an optional benefit and receive an enhanced federal match to encourage participation.

Last year's legislation restricts Medicaid treatment coverage to those who have no ''creditable coverage'' or treatment options. Unfortunately, the term ''creditable coverage'' is defined under

the Act to include the Indian Health Service, IHS. In short, the reference to IHS in the law effectively excludes Indian women from receiving Medicaid breast and cervical cancer treatment, as provided for under last year's bill, regardless of whether a State chooses to provide that coverage. Not only does the definition deny coverage to Native American women, but the provision runs counter to the general Medicaid rule treating IHS facilities as full Medicaid providers. My legislation corrects these issues.

During 2001, almost 50,000 women are expected to die from breast or cervical cancer in the United States despite the fact that early detection and treatment of these diseases could substantially decrease this mortality. While passage of last year's bill makes significant strides to address this problem, it fails to do so for Native American women and that must be changed as soon as possible.

In support of Native American women across this country that are being diagnosed through CDC screening activities as having breast or cervical cancer, my legislation would assure that they can also access much needed treatment through the Medicaid program. I urge its immediate adoption.

I request 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. 535

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001''.

**SEC. 2. CLARIFICATION OF INCLUSION OF INDIAN WOMEN WITH BREAST OR CERVICAL CANCER IN OPTIONAL MEDICAID ELIGIBILITY CATEGORY.**

(a) TECHNICAL AMENDMENT.—The subsection (aa) of section 1902 of the Social Security Act (42 U.S.C. 1396a) added by section 2(a)(2) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354; 114 Stat. 1381) is amended in paragraph (4) by inserting '', but applied without regard to paragraph (1)(F) of such section'' before the period at the end.

(b) BIPA TECHNICAL AMENDMENTS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 702(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), is amended by redesignating the subsection (aa) added by such section as subsection (bb).

(2) Section 1902(a)(15) of the Social Security Act (42 U.S.C. 1396a(a)(15)), as added by section 702(a)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law), is amended by striking ''subsection (aa)'' and inserting ''subsection (bb)''.

(3) Section 1915(b) of the Social Security Act (42 U.S.C. 1396n(b)), as amended by section 702(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as so enacted into law), is amended by striking ''1902(aa)'' and inserting ''1902(bb)''.

(c) EFFECTIVE DATES.—

(1) BCCPTA TECHNICAL AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354; 114 Stat. 1381).

(2) BIPA TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the enactment of section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554).

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By Mr. SHELBY:

S. 536. A bill to amend the Gramm-Leach-Bliley Act to provide for a limitation on sharing of marketing and behavioral profiling information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the ''Freedom from Behavioral Profiling Act of 2001.'' This legislation would require financial institutions to provide proper notice and obtain permission from a consumer before they could buy, sell or otherwise share an individual's behavioral profile.

Everyone recognizes the importance of insuring the accuracy and security of credit and debit card transactions. Without basic safety features, consumers would avoid non-cash transactions and our economy would greatly suffer as a result. However, financial institutions have taken their data gathering efforts far beyond what is necessary to protect consumers from fraud, inaccurate billing and theft. Companies are using transactional records generated by debit and credit card use and are developing detailed consumer profiles. From these files they know the food you eat, the drugs you must take, the places you go, and the books you read, as well as every other thing about you that can be gleaned from your buying habits.

Troubling as it is that financial institutions are assembling such profiles, I find it even more worrisome that these companies are selling and trading these intimate details without consumer knowledge or consent. In as much, ''your'' sensitive personal information has become a commodity bought and sold like some latter day widget. I believe the American people have the right to be informed of these activities and should have the option to decide for themselves whether or not their personal information is shared or sold.

I find it quite ironic that the very institutions that work so hard to secure sensitive corporate information are the same companies that work so hard to exploit the personal information of consumers. Unfortunately, it would seem that corporate America has decided that the ''Golden Rule'' is not applicable in the Information Age.

The American people are only now becoming aware of the behavioral profiling practices of the industry. The more they find out, the more they do not like it. That is why I am offering this legislation, to give the consumer the ability to control his or her most personal behavioral profile. Where they go, who they see, what they buy and when they do it, all of these are personal decisions that the majority of Americans do not want monitored and recorded under the watchful eye of corporate America.

Colleagues in the Senate, I hope you will join me in an effort to give the people what they want, the ability to control the indiscriminate sharing of their own personal, and private, consumption habits.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 60—URGING THE IMMEDIATE RELEASE OF KOSOVAR ALBANIANS WRONGFULLY IMPRISONED IN SERBIA, AND FOR OTHER PURPOSES

Mr. SMITH of Oregon submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 60

Whereas the Military-Technical Agreement Between the International Security Force (''KFOR'') and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia (concluded June 9, 1999) ended the war in Kosovo;

Whereas in June 1999, the armed forces of the Federal Republic of Yugoslavia (Serbia and Montenegro) (in this resolution referred to as the ''FRY'') and the police units of Serbia, as they withdrew from Kosovo, transferred approximately 1,900 ethnic Albanians between the ages of 13 and 73 from prisons in Kosovo to Serbian prisons;

Whereas some ethnic Albanian prisoners that were tried in Serbia were convicted on false charges of terrorism, as in the case of Dr. Flora Brovina;

Whereas the Serbian prison directors at Pozarevac prison stated that of 600 ethnic Albanian prisoners that arrived in June 1999, 530 had no court documentation of any kind;

Whereas 640 of the imprisoned Kosovar Albanians were released after being formally indicted and sentenced to terms that matched the time already spent in prison;

Whereas representatives of the FRY government received thousands of dollars in ransom payments from Albanian families for the release of prisoners;

Whereas the payment for the release of a Kosovar Albanian from a Serbian prison varied from $4,300 to $24,000, depending on their social prestige;

Whereas Kosovar Albanian lawyers, including Husnija Bitice and Teki Bokshi, who are fighting for fair trials of the imprisoned have been severely beaten;

Whereas approximately 600 Kosovar Albanians remain imprisoned by government authorities in Serbia;

Whereas the Geneva Conventions of August 12, 1949, and their protocols give the international community legal authority to press for, in every way possible, the immediate release of political prisoners detained during a period of armed conflict;

Whereas, on July 16, 1999, the United Nations Mission in Kosovo (UNMIK) Special Representative to the Secretary General, Bernard Kouchner, formed an UNMIK commission on prisoners and missing persons for the purpose of advocating the immediate release of prisoners in four categories: sick, wounded, children, and women;

Whereas on March 15, 2000, the Kosovo Transition Council, a co-governing body with the Interim Administrative Council in Kosovo, repeated an appeal to the United Nations Security Council requesting the release of Kosovar Albanians imprisoned in Serbia;

Whereas on February 26, 2001, the FRY Assembly enacted an Amnesty Law under which only 108 of the 600 prisoners are eligible for amnesty; and

Whereas Vojislav Kostunica, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), is responsible for the policies of the FRY and of Serbia: Now, therefore, be it

*Resolved*,

**SECTION 1. URGING THE IMMEDIATE RELEASE OF ALL KOSOVAR ALBANIAN PRISONERS WRONGFULLY IMPRISONED IN SERBIA.**

The Senate hereby—

(1) calls on FRY and Serbian authorities to provide a complete and precise accounting of all Kosovar Albanians held in any Serbian prison or other detention facility;

(2) urges the immediate release of all Kosovar Albanians wrongfully held in Serbia, including the immediate release of all Kosovar Albanian prisoners in Serbian custody arrested in the course of the Kosovo conflict for their resistance to the repression of the Milosevic regime; and

(3) urges the European Union (EU) and all countries, including European countries that are not members of the EU, to act collectively with the United States in exerting pressure on the government of the FRY and of Serbia to release all prisoners described in paragraph (2).

## AMENDMENTS SUBMITTED AND PROPOSED

SA 96. Mr. HATCH proposed an amendment to amendment SA 93 proposed by Mr. Reid to the bill (S. 420) to amend title II, United States Code, and for other purposes.

SA 97. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 98. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 58 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 99. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 100. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 101. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 59 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 45 submitted by Mr. Bond and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

SA 103. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. Sessions and intended to be proposed to the bill (S. 420) supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

SA 96. Mr. HATCH proposed an amendment to amendment SA 93 proposed by Mr. REID to the bill (S. 420) to amend title II, United States Code, and for other purposes; as follows:

Strike all after the words ''Section 1'' and insert the following:

(The language of the amendment is the text of bill S. 420, as reported from the Committee on the Judiciary, beginning with the word ''SHORT'' on page 1, line 3.)

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SA 97. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 82 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''**TREASURY**'' and all that follows through the end of the amendment and insert the following:

**PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act or the amendments made by this Act, against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

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SA 98. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 58 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike ''**EXPEDITED**'' and all that follows through the end of the amendment and insert the following:

**PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act or the amendments made by this Act, against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

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SA 99. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. SESIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning on line 7, strike ''and the spouse of the debtor, combined'' and insert '', or in a joint case, the debtor and the debtor's spouse''.

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SA 100. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 85 submitted by Mr. SESIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 20, and insert the following:

audit was filed.

**SEC. ___. PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) may not assert any claim under this Act or any amendment made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

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SA 101. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 59 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike line 14, and insert the following:

the terms of clause (i).

**SEC. ___. PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) may not assert any claim under this Act or any amendment made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

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SA 102. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 45 submitted by Mr. BOND and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 12, and insert the following:

fore the existing deadline expired.''.

**SEC. ___. PROHIBITION ON ASSERTING CLAIMS IN CASES OF VIOLATIONS OF THE PRIVACY PROTECTIONS OF THE GRAMM-LEACH-BLILEY ACT.**

A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) may not assert any claim under this Act or any amendment made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements.

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SA 103. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 88 submitted by Mr. SESSIONS and intended to be proposed to the bill (S. 420) to amend title II, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''No'' and insert the following: ''A creditor that fails to comply with the financial privacy requirements of subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), may not assert any claim under this Act or the amendments made by this Act against any debtor for the amount of a debt that the debtor accrues on a credit card that is issued in violation of any such financial privacy requirements. No''.

## NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on March 22, 2001, in SH–216 at 9 a.m. The purpose of this hearing will be to review the Food Safety and Inspection Service.

Mr. President, I would also like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on March 29, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to review Environmental Trading Opportunities for Agriculture.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 29, 2001, at 2:30 p.m., in room SD–124 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the Administration's National Fire Plan.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224–2878.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 14, 2001, at 9:30 a.m., on Internet tax.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 14, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 14, 2001, to hear testimony on Encouraging Charitable Giving.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 14, 2001, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting to consider the committee's views and estimates on the President's FY 2002 Budget Request for Indian Programs to be followed immediately by a hearing on S. 211, the Native American Education Improvement Act of 2001.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, March 14, 2001, at 10 a.m., in Dirksen 226.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 14, 2001, at 9:30 a.m., to receive testimony on election reform.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Disabled American Veterans. The hearing will be held on Wednesday, March 14, 2001, at 10 a.m., in room 345 of the Cannon House Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 14, 2001, at 2 p.m., to hold a closed hearing on intelligence matters.

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

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Democratic leader, pursuant to Public Law 106–286, appoints the following members to serve on the Congressional-Executive Commission on the People's Republic of China: The Senator from Montana (Mr. BAUCUS), the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from North Dakota (Mr. DORGAN).

## ORDERS FOR THURSDAY, MARCH 15, 2001

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 15. I further ask unanimous consent that on Thursday, immediately following the prayer, 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 the Senate resume consideration of S. 420.

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

## PROGRAM

Mr. GRASSLEY. Mr. President, for the information of all Senators, the Senate will immediately resume consideration of the bankruptcy legislation with 10 hours remaining for postcloture debate. Senator WELLSTONE will be recognized at 9:30 a.m. to offer any of his germane amendments. Following his time, Senator KOHL's amendment regarding the homestead issue will be debated for up to 90 minutes. Under the previous order, there will be two votes at 12 noon on Leahy amendment No. 19 and amendment No. 41. Further, amendments will be offered and debated during tomorrow's session, and therefore votes will occur throughout the day. It is hoped that we can complete action on the bill very early in the evening.

## ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until Thursday, March 15, 2001, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## IN COMMEMORATION OF PHILIP MORSE

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 13, 2001*

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate a dear friend and distinguished citizen of South Florida, Mr. Philip Morse. Philip Morse's inspiring courage, successful business career, and generous philanthropic initiatives serve as a beacon of American achievement for the causes of peace, freedom, and humanity. Sadly, Mr. Morse passed away on March 9, 2001. Today, I wish to celebrate his life's achievements and mourn the passing of a great American.

Mr. Speaker, Philip Morse's life is a testament to the triumph of humanity over the greatest adversity, and the limitless opportunities earned by a hard-working American entrepreneur. Born as Ephraim Mushacski in Wolkowysh, Poland, Phil fled the 1939 Nazi invasions of his homeland and the horrors of the Holocaust. Traveling through Sweden, Russia, Japan, and Settle, he settled with relatives in New York City in 1940. Phil arrived in America as an impoverished refugee but through hard work and ingenuity, he realized his dreams of success and freedom. It was his unwavering commitment to the values of justice and liberty combined with his entrepreneurial and innovative spirit which lead to his great success in business.

Phil's training in the repair and reconditioning of industrial machinery led to the creation of the Morse Electro Products Corp. where Phil first revolutionized the sewing machine, then developed a new way to transform the cumbersome radio console into a compact stereo. This innovation greatly reduced the cost of stereo production, making stereos affordable for working Americans. In little time, the Morse Electro Products Corp. became a multi-million dollar company with factories in New York, Texas, and California, Phil's entrepreneurial enthusiasm and strong work ethic kept his business ventures successful throughout the twentieth century.

Mr. Morse's entrepreneurial spirit was equally matched by his commitment to the advancement of knowledge, peace, and freedom both in the United States and abroad. As a Holocaust refugee, Phil was a strong supporter of the Zionist movement and active promoter of business and cultural development in Israel. As a devoted member of his South Florida community, he was a founder of the Aventura Turnberry Jewish Center-Beth Jacob Synagogue and a member of the Beth Jacob's Board of Directors.

In addition, Phil has been honored internationally for his commitment to spreading the values and culture of Judaism. For his efforts to bring together people of all races, religions, and ethnicity, the Anti-Defamation League awarded Phil the Torch of Liberty Award. In addition, for his visionary philanthropic leadership, he was awarded the Guardian of Israel Award by Shimon Peres. His care for both the spiritual and physical health of his community led to his founding of the Chair for Clinical Studies in Rheumatology at the Ben-Gurion University where he also served as a Board Member.

In short, Mr. Speaker, Philip Morse embodies the best of American ingenuity, devotion to community, and love of freedom and humanity. He was a pioneer of American industrial development, a virtual institution for South Florida's Jewish community, and internationally honored philanthropist. While we mourn his passing, Mr. Morse's profound legacy will be treasured by current and future generations.

## IN HONOR OF THE 50TH ANNIVERSARY OF CENTRAL BANK OF KANSAS CITY

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 13, 2001*

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in tribute to a pillar of the Kansas City community, the Central Bank of Kansas City. This month marks the 50th anniversary of Central Bank's service to the residents and businesses of Northeast Kansas City.

Chartered in August of 1950, this financial institution has remained a stronghold in the community throughout the cultural and economic changes and growth that have occurred since it opened its doors. Through expansion and innovative services, Central Bank has demonstrated and continues to live up to its commitment and dedication to Northeast Kansas City.

The American Bankers Association Banking Journal considers Central Bank of Kansas City one of the top performing banks in its category. A leader in community development, the bank joined with Old Northeast, Inc. Community Development Corporation, in 1999, to construct thirty new homes in the Northeast Community for low and moderate income families. Central Bank has also partnered with the Kansas City Neighborhood Alliance and Bishop Sullivan Community Center in an effort to revitalize housing in the Blue Valley neighborhood. In addition to promoting housing and small business initiatives such as the First Step Fund designed to assist small business entrepreneurs, they serve on the Safe Neighborhood Grant Advisory Council, which addresses the quality of life for the residents.

Quality education is another priority of Central Bank. They participate in the ''Bank at School'' program which gives fifth grade students basic bank training. They participate on various boards such as the national Academy Foundation's business partnership for American education.

Mr. Speaker, I ask you to join me in celebrating the 50th anniversary of Central Bank of Kansas City. Its outstanding leadership serves the community well. Its continuing commitment to Old Northeast assures the vitality of this historic neighborhood.

## MONTEREY BAY MEDICAL SURGERY CENTER FIRST EVER IN THE NATION TO BE ACCREDITED FOR OFFICE-BASED SURGERY

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 13, 2001*

Mr. FARR of California. Mr. Speaker, I rise today to brag a little. In fact, I rise today to brag a lot. Why? Because again my district is the site of cutting-edge advances in health care services and health care technology.

On March 15, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) will accredit the first office-based surgery practice in the nation. The Monterey Bay Medical Surgery Center and practice of Robert Mraule, D.D.S., M.D., and David Perrott, D.D.S., M.D., in Salinas, will be the first recipient of this standards-based accrediting process.

The Monterey Bay Medical Surgery Center was awarded office-based accreditation following a thorough on-site evaluation. The practice was evaluated on its compliance with no less than 146 standards that address key patient safety and quality issues, such as patient care, staffing, customer service, improving care and improving health, and responsible leadership.

The Monterey Bay Medical Surgery Center provides services for patients requiring surgical intervention, and care of oral and maxillofacial/cosmetic conditions. Digital radiography, anesthetic techniques and equipment, computerized patient education processes and electronic records are used there.

More than 8.3 million surgeries were performed last year in an estimated 41,000 office-based surgery sites across the United States. Experts predict the number will surpass those performed in hospitals in another year or two. This trend bespeaks the critical need for standards-based practices, like those developed by JCAHO, in order to protect patients and ensure only the highest quality of care from any office-based surgery practice to which they avail themselves.

As the nation's leading evaluator of safety and quality in healthcare organizations, JCAHO has more than 25 years' experience in promoting safe, high-quality care for patients seeking care at more than 40 types of outpatient settings. The office-based surgery standards were established specifically for single sites of care with up to four physicians, dentists or podiatrists.

JCAHO evaluates and accredits nearly 19,000 health care organizations and programs in the United States. Accreditation is recognized nationwide as a symbol of quality

that indicates that an organization meets certain performance standards. JCAHO has certainly chosen a good place to start its accreditation program of office-based surgery by starting in Salinas. Even more, it has chosen a solid model for others to follow in meeting the stringent JCAHO standards by choosing Drs. Mraule and Perrott. I congratulate them on their fine work and urge my colleagues to join me in acknowledging their contribution to health care services on the Central Coast of California.

## IN HONOR OF JOHN GALLAGHER

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to John Gallagher. Known as ''Bobo'' by friends, John Gallagher dedicated himself to working for justice and creating a safer community. As bailiff for Judge Norm Fuerst, Mr. Gallagher strove to fight crime and create a more secure community. He worked hard and was dedicated to the public interest.

His dedication to his community did not end with his job. In his free time, Mr. Gallagher devoted himself to improving his neighborhood and creating a better home for his family. His love for his family could be seen in how he spoke of them to his friends, neighbors, and coworkers. John Gallagher contributed to the restoration of St. Colman Church and he worked tirelessly to support the West Side Irish Club. John Gallagher loved his country and was active in many political campaigns, working to advance the causes in which he believed.

Even greater than his dedication to his community was John Gallagher's commitment to his family. The father of three, John Gallagher always worked to help strengthen his family. He was a loving, caring father who saw the importance of creating a safe neighborhood for his family to live. He was proud of his family as well as his heritage. John Gallagher was always quick with a smile, or a kind comment or word of encouragement. John was, in the words of a longtime friend, a ''ray of sunshine.''

John Gallagher was a model citizen who recognized the connection between a strong family and a safe community. Throughout his life, he worked to strengthen both. He will be missed. My fellow colleagues, please help me in honoring John Gallagher.

## TRIBUTE TO LEAMON KING

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. BACA. Mr. Speaker, I would like to salute Leamon King, of California. Leamon has been recognized by Adelante, California Migrant Leadership Council and American Legion Merle Reed Post 124 as an outstanding individual who has made significant contributions to the improvement of education opportunities for Latino Children in California.

A lifelong educator in the Richgrove and Delano Elementary School Districts, Olympic Gold Medalist, World Record Holder on the 100 yard dash and Delano High School graduate, Leamon has provided a positive role model for the local youth.

Leamon was born on February 13, 1936 in Tulare, California. His parents were Loyd King and Beatrice Wallace King. They owned a farm in Earlimart, and Leamon lived there the first year of his life. His father, Loyd King, sold their farm in 1937, and the King family moved to Delano, California where Leamon completed his elementary and secondary education.

Leamon began his education at Ellington School and later transferred to Fremont School. His mother wanted him to learn music and to play the saxophone. The only elementary school in Delano with a band at that time was Cecil Avenue Elementary School, so he transferred to this school. While attending Cecil Avenue and learning music, Leamon began to excel in track as a sprinter, and was ultimately elected student body president.

Upon graduation from Cecil Avenue, Leamon transferred to Delano High School. He attended and won his first state meet at the age of fifteen during his freshman year in high school. During the next four years, Leamon King continued to excel as both a student and as a runner. This outstanding athlete provided a positive image for Delano High School and the City of Delano, as well as being a positive role model for students to emulate.

Following graduation from Delano High School in June 1954, Leamon began to pursue higher education at University of California, Berkeley. He was the first child in his family to pursue a college education. The April 10, 1956 Delano Record stated, ''Delano Sprinter Ready for Olympics. Sophomore Leamon King, Delano High School graduate, a young man with wings on his feet, is California's newest hope for 'World's Fastest Human' honors, and the Bear sprint sensation will have ample opportunity to earn such acclaim this spring.''

The following month Leamon King tied the world record for the 100-yard dash at the West Coast Relays in Fresno, California. Merle Reed Post 124 First Vice Commander Joe Viray and former educators Wayne and Wava Billingsley witnessed this spectacular event. They stated Leamon King's historic race was an awesome sight to see. It appeared as though Leamon King had wings on his feet as he majestically flew across the finish line and into the world record history book.

The Delano Record dated May 15, 1956 stated the following: ''King's 9.3 Dash Brings Another Record to City. Delano became the home of two world champions Saturday when Leamon King, local resident and former Delano High School track star, ran the 100 yards dash in 9.3 at the Fresno Relays to tie the world record. King's victory brought another world record to Delano, making it the home of one the fastest sprinters and the residence of Lon Spurrier, holder of the world record for the 880. There is no city in the United States the size of Delano, which can boast two world champions.''

Both Leamon King and Lon Spurrier were selected to participate in the 1956 Olympics in Melbourne, Australia. Delano became the only city of its size in the United States to have two representatives make the 1956 Olympic team. Because of the fame the City of Delano had received due to the athletic accomplishments of these two track stars, Leamon King and Lon Spurrier were the Grand Marshalls of the Eleventh Annual Harvest Holidays Parade on October 6, 1956.

During the October 1956 United States Olympic camp practice meet at Ontario, California, Leamon King set his second world record when he tied the 10.1 time for the world record for 100 meters set by Ira Murchison and Willie Williams in Germany the previous summer. Following this splendid achievement, Leamon traveled to Australia to represent the City of Delano and the United States. Dr. Clifford Loader, Mayor of Delano, also traveled to Australia to give support to the two Delano Olympic participants.

Delano High School Educator Gary Girard, who was serving as a staff writer for the Delano Record, stated in his article dated November 23, 1956, ''King's Efforts Pulled U.S. to Victory in 400-Meter Relay at Olympic Games. Dr. Clifford Loader, Mayor of Delano, believes that it was the running of ex-Delano High star Leamon King that pulled the United States to victory in the 400-meter relay at the Olympic Games in Australia. The U.S. had stiff competition from Russia. Loader said that after the relay, Thane Baker, another member of the U.S. relay team ran over to hug King, realizing that it was his leg on the relay team that had won the race. King received a gold medal for his effort on the winning U.S. 400-meter relay quartet.''

Following the Olympic games, the foursome set a New World record. In a meet with the British Empire, the U.S. team of King, Andy Stanfield, Thane Baker and Bobby Morrow set a new world mark of 1:23.8 for the 880 yard relay. The old mark was 1:24.

According to Leamon King, when he first arrived in Melbourne, he ran on grass and set a grass record. It appeared as though every time he ran, he would break a record.

Bakersfield Californian Staff Writer Kevin Eubanks stated ''King's omission from the 100 meter team certainly didn't affect his moment in the spot light. The news that the world's fastest man was not competing in the 100 meter race was received as something of a shock by the rest of the sporting world.'' For his outstanding attributes as an athlete, Leamon King served as Grand Marshall for the Delano Cinco de Mayo Parade, was inducted into the University of California, Berkley Hall of Fame, and the Bob Elias Hall of Fame in Bakersfield, California.

During the past twenty-nine years, Leamon King has served as an educator in the Delano area. Mr. King taught for two years in Richgrove prior to transferring to the Delano Union School District where he has served as educator for the past twenty-seven years. Mr. King has taught the sixth grade at both Terrace Elementary and Almond Tree Middle School. During his tenure as an educator for the Delano Union School District, Mr. Leamon King has proven to be an extraordinary educator and is highly respected. This educator has served as an excellent example for his peers, as well as our youth.

On his sixty-fifth birthday this year, during Black History Month, the Delano Union School District named in Leamon's honor the athletic facilities at Almond Tree Middle School, which include the school gym and outside athletic facilities, including a track and basketball courts.

It is a pleasure to honor Leamon King, who has made and continues to make a difference for California youth and the Latino community.

## CONDEMNING HEINOUS ATROCITIES THAT OCCURRED AT SANTANA HIGH SCHOOL, SANTEE, CALIFORNIA

SPEECH OF

### HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 13, 2001*

Mr. DEMINT. Mr. Speaker, what are we to make of the most recent school shooting in California? How do we respond to events that are so beyond belief, so tragic that goodness in our world appears no stronger than a flickering flame on a shrinking wick?

The accused is a scrawny, quiet fifteen-year-old named Andy. He was relentlessly picked on at his new school in San Diego. A victim of bullies, he found no refuge in his broken home. He longed for a relationship with his estranged mother. He searched for acceptance. ''He tried to act cool, but he wasn't cool,'' said one skateboarder who saw him trying to fit in with a rougher crowd. He was relentlessly hounded for his haircut, his voice, and his clothes. Andy reached out to old friends. ''He told me many times that I was the reason he hadn't killed himself,'' his closest friend from Maryland said.

Within minutes of the shooting, the televisions blared with quick-fix commentary. Gun control. Lack of self-control. Blame the parents. Blame the schools. The answers seemed empty, earthly, leaving many with more questions and more confusion.

I trust you will agree that Andy's actions are a condition of the heart. The answer lies in something more than smaller classroom sizes or higher test scores.

Tragically, a dark shadow of spiritual emptiness has eclipsed our reliance on the truth and dignity that come from a belief in God—the very essence of what provides us with guidance, worth, and meaning. I humbly offer this saying from Dorothy Sayers who writes that the problem is ''the sin that believes in nothing, cares for nothing, seeks to know nothing, interferes with nothing, enjoys nothing, lives for nothing, finds purpose in nothing, and remains alive because there is nothing for which it will die.''

That, my friends, is the challenge of our time. It is the desperate calls of Andy and the despondent cries of the victims. Our youth are looking for something beyond the nothing. It is my prayer that we give them a reason to believe.

## TRIBUTE TO JOHN E. RUDOLPH

### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. OXLEY. Mr. Speaker, I am honored today to salute an exceptional citizen and good friend of mine, John E. Rudolph.

John, the founder of Lima, Ohio-based Rudolph Foods Company, was recently presented with the Snack Food Association's (SFA) 2001 Circle of Honor Award. John and his wife, Mary, have transformed their small company that sold Mexican specialty snacks into the world's largest producer of pork rinds. In 1984 he was the first non-potato chip manufacturer to be elected SFA chairman. John's career path certainly exemplifies the American dream.

John has been an asset not only to his business, but also our country and his community. After graduating from college he served as an artilleryman in World War II. An active member in the community; he has been president of the Lima Rotary Club, president of St. Luke's Lutheran Church, chairman of the Lima YMCA and a member of the board of directors of Lima Memorial Hospital.

I would like to thank John on behalf of the people in the snack food industry, and the city of Lima for all of his service and devotion. Congratulations, John, on the fine award.

## MARCH SCHOOL OF THE MONTH

### HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mrs. MCCARTHY of New York. Mr. Speaker, I have named Powell's Lane Elementary School in Westbury as School of the Month in the Fourth Congressional District for March 2001. In February, Powell's Lane won Newsday's Stock Market Game for the third time.

John Ogilvie is Principal of Powell's Lane Elementary, and Dr. Constance R. Clark is the Superintendent of Schools for the Westbury School District.

I'm so excited to have such an innovative and remarkable school as School of the Month. Powell's Lane is singlehandedly training future Wall Street investors. There was a time when the stock market was too daunting and confusing even for adults, but new computer technology and the use of the web has cut through to many barriers—and Powell is making that happen every day.

Recently, Powell's Lane received the New York State School of Excellence Award, and is one of seven schools nominated by the state for the U.S. Department of Education Blue Ribbon Schools 2000–2001 Elementary School Program.

Powell's academic record—and their national recognition as a ''Blue Ribbon School'' nominee—displays the qualities of excellence that consistently train Long Island's students to excel through the rest of their lives.

The mission of Powell's Lane Elementary School focuses on child development, blending in academic achievement and social relationships. Powell's Lane Elementary teaches students in grades 3, 4 and 5, and has many achievements and programs of note. The students are involved in community outreach such as helping with Newsday's ''Help a Family'' campaign.

I commend Powell's Lane Elementary School for its innovation, and I look forward to great achievement from Powell's students.

## IN HONOR OF GEORGE BECKER

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of George Becker, the recently retired president of the United Steelworkers of America. Through his leadership, courage and determination, labor unions across our nation have been revitalized and reenergized with a newfound strength.

George Becker became a member of the United Steelworkers of America when he became a mill worker in Granite City, Illinois. His determination and dedication to helping others allowed his ascent to the presidency of the union. As a vice-president of the United Steelworkers, George Becker organized a strike against Ravenswood Aluminum Corporation. Lasting over twenty months, the eventual resolution benefited steelworkers. The first major strike in years to offer positive tangible results, the Ravenswood protest was just the beginning of how George Becker worked to organize and lead the labor movement.

Upon becoming the president of the United Steelworkers of America, George Becker promptly restructured the union, bringing new efficiencies and operational improvements. He also worked to redefine its mission, so that the union would help foster new leaders for tomorrow. Creating the Legislative Internship Project, George Becker invited young people to become involved in the labor movement. He fostered a sense of community from within, and as President Becker was able to create a stronger labor union with a newfound political clout.

George Becker has continually fought and stood up for the steel industry in the United States. He founded Stand Up For Steel, an alliance of unions and steel manufacturers. United to help stop unfair trade practices, Stand Up For Steel has become an important organization in the battle to promote fair trade.

As George Becker ends his long term of service to the United Steelworkers of America, he leaves behind a stronger, more assertive union. He has spent a lifetime helping his fellow workers by representing and expressing their needs and concerns. My fellow colleagues, please join me in honoring Mr. George Becker.

## TRIBUTE TO VERA FIGUEROA

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. BACA. Mr. Speaker, I would like to salute Vera Figueroa, of California. Vera has been recognized by Adelante, California Migrant Leadership Council and American Legion Merle Reed Post 124 as an outstanding individual who has made significant contributions to the improvement of education opportunities for Latino Children in California.

Delano High School Board Member, a highly respected community leader and cultural dance instructor, Vera has made major contributions to the youth and parents over the past years.

Born in El Paso, Texas, on January 4, 1937, daughter of Mrs. Elvira Villegas, Vera has five brothers and two sisters. Her family moved to Delano in 1946. Married since 1955 to Johnny Figueroa, they have three children: Lorriane Melendez, 28 years of age, who resides in McFarland, Johnny Figueroa III, 24 years, of Delano, and Edmundo Figueroa, age 14, a student at Delano High School.

Attending Fremont Elementary, Richgrove Elementary, and Delano High School, Vera graduated in 1955. She worked as a Community Aide at Delano High School from 1979 to 1985, and currently works at the school as a Record Clerk, since 1985.

Vera has been an active community volunteer, freely giving of her time, efforts, and talent. She has served as a coach for Delano Parks and Recreation, coaching 3rd to 12th grades, all sports. In honor of her achievements and volunteerism, Vera was appointed Delano parks and Recreation Commissioner, July 1980—December 1984.

Vera is also known for dance. She has served as Dance Instructor at Albany Park and Fremont School for 2nd, 3rd and 4th graders.

She started dancing as ''Vera'' for the soldiers at Ft. Bliss and other places in Texas. While still in El Paso, she studied classical Spanish Dances. In Delano she continued to learn on her own. In the late 40s and early 50s she danced at both the Albany Park and Fremont Schools.

In the '70s she started the Figueroa Troup. It was multicultural group, featuring dances of Spain, Mexico, Russia, Hawaii, Japan and the Philippines. At one time the group included her daughter, and several other Cinco de Mayo Queen Contestants. They performed for the Boy Scouts Jamboree in Hayward and for the Men's Prison in San Luis Obispo. They performed in San Jose, Santa Ana, San Fernando, and Bakersfield.

Vera's love of dance and her Mexican culture inspired her to devote many hours to teaching the cultural dances of Mexico and Spain. She choreographed most Cinco de Mayo queen show pageants. She devoted thousands of hours to their celebration.

Vera served as Grand Marshal of the 30th Fiesta and Parade for Cinco de Mayo Fiesta, Inc., in Delano, in honor of her accomplishments and devotion to preserving the culture.

She also helped found Community of Concerned Parents for Better Education, (CCPBE), and has been President for four years. The group works for better education and greater parent participation. Under her leadership, CCPBE raised $2,000 for the Fremont School Track. They also provide $1,000 scholarship awards for Delano High graduates. Vera has always worked for better education for the community's economically and academically disadvantaged.

Vera has been a member of Delano High PTA and Terrace School PTA. As president of the CCPBE, she has been instrumental in helping with back-to-school nights at the Delano schools, contributing monies to Fremont School and many other local school activities.

It is a pleasure to honor Vera Figueroa, who has made and continues to make a difference for California youth and the Latino community.

## SCHOOLYARD SAFETY ACT

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Ms. DUNN. Mr. Speaker, we continue to see tragic examples that reinforce the need for immediate action to stop the violence in our nation's schools. Today I am reintroducing, along with my colleagues PETER DEFAZIO and ZACH WAMP, the Schoolyard Safety Act. This legislation is aimed at keeping America's youth safe in their schools by establishing an incentive program for States to create a 24-hour holding period for students who bring guns to school.

The tragic May 1998 schoolyard shooting in Springfield, Oregon best illustrates the need for this bill's incentive program for States to impose a 24-hour holding period. As you may recall, a student showed up at school with a gun. He was immediately expelled and sent home. He was not, however, held to undergo psychological evaluation, nor was he placed in juvenile detention for further questioning. The next day, the student returned to his high school with a gun and used it to kill two classmates, and later, his parents.

Several hundred times a year, young people bring guns to school, and disciplinary action is taken. But we know that simply expelling a child does nothing to protect innocent students, communities, or the troubled youth himself. When a student brings a gun into the classroom, concrete steps must be taken immediately to deal with the problem. A 24-hour holding period would put the student into a secure environment where he can receive the attention he needs. This will not only protect the safety of other students and the public, but will ensure that the student carrying the gun receives proper counseling.

The Schoolyard Safety Act gives States access to Federal Incentive Grants for Local Delinquency Prevention Programs if they seek to create a 24-hour holding period. It does not mandate another burdensome Federal program; rather, it gives States greater flexibility to use their Federal dollars how they see fit. We believe local officials and educators know best how to solve the problem of youth violence.

School shootings show us how easily gun violence can break the heart of a community. Every man, woman, and child across America have the right to expect to live on a safe street and send their kids to a safe school. Children who learn in fear are learning the wrong lessons and we have a responsibility to do whatever we can to prevent future tragedies.

## INTRODUCTION OF THE VOTING EQUIPMENT MODERNIZATION ACT OF 2001

### HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. LATOURETTE. Mr. Speaker, today I introduced a measure called the ''Voting Equipment Modernization Act of 2001'' (VEMA) that will create a special tax ''checkoff'' segment on income tax returns so Americans can direct $1 to $2 of their tax dollars to help defray the cost of replacing antiquated voting machines across the country.

Mr. Speaker, the temporary election modernization checkoff on income tax forms will be separate from the current checkoff for the Presidential Election Campaign Fund. As with the presidential election checkoff, the voting equipment modernization checkoff will not increase a taxpayer's tax bill. Those filing individual tax returns would be able to contribute $1 and those filing jointly could contribute $2. More than 120 million individual income tax returns are filed each year.

The idea for a temporary election modernization checkoff came from a constituent of mine in Mentor, OH, who was embarrassed by events surrounding the November election and the accuracy of voting equipment across the country. In my home State of Ohio, 60 of the State's 88 counties use punch-card ballots similar to those used in Florida.

Mr. Speaker, right now we have a patchwork quilt of aging voting systems across the country and if the November election taught us anything it is that the patchwork quilt is a frayed mess. We have lottery machines that are far more modern and accurate than our current voting machines and that is just wrong.

My bill, the Voting Equipment Modernization Act of 2001, will establish a temporary checkoff on income tax returns that would allow taxpayers to designate $1 to $2 to the Federal Election Commission, which would then distribute funds to newly created Election Administration Improvement Funds in each State. The funding level for each State will be based on population derived from Census figures.

I believe Americans want modern voting equipment and know that State and local governments are not capable of bearing the enormous costs of replacing antiquated equipment. The cost of replacing voting equipment in each of the country's 191,000 voting precincts is estimated to cost at least $4 billion and some estimates have voting modernization costs exceeding $8 billion.

The current presidential tax checkoff has had mixed results, but I believe Americans will respond favorably to an opportunity to help defray the costs of new voting equipment if it will ensure accurate election results. Using Census figures as a guide, if 12 percent of Ohio taxpayers opted for the checkoff, it would amount to $1.35 million in revenue that could be used to update voting equipment and pay to train poll workers.

Participation in the checkoff to help pay for presidential elections has fallen since it was first initiated in 1972, and studies show that only 12.5 percent of Americans checked the box on their 1997 returns. The remainder left the box blank or checked ''NO.'' Through 1999, about $1.2 billion had been designed for presidential elections.

I blame the low participation for the presidential checkoff on two factors: The public's unwillingness to help pay for increasingly hostile presidential elections, and widespread misunderstanding that checking off the box increases one's tax bill.

It is my belief that folks will be willing to do a tax checkoff if it will ensure that their vote will be counted and counted accurately. I think when folks realize this won't negatively impact their tax refund or tax bill, they will be willing to check the box.

Secretaries of State across the Nation agree that voting machines need to be modernized

but they realize the costs will be enormous. The voting modernization checkoff will be a temporary measure to generate funds, and will only appear on tax return forms as long as there is a need to pay for new voting machines.

Mr. Speaker, States will be able to use money generated by the checkoff to purchase and maintain modern voting equipment, and educate and train those using the new voting equipment, including those working the polls on election day. Decisions about specific equipment and training would be left up to the States. Also, Puerto Rico will be excluded from this plan because it does not pay Federal taxes.

Mr. Speaker, I believe VEMA offers a simple, common-sense solution to a problem that must be remedied as soon as possible so we can restore accuracy and integrity to our voting system. I urge my colleagues to support the Voting Equipment Modernization Act of 2001.

## PERSONAL EXPLANATION

### HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. MATHESON. Mr. Speaker, on Tuesday, March 13, 2001, I was unable to cast votes on rollcall votes 46 and 47. However, had I been present, on rollcall vote 46 I would have voted ''yea'', and on rollcall vote 47 I also would have voted ''yea''.

## CONDEMNING HEINOUS ATROCITIES THAT OCCURRED AT SANTANA HIGH SCHOOL, SANTEE, CALIFORNIA

SPEECH OF

### HON. JIM LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 13, 2001*

Mr. LANGEVIN. Mr. Speaker, I rise today to honor the victims of gun violence at Santana High School, the countless lives that have been affected by this tragic incident, and the numerous similar tragedies that have happened over the past few years. The violence at Santana is deeply disturbing. No child should fear for her life in school, and no child should feel so alienated that he perceives violence as his only option.

When Charles Andrew Williams entered school on Monday, March 5, he had already cried out for help. He had told his friends his plan. He had even told his friend's parent. In all, Andy Williams told over 20 people what he planned to do. But no one took him seriously and now two children are dead. While this was clearly an act of rage, it was also one of fear and desperation.

And sadly, Andy was not alone. Within 48 hours of his arrest, 16 other children in California had been arrested or detained for suspicion of gun-related violence. In fact, since Dylan Kelbold and Eric Harris killed thirteen of their classmates at Columbine High School almost two years ago, over eighteen separate incidents of student-to-student gun violence have occurred. Many more planned attempts to emulate this violence have gone unreported or perhaps never even known. Just six weeks ago in East Providence, Rhode Island, a hit list was found that was written by four fifth graders.

Many of us are at a loss to explain this explosion of school violence in recent years, but everyone agrees that we must address the mental health needs of our children. Education Secretary Rod Paige has attributed the rash of school shootings to 'alienation and rage.' A recent Secret Sservice study concluded that the common theme underlying perpetrators of violent crimes in schools is depression. Three-quarters of children committing these crimes have talked about or attempted suicide. More than two-thirds report having been bullied by their peers. Disturbing emotions of alienation and rage in our nation's schools are real and pervasive and deep-seated. We must take steps to alleviate this pain and provide the help that our children are crying out for in these violent actions.

Our schoolchildren need professional counselors who can help them cope with the pressures of being a teenager. They need supportive adults in their lives. They also need a moral compass that will help them sort through the violence that permeates our culture. What they do not need is easy access to weapons. Whatever alienation Andy Williams was feeling, he could not have committed such a heinous act without the help of a .22 caliber revolver.

Guns are simply too accessible to children today, and American children are suffering the consequences. The accidental death rate among children from gunshot wounds is nine times higher in the United States than in the other largest 25 industrialized countries combined, and at least six loopholes still exist that allow children and violent offenders obtain guns. Guns alone do not kill children, but in times of extreme emotional distress they enable a disturbed innocent child to become a murderer.

Efforts to increase children's self-esteem and to reduce their access to guns will decrease the number of these incidents. While I applaud my colleagues in honoring the children and families of Santana High School, I urge you to let this be the first step toward change, not the last. As one whose life was forever altered when a gun accidentally discharged, I know first hand that guns are dangerous and far too often fatal. For the sake of our children, I implore my colleagues to pass meaningful legislation to end school violence once and for all.

## TRIBUTE TO JOE ORTIZ CARDONA

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. BACA. Mr. Speaker, I would like to salute Joe Ortiz Cardona, of California. Joe has been recognized by Adelante, California Migrant Leadership Council and American Legion Merle Reed Post 124 as an outstanding individual who has made significant contributions to the improvement of education opportunities for Latino children in California.

A highly-respected community leader in Earlimart for more than 33 years, a Barber by trade, Joe Cardona has spent most of his life helping others. He is active in improving the conditions of the people of Earlimart, in such areas as flood control, schools, health care, food and clothing acquisition and distribution, and support for families in need.

Joe was born in 1933 in Somerton, Arizona. His family migrated to Earlimart in 1940, where Joe enrolled in first grade at Earlimart Elementary School. Following the seasonal crops, Joe's family moved to Brawley where he graduated from eighth grade in 1948.

Joe enlisted in the Army in the late 1950's serving two years. In 1957, Joe studied and obtained his apprenticeship for Barbering from Moler Barber College, Fresno, California. In 1959, Joe married Cruz Amaya Cardona and raised four children, Larry, Joe Jr., Frankie and Vicky. In 1974, Joe was determined to receive a high school diploma. He enrolled in Adult Education at Delano Joint Union High School. Along with the forty-seven area citizens, he was one of the proud graduates of the commencement exercises in June 2, 1975.

Joe Cardona is a man of integrity, dependability and dedication. In 1967, understanding the poverty and hardships of some of the community members of Earlimart, he had an idea to have members of the community contribute to a fund, which could be used to assist families on the occasion of bereavement. With this idea the Earlimart Funeral Fund Association was formed and to-date Joe is still an active member of this organization, and besides the monetary support, you probably will see Joe attending the funerals and expressing his sympathy to the bereaved families.

Serving his country was one of Joe's proudest moments, and because of his active membership, he has received recognition for participation in the American Legion Post. Joe has proudly served in the position of president and commander of the American Legion Post. Representing the American legion Post 745, Joe helps raise funds for scholarship to annually honor a deserving Earlimart Junior High School student.

Joe helped coordinate the first Food Link Program for the community of Earlimart in 1995, dedicating countless hours gathering volunteers, and through his example, others have continued to take on this responsibility. This program continues to serve the needy families of this community. During the flood of 1997, Joe helped form a Flood Control Committee, gathering local active members, as well as invoking assistance from political representatives to help disaster stricken families, and was also involved in the issue of the White River Dam. Joe recruits volunteers to assist with the annual clean-up day activities in the community. One of Joe's biggest accomplishments is the annual Christmas ''Give Away'' to the needy families of the Earlimart community.

Joe has received recognition by the California State Assembly and California State Senate for outstanding leadership and community services. Joe speaks very softly, and with his congenial and humble character, never boasts of his accomplishments. If you know Joe personally, you are aware of the relentless hours he has served on various committees expressing concerns. Although the town of Earlimart is not incorporated, the majority of the community will still refer to Joe as the ''Town Mayor'' and through his dedication and commitment he has made the difference!

## HUMAN RIGHTS AND REPUBLIC OF CHINA PRESIDENT CHEN SHUI-BIAN

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, while the world's attention has focused on human rights abuses in the People's Republic of China, attention ought also be given to the commendable human rights record of the Republic of China.

The Republic of China's constitution guarantees its citizens basic civil liberties, including freedom of peaceful assembly and association, freedom of speech and press, and freedom of religion. The Republic of China is also now a recognized full-fledged democracy that respects political rights, as evidenced by last year's election of President Chen Shui-bian in free and fair elections. This occasion marked the first time in Chinese society that an opposition party candidate was elected President. Son of a farm laborer, Mr. Chen was an active political reformer and activist for many years and served time in prison for his beliefs. After gaining his release, he served as a lawmaker and later as mayor of Tapei. His presidential victory last March 18 signaled to the world that true democracy has taken hold in the Republic of China.

In his inaugural address last May 20, President Chen announced: "We are willing to promise a more active contribution in safeguarding international human rights. The Republic of China cannot and will not remain outside global human rights trends. We will abide by the Universal Declaration of Human Rights, the International Contention for Civil and Political Rights, and the Vienna Declaration and Program of Action. We will bring the Republic of China back into the international human rights system. . . . We hope to set up an independent national human rights commission in Taiwan, thereby realizing an action long advocated by the United Nations. We will also invite two outstanding non-governmental organizations, the International Commission of Jurists and Amnesty International, to assist us in our measures to protect human rights and make the Republic of China into a new indicator for human rights in the 21st Century."

Mr. Speaker, I applaud President Chen's commitment to democracy and human rights. As we approach President Chen's first anniversary in office, I hope my colleagues will acknowledge his full commitment to safeguarding human rights in the Republic of China. President Chen and his cabinet ought to be applauded for their continuing efforts to make Taiwan one of the freest places on earth and for proving once again that political freedom and a prosperous market-oriented economy go hand-in-hand. I wish to congratulate president Chen and send him my support and best wishes.

## ECONOMIC GROWTH AND TAX RELIEF ACT OF 2001

SPEECH OF

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 8, 2001*

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to H.R. 3. It is based on unreal assumptions and fuzzy scenarios.

H.R. 3 income tax rate reductions for single taxpayers are as follows:

For taxable income up to $6,000 the current rate of 15 percent would be reduced under H.R. 3 and the Bush plan to 10 percent.

For taxable income between $6,000 and 27,050 the rate of 15 percent is unchanged.

For taxable income between $27,050 and $65,550 the current rate of 28 percent is reduced to 25 percent.

For taxable income between $65,550 and $136,750 the current rate of 31 percent is reduced to 25 percent.

For taxable income between $136,750 and $297,350 the current rate of 36 percent is reduced to 33 percent.

For taxable income above $297,350 the current rate of 39.6 percent is reduced to 33 percent.

These income tax rate changes take effect gradually over a 10-year period:

For single taxpayers with income under $6,000 the 15 percent rate is reduced to 12 percent in 2001 and 2002, to 11 percent in 2003 and 2004 and to 10 percent beginning in 2005.

The 15 percent tax rate on taxable income between $6,000 and $27,050 is unchanged.

For taxable income between $27,050–$65,550 the 28 percent rate is reduced to 27 percent in 2002 and 2003, to 26 percent in 2004 and 2005 and to 25 percent beginning in 2006.

For taxable income between $65,660–$136,750 the 31 percent rate is reduced to 30 percent in 2002, to 29 percent in 2003, to 28 percent in 2004, to 27 percent in 2005 and to 25 percent beginning in 2006.

For taxable income between $136,750–$297,350 the current 36 percent rate is reduced to 35 percent in 2002 and 2003, 34 percent in 2004 and 2005 and declines to 33 percent beginning in 2006.

For taxable income above $297,350, the current 39.6 percent rate is reduced to 38 percent in 2002, to 37 percent in 2003, to 36 percent in 2004, to 35 percent in 2005 and to 33 percent beginning in 2006.

This tax reduction plan has three fundamental flaws.

First, the tax cuts are premised upon there being a $5.6 trillion surplus over the next 10 years. But the actual surplus is much less, and the cost of the tax cuts are much larger than claimed.

The $5.6 trillion "surplus" includes $2.5 trillion from the Social Security Trust fund and $400 billion in the Medicare Trust funds. It also includes another $111 billion in the Military Retirement Trust Fund that is needed for the retirement benefits of our military personnel. That leaves only $2.6 trillion in real surpluses.

From that the Bush tax plan would cost $1.6 trillion in tax cuts leaving a surplus of $1 trillion. But the tax cuts would increase the Federal government's interest costs by $400 billion, leaving only a $600 billion surplus.

Making the tax cuts retroactive to January 1, 2001 adds another $100 billion in costs. Other Bush proposals, including adjustments to the alternative minimum tax, extending expiring tax credits, and promised spending add another $500 billion. Added together, the Bush proposal uses up all the non-Social Security surplus.

It is unconscionable to pass a tax cut based on Social Security and Medicare surpluses after you have promised not to touch this surplus.

In fact Congress has voted many times on legislation not to touch these surpluses (lock box.) Congress even took Social Security "off budget" to make sure Congress did not forecast "surpluses" based on surpluses currently accumulated in Social Security and Medicare Trust Funds.

These tax cuts endanger the Social Security–Medicare Trust Funds.

Second, President Bush states that he wants to pay down this debt. But his tax cuts mean that we will not be able to pay down the national debt.

Of the $5.7 trillion in current federal debt, the public holds $3.4 trillion. The remaining $2.3 trillion is held by the Social Security and Medicare trust funds. The interest on the Federal debt in fiscal year 2000 was $362 billion.

But in fact the Bush plan does not pay down the debt, and threatens any possibility of paying it.

The Clinton 1993 Balanced Budget plan cut spending by $250 billion and raised revenues by $250 billion. Not a single Republican in the House or Senate voted for this in 1993. This courageous action by the Congress eliminated the annual budget deficits. It cost the Democrats plenty. In 1994 we lost 50 seats and the Republicans became the majority party.

In 1993 the annual deficit was $255.1 billion. The total national debt in 1993 had already reached $3.248 trillion. This debt was caused by faulty revenue projections under Reagan-Bush tax cuts. George W. Bush is repeating the same mistakes.

In FY 1998, under the Democrats budget plan, we achieved the first budget surplus since 1969 in the amount of $69.2 billion. The Social Security surplus was $99 billion and the Medicare surplus was $9 billion. In FY 1999 the budget surplus was $124.4 billion, the Social Security surplus was $124.7 billion and the Medicare surplus was $21.5 billion. In FY 2000 the surplus was $236.2 billion, the Social Security surplus was $151.8 billion and the Medicare surplus $30 billion. For the current FY 2001, the total surplus is estimated to be $281 billion, the Social Security surplus is estimated at $156 billion and the Medicare surplus at $29 billion.

If we don't pay down substantial portions of our debt with these surpluses the interest on our debt could increase by over $400 billion in 10 years.

Lastly, no one can make accurate economic forecasts covering ten years into the future.

Having served on the U.S. House of Representatives Budget Committee for 6 years, I can attest to the fact that none of the experts or agencies assigned the task of forecasting either the "deficit" or the "surplus" ever forecast it accurately nor did they even come close.

Any tax cut plan based on a "10 year" forecast of surpluses is totally unrealistic.

Even Federal Reserve Chairman Alan Greenspan has problems deciding whether the economy is going up or down in the next 3 months. How can we plan 10 years ahead? It is a course guaranteed to lead us to terrible consequences.

Then-Governor Bush led Texas, based on a ''rosy scenario,'' to enact massive tax cuts which today has Texas reeling over a $700 million annual deficit.

Once you cut federal revenues by $1.6 trillion and if the surpluses melt away to deficits, we will repeat the 10 years of agony we all suffered under the Reagan-Bush deficits of 1982–1992 federal budgets.

For these reasons, I shall vote ''no'' on H.R. 3 and urge my colleagues to do the same.

## IN MEMORY OF BEATRICE L. PETERSON

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. TRAFICANT. Mr. Speaker, today, I am deeply saddened to share the news of the passing of Beatrice L. Peterson.

Beatrice L. Peterson was born on June 16, 1931 to Raymond H. and Annabelle Allen McFate. She married Edward Kerr Peterson July 1, 1946 who died December 20, 1997. She is survived by a brother, Charles McFate; a sister, Mrs. Shirley Peterson; two daughters, Diane Was and Brenda Ellis; and a son, Edward K. Peterson, Jr. Two of her children, Rita Ann Peterson and Robert Carlson are deceased.

Beatrice was an amazing woman. A graduate of Choffin School of Nursing in Youngstown, she worked for over a decade at St. Joseph Riverside Hospital as a licensed practical nurse before retiring in 1985.

Beatrice loved the outdoors. Whenever she had a spare moment, she could be found outside, usually working in her garden. Camping was another of her beloved pastimes.

Beatrice Peterson will be sorely missed in the Bristolville community, where she loyally attended Grace Baptist Church. She touched the lives of many people, including mine, and was adored by all who had the privilege to know her. I extend my deepest sympathy to her friends and family.

## SMALL BUSINESS TELECOMMUTING ACT

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. UDALL of Colorado. Mr. Speaker, today I am joined by my colleagues, Representatives FROST, OWENS, HILLIARD, MCKINNEY, BALDACCI, BLUMENAUER, CUMMINGS, DAVIS (IL), HINOJOSA, KUCINICH, MCGOVERN, TAUSCHER, BAIRD, BALDWIN, TUBBS JONES, UDALL (NM), WU, and JO ANN DAVIS (VA), in introducing the Small Business Telecommuting Act to assist our nation's small businesses in establishing successful telework programs for their employees. Senator JOHN KERRY of Massachusetts will be introducing companion legislation in the Senate.

Across America, numerous employers are responding to the needs of their employees and establishing telecommuting programs. In 2000, there were an estimated 16.5 million teleworkers. By the end of 2004, there will be an estimated 30 million teleworkers, representing an increase of almost 100%. Unfortunately, the majority of growth in new teleworkers comes from organizations employing over 1,500 people, while just a few years ago, most teleworkers worked for small to medium-sized organizations.

By not taking advantage of modern technology and establishing successful telecommuting programs, small businesses are losing out on a host of benefits that will save them money, and make them more competitive. The reported productivity improvement of home-based teleworkers averages 15%, translating to an average bottom-line impact of $9,712 per teleworker. Additionally, most experienced teleworkers are determined to continue teleworking, meaning a successful telework program can be an important tool in the recruitment and retention of qualified and skilled employees. By establishing successful telework programs, small business owners would be able to retain these valuable employees by allowing them to work from a remote location, such as their home or a telework center.

In addition to the cost savings realized by businesses that employ teleworkers, there are a number of related benefits to society and the employee. For example, telecommuters help reduce traffic and cut down on air pollution by staying off the roads during rush hour. Fully 80% of home-only teleworkers commute to work on days they are not teleworking. Their one-way commute distance averages 19.7 miles, versus 13.3 miles for non-teleworkers, meaning employees that take advantage of telecommuting programs are, more often than not, those with the longest commutes. Teleworking also gives employees more time to spend with their families and reduces stress levels by eliminating the pressure of a long commute.

Mr. Speaker, our legislation seeks to extend the benefits of successful telecommuting programs to more of our nation's small businesses. Specifically, it establishes a pilot program in the Small Business Administration (SBA) to raise awareness about telecommuting among small business employers and to encourage those small businesses to establish telecommuting programs for their employees.

Additionally, an important provision in our bill directs the SBA Administrator to undertake special efforts for businesses owned by, or employing, persons with disabilities and disabled America veterans. At the end of the day, telecommuting can provide more than just environmental benefits and improved quality of life. It can open the door to people who have been precluded from working in a traditional office setting due to physical disabilities.

Our legislation is also limited in cost and scope. It establishes the pilot program in a maximum of five SBA regions and caps the total cost to five million dollars over two years. It also restricts the SBA to activities specifically proscribed in the legislation: developing educational materials; conducting outreach to small business; and acquiring equipment for demonstration purposes. Finally, it requires the SBA to prepare and submit a report to Congress evaluating the pilot program.

Several hurdles to establishing successful telecommuting programs could be cleared by enacting our legislation. In fact, the number one reported obstacle to implementing a telecommuting program is a lack of know-how. Our bill will go a long way towards educating small business owners on how they can draft guidelines to make a telework program an affordable, manageable reality.

## LEGISLATION TO CHANGE THE INTERNAL REVENUE CODE'S COST RECOVERY RULES

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. SHAW. Mr. Speaker, as a Member of Congress, I am continually seeking sound policy changes that will make and keep our economy productive, create jobs and improve the overall quality of life for Americans. It is my belief that an important elements of a productive economy is modern, efficient and environmentally responsible space for Americans to work, shop and recreate. In order to create and maintain such space, a building owner must regularly change, reconfigure or somehow improve office, retail and commercial space to meet the needs of new and existing tenants.

I believe that the Internal Revenue Code's cost recovery rules associated with leasehold improvements are an impediment for building owners needing to make such improvements. Therefore, I am pleased to introduce this legislation to change the cost recovery rules associated with leasehold improvements.

Simply stated, this legislation would allow building owners to depreciate specified building improvements using a 10-year depreciable life, rather than the 39 years required by current law, thereby matching more closely the expenses incurred to construct these improvements with the income the improvements generate under the lease.

To qualify under the legislation, the improvement must be constructed by a lessor or lessee in the tenant-occupied space. In an effort to ensure that the legislation is as cost efficient as possible, improvements constructed in common areas of a building, such as elevators, escalators and lobbies, would not qualify; nor would improvements made to new buildings.

Office, retail, or other commercial rental real estate is typically reconfigured, changed or somehow improved on a regular basis to meet the needs of new and existing tenants. Internal walls, ceilings, partitions, plumbing, lighting and finish each are elements that might be the type of improvement made within a building to accommodate a tenant's requirements, and thereby ensure that the work or shopping space is a modern, efficient, and environmentally responsible as possible.

Unfortunately, today's depreciation rules do not differentiate between the economic useful life of a building improvement—which typically corresponds with a tenant's lease-term—and the life of the overall building structure. The result is that current tax law dictates a depreciable life for leasehold improvements of 39 years—the depreciable life for the entire building—even though most commercial leases

typically run for a period of 7 to 10 years. As a result, after-tax cost of reconfiguring, or building out, office, retail, or other commercial space to accommodate new tenants or modernizing workplace is artificially high. This hinders urban reinvestment and construction job opportunities as improvements are delayed or not undertaken at all.

Additionally, a widespread shift to more energy-efficient, environmentally sound building elements is discouraged by the current tax system because of their typically higher expense. If a greater conservation potential of energy-efficient lighting were to be realized, the demand for the equivalent of one hundred 1,000-megawatt powerplants could be eliminated, with corresponding reductions in air pollution and global warming.

Reform of the cost recovery rules for leasehold improvements has been long overdue. In the 106th Congress, this bill enjoyed widespread support with 144 Members co-sponsoring it. This legislation should be enacted this year. This would acknowledge the fact that improvements constructed for one tenant are rarely suitable for another, and that when a tenant leaves, the space is typically build-out over again for a new tenant. It is important to note that prior to 1981 our tax laws allowed these improvement costs to be deducted over the life of the lease. Subsequent legislation, however, abandoned this policy as part of a move to simplify and shorten building depreciation rules in general to 15 years. Given that buildings are now required to be depreciated over 39 years, it is time to face economic reality and reinstate a separate depreciation period for building improvements to tenant occupied space.

Mr. Speaker, I urge my fellow members to review and support this important job producing, urban revitalization legislation. I look forward to working with my colleagues on the Ways and Means Committee to enact this bill.

## THE INTRODUCTION OF THE ''ANTI-SPAMMING ACT OF 2001''

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. GOODLATTE. Mr. Speaker, unsolicited commercial e-mail, such as advertisements, solicitations or chain letters, is the ''junk mail'' of the information age. When unwanted mail is hand delivered to your home or post office box, you can ask the postmaster not to deliver it. When telemarketers call you at home you may ask to be taken off their solicitation list. But currently, there is no mechanism to prevent unwanted e-mail.

Jupiter Communications reported that in 1999 the average consumer received 40 pieces of spam. By 2005, Jupiter estimates, the total is likely to soar to 1,600. These numbers are truly astounding. Unsolicited e-mail messages burden consumers by slowing down their e-mail connections, and cause big problems for the small business owner who is trying to compete with larger companies and larger servers.

Consumers are not the only ones victimized by spam. In recent instances, unsolicited e-mail transmissions have paralyzed small Internet Service Providers (ISPs) by flooding their servers with unwanted e-mail. This has the potential to do great damages to small ISP companies and the communities they serve.

Currently, ISPs are developing programs that require the individual sending the unsolicited message to include a valid e-mail address, which can then be replied to in order to request that no further transmissions be sent. Under these programs, once the individual sending the original e-mail receives a request to remove an address from their distribution list, they are required to do so. However, offending spammers get around this requirement by using the e-mail address of an unsuspecting user to spam others.

To address this problem, I am introducing legislation to give law enforcement the tools they need to prosecute individuals who send unsolicited e-mail that clog up consumers' inboxes: the Anti-Spamming Act of 2001.

The Anti-Spamming Act would amend 18 U.S.C. § 1030 (which addresses criminal fraud in connection with computers) in several respects to address fraudulent unsolicited electronic mail. It would add to the substantive conduct prohibited by 18 U.S.C. § 1030(a), both the intentional and unauthorized sending of unsolicited e-mail that is known by the sender to contain information that falsely identifies the source or routing information of the e-maill, and the intentional sale or distribution of any computer program designed to conceal the source or routing information of such e-mail.

This legislation would subject those who commit such prohibited conduct to a criminal fine equal to $15,000 per violation or $10 per message per violation, whichever is greater, plus the actual monetary loss suffered by victims of the conduct. In addition, prohibited conduct that results in damage to a ''protected computer'' (as defined in 18 U.S.C. § 1030(e)(2)) would be punishable by a fine under Title 18 or by imprisonment for up to one year.

I would also like to thank Representative HEATHER WILSON for her tireless efforts to address this issue. Representative WILSON should be commended for bringing the problem of spam to the forefront of public debate. I look forward to working with her to achieve our common goal of reducing the burden of unwanted e-mail on consumers and Internet Service Providers.

Legislation addressing the problem of unsolicited commercial e-mail is greatly needed to protect consumers and Internet Service Providers from victimization by spam. I urge my colleagues to support this much needed legislation.

## TRIBUTE TO FRANK MARSH

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. BEREUTER. Mr. Speaker, this week Nebraskans said good-bye to Frank Marsh, our former lieutenant governor, secretary of state and state treasurer. Frank was a loyal Nebraskan, a dedicated public servant, and an enthusiastic Republican. He was elected secretary of state in 1953 and served in that position for 17 years. He was lieutenant governor from 1971 to 1975. He served twice as state treasurer. He was State director of the Farmers Home Administration. In all, he devoted nearly 40 years of his life to public service.

Indeed, public service was a family affair for the Marshes. Frank's father, Frank Marsh Sr., was secretary of state for 16 years. Frank's wife Shirley was a state senator—my close friend and seatmate for the last two years of my service in the Nebraska Legislature.

Frank was a staunch Republican, but he worked amicably with partisans of all persuasion. Indeed, his stint as lieutenant governor was served under a Democratic governor. They got along well. After Frank left elective office, he continued his career in public service by serving the poor. He helped to begin a food distribution network that came to involve 300 volunteers working in 33 distribution sites in Lincoln, Nebraska, his hometown.

All of us who knew Frank Marsh and worked with him and all of those who were beneficiaries of his compassion and dedication will miss him. We send our condolences to his wife Shirley and their children and the many foreign guests—extended family in effect—who were hosted by the Marsh family in their home for varying lengths of time. Frank Marsh was a citizen ambassador for our country and a model for voluntarism for all Americans. His contributions to the public good will be missed throughout Nebraska and far beyond.

## SPECIAL ORDER ON WOMEN'S HEALTH

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mrs. MALONEY of New York. Mr. Speaker, I would like to join my colleagues of the Women's Caucus to discuss the importance of women's health.

As a Caucus, we are working hard to improve health for all women. From protecting Social Security and strengthening Medicare to working for a Patient's Bill of Rights.

And we are working to add a reliable, affordable prescription drug benefit.

We must ensure that the progress made to improve women's health continues.

To this point, I urge my distinguished colleagues to join me in the following measures.

I am working to improve the health and well-being of women—young and old.

I will soon reintroduce the Osteoporosis Early Detection and Prevention Act and the Cancer Screening Coverage Act to give women a fighting chance against these diseases.

I am working with my distinguished colleague, CONNIE MORELLA, to make women's health research a priority. We will introduce the Women's Health Office Act to make the women's health offices at the Department of Health and Human Services permanent.

And for our littlest people and their moms, I have introduced the Breastfeeding Promotion Act, which supports and protects mothers who choose to breastfeed. Everyday, new medical studies are released highlighting the positive health effects of breastfeeding for both mother and child.

We must continue to work hard to ensure that the priorities of our country include policies that promote healthy women and healthy

families. I urge my colleagues to join me on these measures.

## A TRIBUTE TO DANIEL R. ENSLEY

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to one of North Carolina's leading citizens and to bring to the attention of my colleagues of the 107th Congress his many contributions.

Daniel R. Ensley, director of the mass communications program at Campbell University and a 1993–94 ''Professor of the Year'' at the institution, is retiring from Campbell due to health concerns. He will be greatly missed by fellow professors, by students in the mass communications school, and by the hundreds of alumni who remember the courses they took there.

Ensley, a native of Dover, Delaware, grew up in a military family and lived in New Jersey, Illinois, Florida, Georgia, and Oklahoma as a youngster. He is a 1979 magna cum laude graduate of Campbell. He worked for the college radio station throughout his college years and became station manager during his senior year. After graduation, he managed the station until 1984 and also taught courses at the University.

In 1984, Ensley entered graduate school at the University of South Carolina College of Journalism. He earned his Master of Arts degree from that institution in 1986 and was accepted for a Ph.D. program at the University of Wisconsin. Just before leaving for Madison, Wisconsin, Ensley was contacted by the administrators at Campbell and offered a position as an instructor in the Department of Communications. He accepted and joined the Campbell family.

Ensley was promoted to assistant professor in 1990 and twice—1989 and 1999—has won the Dean's Award for Teaching Excellence. The Student Government Association honored him with the first ''Professor of the Year'' award in 1993–94, and he was also honored as ''Teacher of the Year'' by the Omicron Delta Kappa society in June of 1994. That same year, the college yearbook was dedicated to him. In 1987, the college of Journalism at the University of South Carolina awarded him its Excellence in Research Award for his masters thesis.

Ensley's most dramatic contribution to the University came in 1991 when he created the Department of Mass Communications at the university. As director of the new department, he designed curriculum, taught courses, and established and monitored an internship program.

Hundreds of former students owe Ensley a debt of gratitude for the work he did with them while they were at Campbell. One former student, Dallas Woodhouse, a political reporter for NBC–17 in Raleigh, says he owes his career to the retiring educator.

''Ensley gave his life to his students,'' Woodhouse says. ''Nights. Weekends. Overnights. He gave it all and never complained. I have never seen someone work so much and so hard. I have never seen someone like Dan Ensley. I only hope I can teach my children his work ethic and his selflessness.''

## IN RECOGNITION OF THE EIU PANTHERS

### HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. PHELPS. Mr. Speaker, today I rise to recognize and congratulate one of my district's college basketball teams. The Eastern Illinois University Panthers of Charleston, IL recently won the OVC tournament championship. The Panthers defeated Austin Peay 107–100 in the championship game at Eastern Illinois University's Lantz Gym. The Panthers finished the season with a 17–12 record.

Led by coaches Rick Samuels, Troy Collier, and Steve Weemer, members of the 2001 EIU Panthers include Rod Henry, Jan Thompson, Craig Lewis, Chris Herrera, Kyle Hill, Matt Britton, Eric Sandholm, Nate Schroeder, Merve Joseph, Andy Gobczynski, John Thorsen, Todd Bergmann, Henry Domercant, Ryan Kelly, and Jesse Mackinson.

The members of the EIU Panthers should be proud of their achievement. I congratulate them and wish them good luck in future basketball seasons.

## RETIREMENT OF JAMES I. SMITH, III

### HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. COYNE. Mr. Speaker, I rise today to mark the retirement of a man who has been a fixture in Allegheny County's public life for a number of decades.

On June 1, 2001, James I. Smith III will retire as the executive director of the Allegheny County Bar Association. Mr. Smith has served as the executive director of this organization for the last 38 years.

In the course of his tenure, Mr. Smith has made a number of innovative changes in the organization's operations. In addition to supervising the ACBA's many departments, Mr. Smith instituted the ACBA's first Bench-Bar Conference, developed a daily in-house legal newspaper, and developed the first video deposition service in the nation. He has carried out his duties with great dedication and professionalism.

I commend Mr. Smith for his many contributions to the community, and I wish him a long and happy retirement.

## CONGRATULATIONS TO HCFA FOR SAVING MEDICARE MONEY; CONGRESS SHOULD GIVE HCFA MORE COMPETITIVE PURCHASING TOOLS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. STARK. Mr. Speaker, a lot of Members of Congress have been criticizing HCFA lately, largely because they are trying to carry out impossible complex laws passed by Members of Congress.

We also complain that HCFA isn't competitive enough. In the BBA of 1997, we gave authority to HCFA to carry out competitive bidding demonstrations on the purchase of durable medical equipment. Those demonstrations are indeed showing substantial savings. I would like to enter in the RECORD a press release of March 1st describing the progress of these demonstrations.

Mr. Speaker, Congress should immediately allow those demonstrations to become permanent and to be extended nationwide. Congress should stop calling HCFA inefficient when we aren't willing to give it the power to be efficient.

[From the HCFA Press Office, Mar. 1, 2001]

SECOND ROUND OF MEDICARE COMPETITIVE BIDDING PROJECT FOR MEDICAL SUPPLIES IN POLK COUNTY, FLA.

Medicare has launched the second round of its successful pilot project in Polk County, Fla., that uses competition to provide quality medical equipment and supplies to beneficiaries at better prices. The Balanced Budget Act of 1997 authorizes the Health Care Financing Administration (HCFA) to demonstrate how competitive bidding can help Medicare beneficiaries and the program pay more reasonable prices for quality medical equipment and supplies. Several studies by the U.S. General Accounting (GAO) and the HHS Inspector General have shown that the Medicare program and its beneficiaries often pay more for medical equipment and supplies than the prices paid by other insurers and individual patients. Requiring suppliers interested in serving Medicare beneficiaries to submit bids including quality and price information assures access to high-quality medical equipment at a fairer price. The changes also can reduce Medicare waste and abuse.

During the first round of the Polk County demonstration, HCFA, the agency that administers Medicare, invited companies to compete to sell medical equipment and supplies to 92,000 Medicare beneficiaries in Polk County. Bids were evaluated on the basis of quality and price. The new rates set by this competitive process are saving individual beneficiaries and Medicare an average of 17 percent on the cost of certain medical supplies, while protecting quality and access for Polk County beneficiaries. The competitive bidding process took place in the spring of 1999. The new rates took effect on Oct. 1, 1999, and will remain in effect until Sept. 30, 2001.

HCFA implemented a similar demonstration in three Texas counties in the San Antonio area—Bexar, Comal and Guadelupe counties. Suppliers who wished to sell products in five categories to Medicare beneficiaries in the region were required to compete on the basis of quality and price in the spring of 2000. As in the Polk County process, the new prices are saving individual beneficiaries and Medicare an average of 20 percent on the cost of certain medical supplies while protecting quality and access for San Antono beneficiaries. The new rates took effect on Feb. 1, 2001, and will remain in effect until Dec. 31, 2002.

In the second round of the Polk County demonstration, suppliers will again compete this spring on the basis of quality and price for four of categories of medical equipment and supplies categories included in the first round of the pilot. The categories are: oxygen supplies; hospital beds; urological supplies and surgical dressings. The fifth product category, enteral nutrition, is not being included in the second round because the focus of the demonstration is on medical equipment and supplies delivered to the

home, and enteral nutrition is primarily provided to nursing home residents. The rates determined for the second round are to take effect on Oct. 1, 2001, and will remain in effect until Sept. 30, 2002.

## GUEST CHAPLAIN, DR. CALVIN TURPIN

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. FARR of California. Mr. Speaker, I am pleased to submit background material on Dr. Calvin Turpin. Dr. Turpin, from my district, offered the prayer to open the House today.

Dr. Calvin C. Turpin of Hallister, CA, is a native of Illinois. He is a retired professor of religion and an administrator from Hardin Simmons University, Abilene, TX.

Dr. Turpin earned a B.A., and M.A. from Baylor University, Waco, TX; An M.A. from Vanderbilt University, Nashville, TN; Bachelor of Divinity; M.R.E. (Master of Religious Education) and a Master of Divinity from Southern Baptist Theological Seminary, Louisville, KY, and a Doctor of Science in Theology from Golden Gate Baptist Theological Seminary, Mill Valley, CA.

Dr. Turpin served as Deputy Chief of Chaplains for the Civil Air Patrol. He and his wife Eudell are the parents of a son and daughter.

Dr. Turpin served in the Army during World War II and has served as a minister in Southern Baptist Churches in Texas, Kentucky, Tennessee, and California.

Presently he serves as National Chaplain of the American Legion (2000–2001).

## REVIVING STEEL

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. KUCINICH. Mr. Speaker, I submit into the RECORD the following editorial from the March 11th edition of the Cleveland Plain Dealer. I believe this piece speaks to the urgent need for action to aid the American steel industry, and I encourage my colleagues to read it.

[From the Plain Dealer, Mar. 11, 2001]

REVIVING STEEL

Why is America's steel industry in such a sorry state?

Poor management, inefficient work rules, runaway imports, outrageous energy costs, low prices, expensive obligations to retirees, skeptical landers and rapidly changing technology have all played a role. But the collective impact is undeniable: In little more than three years, 16 firms, including Cleveland LTV Corp., have sought bankruptcy protection. Since last spring, profits at even the best-run firms have largely melted into pools of red ink; LTV lost $351 million in the last quarter alone. The mini-mills that once seemed to be steel's new wave now look almost as vulnerable as the dinosaurs in this historically cyclical industry.

Since steel is an economic and military necessity, America needs a healthy industry. And in our system, that's largely the responsibility of individual steelmakers. They have to be intelligently managed, flexible, able to see technological change before it overwhelms them. Companies that can't or won't change will fail. And yet, it's not unreasonable for government to help such a vital enterprise negotiate a market shaped by forces that bear little resemblance to economic theory.

The Bush administration is said to be studying how best to assist steel. And a bipartisan group in the House of Representatives has offered a set of proposals, many of them rooted in ideas put forward by industry leaders and the United Steel Workers of America. While specifics of the legislation, whose co-sponsors include Cleveland-area Democrats Dennis J. Kucinich, Stephanie Tubbs Jones and Sherrod Brown, may be a bit dubious, they do pinpoint areas that need attention: foreign competition, ''legacy costs,'' consolidation and capital.

Ask most steelmakers and their allies to identify the industry's No. 1 problem and chances are they'll finger the glut of low-priced foreign steel that flooded this country last year. But the import crush is not some foreign plot. A strong U.S. dollar, while good for the overall economy, makes imports relatively cheaper and more desirable to cost-conscious steel users. Even in the best of times, American steel makers cannot meet domestic demand. Industry officials concede that about a quarter of the steel used in this country will always come from abroad, much of it slab that's then finished by American steel firms.

Still, American steel firms need some respite from bargain-basement competition. The question is how to give it to them, especially since the world Trade Organization has rejected America's anti-dumping laws. Perhaps the administration at least could give American producers the ''anti-surge'' warnings that NAFTA partners Mexico and Canada provide their steelmakers by constantly monitoring imports.

U.S. steelmakers proudly point to billions invested in modernization since the late 1970s. America today makes as much steel with a third as many workers. But shrinking the work force meant early retirement for thousands of empoloyees; LTV's integrated steel operations, for example, support 12,000 active workers and 72,000 retirees. Many established steel firms thus face enormous ''legacy costs,'' mostly for retiree health care, that add an estimated $15 to $20 to the price of each ton. It's a burden not shared by domestic upstarts or by foreign competitors whose governments pay for health care.

The House bill proposes a surcharge on every ton of steel sold in the United States to help cover retiree health costs. A similar program operates in the coal industry. Spreading the burden of legacy costs might speed the consolidation that many think the steel industry desperately needs. Treasury Secretary Paul O'Neill, who led a troubled aluminum industry back to profitability while at Alcoa, has signaled that any long-range fix for steel probably will require some global reduction in capacity that pushes up prices. Retrenchment may cost some American firms, but their workers and retirees should not be punished in the process.

Finally, steel may be on the verge of technological quantum leaps. But they won't be cheap, and already many banks are understandably leery of investing in such a dicey industry. Even a federal program that currently guarantees 85 percent of a loan has attracted so few takers that the Bush budget suggests cancelling it. Some suggest that governments or pension funds could step in as financiers. But before heading down that risky road, let's see whether help on import competition and legacy costs encourages private lenders to take another look at steel.

## DR. THOMAS STARZL

### HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. COYNE. Mr. Speaker, I rise today to call my colleagues' attention to an important anniversary—the 20th anniversary of Dr. Thomas Starzl's first liver transplant in Pittsburgh, Pennsylvania.

Dr. Starzl has been a pioneer in the field of organ transplants for the last 40 years. Dr. Starzl performed the world's first liver transplant in 1963 and the world's first successful liver transplant in 1967. His successful use of azathioprine and corticosteroids in kidney transplants in 1962 and 1963 produced a surge of transplant research around the world. Dr. Starzl's successful experiments with anti-lymphocyte globulin and cyclosprine in 1980 enabled transplantation to move from the experimental stage to an accepted medical procedure. And in 1989, Dr. Starzl's experimentation with another anti-rejection agent, FK506, led to additional advances in transplantation.

These are only a few of the highlights of Dr. Starzl's long and productive career. One measure of his contribution to modern medicine is the sheer volume of research that he has produced. He has authored or co-authored more than 2,000 articles, as well as four books and 292 chapters. I would point out that Dr. Starzl has been identified by the Institute for Scientific Information as the most cited scientist in the field of clinical medicine. Truly, he is a remarkable man.

Dr. Starzl was born in 1926 in Iowa. He graduated with a bachelor's degree in biology from Westminster College in Missouri. He studied medicine at the Northwestern University Medical School in Chicago, and he did graduate work at Johns Hopkins Hospital in Baltimore. He subsequently worked and studied at Johns Hopkins, the University of Miami, and the Veterans Administration Research Hospital in Chicago. Dr. Starzl served on the faculty of Northwestern University from 1958 until 1961 and held several positions, including chairman of the department of surgery, at the University of Colorado School of Medicine from 1962 until 1980.

Since 1981, Dr. Starzl has been associated with the University of Pittsburgh School of Medicine. Under his leadership, Pittsburgh became one of the largest and most successful centers for transplant surgery in the world. More than 5,700 liver transplants, 3,500 kidney transplants, 1,000 heart transplants, and 500 lung transplants have been performed at the University of Pittsburgh Medical center. In 1991. Dr. Starzl became director of the University of Pittsburgh Transplantation Institute, and in 1996, the Institute was renamed in his honor. Dr. Starzl now holds the title of director emeritus, and continues to conduct cutting-edge research on transplantation. Dr. Starzl has also been active as a leader—and often as a founding member—of a number of professional and scientific organizations, and he received nearly 200 awards and honors for his work.

I salute Dr. Starzl for his many contributions to the field of medicine on the occasion of the 20th anniversary of his first liver transplant in Pittsburgh.

## INTRODUCTION OF YOUNG AMERICAN WORKERS' BILL OF RIGHTS ACT—H.R. 961

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. LANTOS. Mr. Speaker, last week, with the support of 48 of our colleagues, I introduced comprehensive domestic child labor law reform—H.R. 961, The Young American Workers' Bill of Rights Act. This much-needed legislation will provide greater protection for American children in the workplace. The unfortunate exploitation of child labor in America is not a thing of the past. It is a problem that continues to threaten the welfare and education of millions of American young people. Unless we swiftly enact this important legislation, children will continue to be employed in jobs that place their lives in danger, and students will continue to struggle with the competing interests of holding a job and gaining an education at a time when education should be ''priority number one''. I urge my colleagues to join me in supporting this important legislation.

The exploitation of child labor is a national problem that continues to jeopardize the health, education and lives of many of our nation's children and teenagers. In farm fields and in fast-food restaurants all over this country, employers are breaking the law by hiring under-age children. Many of these youth put in long, hard hours and often work under dangerous conditions. Our legislation seeks to eliminate the all-too-common exploitation of children—working long hours late into the night while school is in session, and working under hazardous conditions.

Mr. Speaker, I am saddened to report that in this country, a young person is killed on the job every five days. Every 40 seconds a child is injured on the job. It is appalling to learn that the occupational injury rate for children and teens is more than twice as high than it is for adults. These statistics are a national disgrace. It is totally unacceptable for a civilized, advanced society such as ours to have our children injured and killed on the job.

Mr. Speaker, The Young American Workers' Bill of Rights Act would establish new, tougher penalties for willful violations of child labor laws that result in the death or serious bodily injury to a child. Not only does the bill increase fines and prison sentences for willful violation of our laws, but it will also assure that the names of child labor law violators are publicized. Nothing will deter corporate giants more than negative publicity. Negative publicity is one of the most effective tools we have to change corporate behavior.

While people often associate the evils of child labor with Third World countries, American children and teenagers are also exploited on the job. Our economy has changed significantly since the days when teenagers held after school jobs at the ''Mom and Pop'' grocery store or soda shop on the corner. In today's low unemployment economy, teenagers are hired to fill-in or replace jobs previously held by adults in full-time positions. They work in franchise fast food restaurants and national supermarket chains.

Many high-school students are working 30 to 40 hours a week, and they often work well past midnight. Research shows that long hours on the job take away time needed for schoolwork or family and extracurricular activities. The Young American Workers' Bill of Rights Act sets limits on the amount of time students can work during the school year. This is important Mr. Speaker, because studies show that the more hours children work during the school year, the more likely they are to do poorly academically. Studies have also shown that children who work long hours also tend to use more alcohol and drugs.

Mr. Speaker, The Young American Workers' Bill of Rights Act will reduce the problem of children working long hours when school is in session, and it strengthens existing limitations on the number of hours children under 18 years of age can work on school days. The bill would eliminate all youth labor before school. After-school work would be limited to 15 or 20 hours per week, depending on the age of the child. Additionally our legislation will require better record keeping and reporting of child labor violations. It also prohibits minors from operating or cleaning certain types of dangerous equipment, and prohibits children from working under certain particularly hazardous conditions.

Children working early in the morning before school or working late into the evening on days when school is in session is a serious problem facing our country. Recently, I met with students from Aragon High School of San Mateo, California, in my Congressional district. After talking about The Young American Workers' Bill of Rights Act to these students, who were visiting our nation's capitol, the students spoke up and voiced their concerns about being required to work past 11 or later on school nights. Every one of these students spoke in favor of enacting The Young American Workers' Bill of Rights Act.

Mr. Speaker, our legislation also increases protection for children under the age of 14 who are migrant or seasonal workers in agriculture. Current labor laws allow children—even those under 10 years of age—to be employed in agriculture. Child farm laborers can work unlimited hours before and after school, and they are not even eligible for overtime pay. At the age of 14, or even earlier, children working in agriculture are using knives and machetes, operate dangerous machinery, and are exposed to dangerous toxic pesticides. In no other industry in this nation are children so exploited as they are in agriculture. These are not children working on family farms, these are children working for agribusiness, these are children exploited by agribusiness.

I want to make it adamantly clear that as supporters of child labor reform we do not oppose young people working. I firmly believe that children must be taught the value of work. They need to learn the important lessons of responsibility, and they need to enjoy the rewards of working. It is not our aim to discourage employers from hiring young people. Rather, our goal is to ensure that the job opportunities available to young people are meaningful, safe and healthy and do not interfere with their important school responsibilities.

Mr. Speaker, let me state unequivocally that we do not oppose children taking on after-school employment. What we oppose are the senseless deaths and needless injuries of our teenagers. We oppose the negative effects on academic achievement that result when children work excessive hours while school is in session. A solid education—not after-school employment—is the key to a successful future.

I ask my colleagues on both sides of the aisle to join me in cosponsoring The Young American Workers' Bill of Rights Act. I urge swift enactment of meaningful child labor law reform legislation during this Congress.

## KANE HONORED FOR 47 YEARS IN EDUCATION

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my very good friend, Anthony Kane of Sugar Notch, Pennsylvania, who is being honored with a testimonial dinner on March 17 by the Luzerne County Coordinating Council and the Northeastern Region of the Pennsylvania State Education Association for his 47 years of hard work in the field of education.

Tony was born in Sugar Notch, graduated from Sugar Notch High School and went on to continue his education at Wilkes College, Bucknell University and New York University. He obtained his master's degree in music education from Ithaca College.

Tony started teaching in 1954, choosing to work at the Old Edwardsville School district because the pay was, as he put it, ''a little better'' than elsewhere: $2,400 a year, the equivalent of just $15,622 today.

From that humble beginning, Tony has become a singularly important force in elevating the wages and working conditions of teachers in the region and all of Pennsylvania to a level that recognizes their education, dedication and the importance of the duty with which we entrust them, that of preparing our children for the future.

The right to collective bargaining has been crucial to raising the standard of living for teachers in Pennsylvania. In addition to advocating for the improved wages and benefits, Pennsylvania teachers have also used their voice to secure more education funding.

Mr. Speaker, Tony has been a leader in all those efforts. In 1969, his fellow teachers recognized his abilities as a labor leader and elected him president of the Wyoming Valley West Education Association. He has served in that post ever since, and in 1981, he was elected to the Pennsylvania State Education Association's political action committee. He has chaired numerous state and local task forces and committees.

Tony's dedication to the labor movement and improving the standard of living for his colleague also carried over into his career as an accomplished accordion player. He became secretary of the American Federation of Musicians, Local 140, in 1962, another post he still holds. One of his accomplishments for his fellow musicians was securing a pension plan for the Northeast Philharmonic Orchestra.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the hard work and distinguished career of Anthony Kane, and I join his many friends in wishing him and his wife, Sarah, well.

## SECURITY AT THE NATIONAL LABORATORIES: A PROBLEM DEMANDING A REMEDY

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 14, 2001*

Mr. BEREUTER. Mr. Speaker, this Member rises to call attention to the continuing threat to U.S. national security posed by lax security standards at our national weapons laboratories. As we have learned in recent years, lax security at our Department of Energy national weapons laboratories has resulted in the loss of some of this nation's most important secrets. This Member had the honor to serve on the select committee tasked with investigating the loss of highly sensitive, classified program technology to the People's Republic of China (the Cox Committee), and can testify that security at our national weapons laboratories had been dangerously compromised. Other investigations have come to similar conclusions.

In 1999, a Presidential Commission led by former Senator Warren Rudman pointed to a dysfunctional culture that rebelled at the notion of addressing security requirements at the labs. In recent days, yet another commission has issued a devastating critique, noting that ''there is a dissonance within the system'' and that ''security people are not talking to scientists.''

Mr. Speaker, the issues at stake are too important to ignore. This Member urges President Bush to ensure that proper security becomes a priority at Federally funded institutions, such as the national weapons laboratories, which perform classified work. This Member commends to his colleagues an editorial in the February 24, 2001, edition of the Omaha World-Herald. As the editorial notes, ''George W. Bush campaigned last year on a pledge that he would make the security of the nation's nuclear labs a priority. In the wake of these ongoing embarrassments, it is essential that his Department of Energy deliver on that promise.''

NUCLEAR SECURITY PARTICULARLY URGENT

One of the Clinton administration's greatest failures was the Department of Energy's bumbling efforts to maintain security at the nation's nuclear weapons labs. Last year, after embarrassing security breaches exposed the department's Keystone Kops approach to security, then-Energy Secretary Bill Richardson said his department had finally set things right. Yet, according to a new press report, in his final days in office, Richardson suspended those security measures pending a review, saying they had harmed morale.

Richardson's action was ill-considered and exasperating. If scientists lack the professionalism to accept the security requirements necessary to safeguard the nation's pre-eminent nuclear research labs, those researchers should seek employment elsewhere.

This situation did not come about overnight. For many years, well preceding Clinton, scientists at Los Alamos and other labs tended to display an inappropriate elitist attitude, acting as if they were above the common-sense, if inconvenient, security protocols routinely required of everyone else in the defense establishment. The situation worsened during the Clinton administration as top administrative slots at energy were filled by appointees who exhibited far more enthusiasm for ''progressive'' endeavors such as unsealing classified documents about past radiation-exposure scandals than in something as passe as buttressing weapons-lab security.

Last week, the chairman of a commission charged with overseeing security at the nuclear labs described ongoing problems. There is ''dissonance within the system,'' he said, and ''security people are not talking to scientists.'' Those are astounding admissions. Even at this late date, after all the scandals and exposes and reviews, the security arrangements for the weapons tabs are still in a shambles?

George W. Bush campaigned last year on a pledge that he would make the security of the nation's nuclear labs a priority. In the wake of these ongoing embarrassments, it is essential that his Department of Energy deliver on that promise.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 15, 2001 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### MARCH 19

1 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine the current state of Department of Housing and Urban Development's Federal Housing Administration Insurance Fund.
SD–538

2:30 p.m.
Armed Services
Strategic Subcommittee
To hold hearings to examine the fiscal year 2000 report to assess the reliability, safety, and security of the United States nuclear stockpile.
SR–222

### MARCH 20

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the readiness impact of range encroachment issues, including endangered species and critical habitats; sustainment of the maritime environment; airspace management; urban sprawl; air pollution; unexploded ordinance; and noise.
SR–232A

10:30 a.m.
Foreign Relations
To hold hearings on the nomination of Marc Isaiah Grossman, of Virginia, to be Under Secretary of State (Political Affairs).
SD–419

### MARCH 21

9 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on harmonizing the Clean Air Act with our nation's energy policy.
SD–406

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to review current United States energy trends and recent changes in U.S. energy markets.
SD–106

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine issues surrounding the North Atlantic Treaty Organization.
SD–192

2 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the Klamath Project in Oregon, including implementation of PL 106-498 and how the project might operate in what is projected to be a short water year.
SD–628

Foreign Relations
To hold hearings on the nomination of Grant S. Green, Jr., of Virginia, to be Under Secretary of State for Management.
SD–419

3 p.m.
Intelligence
To hold closed hearings on intelligence matters.
SH–219

### MARCH 22

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the Food Safety and Inspection Service, Department of Agriculture.
SH–216

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Retired Officers Association, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to assess the District of Columbia Metropolitan Police Department's achievement of its year 2000 performance goals.
SD–342

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the National Park Service's implementation of management policies and procedures to comply with the provisions of Title IV of the National Parks Omnibus Management Act of 1998.
SD–192

### MARCH 29

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review environmental trading opportunities for agriculture.
SR–328A

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the implementation of the Administration's National Fire Plan.
SD–124

### APRIL 3

10 a.m.
Judiciary
To hold hearings to examine online entertainment and related copyright law.
SD–226

### APRIL 24

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers.
SD–124

### APRIL 25

10 a.m.
Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD–226

### APRIL 26

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.
SD–124

### MAY 1

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.
SD–124

Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD–226

### MAY 3

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.
SD–124

### MAY 8

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to genetics and biotechnology.
SD–226

## POSTPONEMENTS

### MARCH 16

9:30 a.m.
Finance
To hold hearings to examine issues relating to international trade and the American economy.
SD–215

### MARCH 27

10:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings on issues relating to Yucca Mountain.
SD–124

### APRIL 3

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings to examine issues surrounding nuclear power.
SD–124

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S2269–S2321***

**Measures Introduced:** Eleven bills and one resolution were introduced, as follows: S. 527–537, and S. Res. 60. **Pages S2305–06**

**Measures Reported:**

S. 143, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934, to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, with an amendment in the nature of a substitute. (S. Rept. No. 107–3) **Page S2305**

**Bankruptcy Reform:** Senate continued consideration of S. 420, to amend title 11, United States Code, taking action on the following amendments proposed thereto: **Pages S2273–97, S2299–S2300**

Adopted:

Carnahan Amendment No. 40, to ensure additional expenses associated with home energy costs are included in the debtor's monthly expenses. **Pages S2273, S2274**

Rejected:

Wyden Amendment No. 78, to provide for the nondischargeability of debts arising from the exchange of electric energy. (By 67 yeas to 30 nays, 1 responding present (Vote No. 26), Senate tabled the amendment.) **Pages S2273–76**

Smith (OR)/Wyden Amendment No. 95 (to Amendment No. 78), of a perfecting nature. (Amendment No. 95 fell when Amendment No. 78 (listed above) was tabled.) **Pages S2273, S2275**

Reid (for Durbin) Amendment No. 93, in the nature of a substitute. (By 64 yeas to 35 nays, 1 responding present (Vote No. 27), Senate tabled the amendment.) **Pages S2273, S2288–91, S2293–95**

Wellstone Modified Amendment No. 36, to disallow certain claims and prohibit coercive debt collection practices. (By 58 yeas to 41 nays, 1 responding present (Vote No. 28), Senate tabled the amendment.) **Pages S2273, S2279–84, S2291–93, S2295–96**

Withdrawn:

Wellstone Amendment No. 37, to provide that imports of semifinished steel slabs shall be considered to be articles like or directly competitive with taconite pellets for purposes of determining the eligibility of certain workers for trade adjustment assistance under the Trade Act of 1974. **Pages S2273, S2284–85**

Hatch Amendment No. 96 (to Amendment No. 93), of a perfecting nature. **Pages S2288–90**

Pending:

Leahy Amendment No. 20, to resolve an ambiguity relating to the definition of current monthly income. **Pages S2273, S2299**

Wellstone Amendment No. 35, to clarify the duties of a debtor who is the plan administrator of an employee benefit plan. **Page S2273**

Kennedy Amendment No. 38, to allow for reasonable medical expenses. **Page S2273**

Collins Amendment No. 16, to provide family fishermen with the same kind of protections and terms as granted to family farmers under chapter 12 of the bankruptcy laws. **Page S2273**

Leahy Modified Amendment No. 41, to protect the identity of minor children in bankruptcy proceedings. **Pages S2273, S2299**

Reid (for Breaux) Amendment No. 94, to provide for the reissuance of a rule relating to ergonomics. **Page S2273**

Reid (for Leahy) Amendment No. 19, to correct the treatment of certain spousal income for purposes of means testing. **Pages S2279, S2297**

During consideration of this measure today, Senate also took the following action:

By 80 yeas to 19 nays, 1 responding present (Vote No. 29), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the bill. **Pages S2296–97**

Leahy Amendment No. 20 (listed above) was modified and then later the modification was vitiated. **Page S2299**

A unanimous-consent agreement was reached providing for votes to occur on Reid (for Leahy) Amendment No. 19 and Leahy Modified Amendment No. 41 (both listed above), beginning at 12 noon, on Thursday, March 15, 2001. **Page S2299**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30

a.m. on Thursday, March 15, 2001, with Senator Wellstone being recognized to offer certain amendments to be proposed thereto. Further, at 10:30 a.m., Senator Kohl will be recognized to offer an amendment relating to the Homestead provision, with a vote to occur thereon. **Pages S2299–S2300**

**Appointments:**

***Congressional-Executive Commission on the People's Republic of China:*** The Chair, on behalf of the President of the Senate, and after consultation with the Democratic Leader, pursuant to Public Law 106–286, appointed Senators Baucus, Levin, Feinstein, and Dorgan to serve on the Congressional-Executive Commission on the People's Republic of China. **Page S2321**

**Executive Communications:** **Page S2305**

**Messages From the House:** **Page S2305**

**Measures Referred:** **Page S2305**

**Statements on Introduced Bills:** **Pages S2307–19**

**Additional Cosponsors:** **Pages S2306–07**

**Amendments Submitted:** **Page S2320**

**Additional Statements:** **Pages S2303–05**

**Notices of Hearings:** **Page S2321**

**Authority for Committees:** **Page S2321**

**Record Votes:** Four record votes were taken today. (Total—29) **Pages S2276, S2295–97**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 6:07 p.m., until 9:30 a.m., on Thursday, March 15, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2321.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## INTELLIGENCE PROGRAMS

*Committee on Appropriations:* Subcommittee on Defense concluded closed hearings to review intelligence programs, after receiving testimony from George J. Tenet, Director, Central Intelligence Agency; Keith Hall, Director, National Reconnaissance Office; and Gen. Michael Hayden, Director, National Security Agency, and Vice Adm. Thomas Wilson, Director, Defense Intelligence Agency, both of the Department of Defense.

## PRESIDENT'S BUDGET PROPOSAL

*Committee on the Budget:* Committee concluded hearings to examine the President's proposed budget request for fiscal year 2002, after receiving testimony from Colin L. Powell, Secretary of State.

## INTERNET TAX MORATORIUM

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings to examine whether to extend the Internet Tax Freedom Act's moratorium on the ability of state or local governments to impose new sales taxes on Internet access services, or to impose new taxes on electronic commerce allowing states to require all remote sellers to collect and remit sales taxes on deliveries into that state, after receiving testimony from Wyoming Governor Jim Geringer, Cheyenne, on behalf of the National Governors Association; Massachusetts Lt. Governor Jane Swift, Boston; Elizabeth Harchenko, Oregon Department of Revenue, Salem, on behalf of the Multistate Tax Commission; Frank G. Julian, Federated Department Stores, Inc., Cincinnati, Ohio, on behalf of the Internet Tax Fairness Coalition; Peter Lowy, Westfield America, Los Angeles, California, on behalf of the e-Fairness Coalition; Robert D. Comfort, Amazon.com, Seattle, Washington; and Jeff Dircksen, National Taxpayers Union, Alexandria, Virginia.

## BUSINESS MEETING

*Committee on Energy and Natural Resources:* Committee approved their fiscal year 2002 budgetary views and estimates on programs which fall within the jurisdiction of the committee and agreed on recommendations it will make thereon to the Committee on the Budget.

## CHARITABLE GIVING TAX RELIEF

*Committee on Finance:* Committee resumed hearings on the President's tax proposals to provide tax relief to working families, focusing on proposals to expand federal tax incentives for charitable giving, including S. 35, to provide relief to America's working families and to promote continued economic growth by returning a portion of the tax surplus to those who created it, S. 37, to provide for a charitable deduction for contributions of food inventory, S. 205, to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes, S. 298, to amend the Internal Revenue Code of 1986 to allow non-itemizers a deduction for a portion of their charitable contributions, S. 312, to provide tax relief for farmers and fishermen, and S. 393, to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research, receiving testimony from Senator Lugar; Rev. Floyd H. Flake, Allen Episcopal Methodist Church, Jamaica, New York; Douglas O'Brien, America's Second Harvest, Chicago, Illinois; Mary Sue Coleman, University of Iowa, Iowa City; and C. Eugene Steuerle, Urban Institute, John P. Walters, Philanthropy Roundtable, and Donald C.

Alexander, former Internal Revenue Service Commissioner, all of Washington, D.C.

Hearings recessed subject to call.

### DRUG TREATMENT, EDUCATION AND PREVENTION

*Committee on the Judiciary:* Committee held hearings on proposed legislation to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs, receiving testimony from Donnie R. Marshall, Administrator, Drug Enforcement Administration, and Paul M. Warner, United States Attorney for the District Court of Utah, Salt Lake City, both of the Department of Justice; Alan I. Leshner, Director, National Institute on Drug Abuse, Department of Health and Human Services; Robert DuPont, Institute for Behavior and Health, Inc., Washington, D.C., former White House Drug Czar; A. James Walton, Jr., Vermont State Department of Public Safety, Waterbury; Edyie Hewitt, East Wallingford, Vermont, on behalf of the Vermont Federation of Families for Children's Mental Health; Carroll O'Connor, Los Angeles, California; and Debra Walcott, Lake Ronkonkoma, New York.

Hearings recessed subject to call.

### ELECTION REFORM

*Committee on Rules and Administration:* Committee held hearings on election reform issues, including voter registration, ballot casting, voting equipment, election administration, and issues related to the 2000 election, receiving testimony from James Gashel, National Federation for the Blind, Baltimore, Maryland; R. Doug Lewis, The Election Center, Houston, Texas; Todd F. Gaziano, Heritage Foundation, Hillary O. Shelton, National Association for the Advancement of Colored People, John Samples, Cato Institute, Robert R. Williams, United Cerebral Palsy Associations, Inc., and Richard Trumka, AFL–CIO, all of Washington, D.C.; Juan A. Figueroa, Puerto Rican Legal Defense and Education Fund, Inc., New York, New York; Deborah M. Phillips, Voting Integrity Project, Arlington, Virginia; and Stephen Knack, Bethesda, Maryland.

Hearings recessed subject to call.

### BUSINESS MEETING

*Committee on Indian Affairs:* Committee approved their fiscal year 2002 budgetary views and estimates on programs which fall within the jurisdiction of the committee and agreed on recommendations it will make thereon to the Committee on the Budget.

### NATIVE AMERICAN EDUCATION IMPROVEMENT

*Committee on Indian Affairs:* Committee concluded hearings on S. 211, to amend the Education Amendments of 1978 and the Tribally Controlled Schools Act of 1988 to improve education for Indians, Native Hawaiians, and Alaskan Natives, after receiving testimony from William Mehojah, Director, Office of Indian Education Programs, Department of the Interior; Roger Bordeaux, Tiospa Zina Tribal School, Agency Village, South Dakota, on behalf of the Association of Community Tribal Schools; Angela Barney Nez, Navajo Area School Board Association, and Lorena Zah Bahe, Association of Navajo Community Controlled School Boards, both of Window Rock, Arizona; and John W. Cheek, National Indian Education Association, Alexandria, Virginia.

### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again Wednesday, March 21.

# House of Representatives

## *Chamber Action*

**Bills Introduced:** 26 public bills, H.R. 8, 10, 1013–1036; and 5 resolutions, H. Con. Res. 62–63, and H. Res. 88–90, were introduced. **Pages H926–29**

**Reports Filed:** Reports were filed today as follows:

H. Res. 89, providing for consideration of H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (H. Rept. 107–22). **Page H926**

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Dr. Calvin C. Turpin of Hollister, California, National Chaplain of the American Legion. **Page H881**

**Committee Election:** The House agreed to H. Res. 88, electing Members to the Committee on Agriculture: to rank immediately after Mr. Phelps of Illinois, Mr. Lucas of Kentucky; to rank immediately after Mr. Acevedo-Vilá of Puerto Rico, Mr. Kind of Wisconsin and Mr. Shows of Mississippi. And, to the Committee on the Budget: Mr. Matheson of Utah. **Page H885**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Made in America Information Toll Free Number:*** H.R. 725, amended, to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made (passed by a yea and nay vote of 407 yeas to 3 nays, Roll No. 48); **Pages H883–85, H902–03**

***Marjory Williams Scrivens Post Office in Miami, Florida:*** H.R. 364, to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the "Marjory Williams Scrivens Post Office;" **Pages H885–86**

***Joe Trogdon Post Office Building in Asheboro, North Carolina:*** H.R. 821, to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the "W. Joe Trogdon Post Office Building;" **Pages H886–87**

***Antitrust Technical Corrections:*** H.R. 809, to make technical corrections to various antitrust laws and to references to such laws; **Pages H888–89**

***Madrid Protocol Implementation:*** H.R. 741, to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions; **Pages H889–93**

***Multidistrict, Multiparty, Multiforum Trial Jurisdiction:*** H.R. 860, to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions; **Pages H893–98**

***Intellectual Property and High Technology Technical Amendments:*** S. 320, amended, to make technical corrections in patent, copyright, and trademark laws; and **Pages H898–H901**

***Vacating Arbitration Award Technical Amendments:*** H.R. 861, to make technical amendments to section 10 of title 9, United States Code (passed by a yea and nay vote of 413 yeas with none voting "nay", Roll No. 49). **Pages H901–02, H903**

**Japan-United States Friendship Commission:** The Chair announced the Speaker's appointment of Representative McDermott to the Japan-United States Friendship Commission. **Page H904**

**Committee Election:** The House agreed to H. Res. 90, electing Mrs. Jones of Ohio to the Committee on Standards of Official Conduct. **Page H918**

**Quorum Calls—Votes:** Two yea and nay votes developed during the proceedings of the House today and appear on pages H902–03 and H903. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 3:45 p.m.

# *Committee Meetings*

## FEDERAL FARM COMMODITY PROGRAMS

*Committee on Agriculture:* Continued hearings on federal farm commodity programs, with the National Farmers Union. Testimony was heard from Leland Swenson, President, National Farmers Union.

Hearings continue tomorrow.

## AGRICULTURE APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, Food and Drug and Related Agencies held a hearing on Inspector General, USDA. Testimony was heard from Roger C. Viadero, Inspector General, USDA.

## DEFENSE APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Defense met in executive session to hold a hearing on U.S. European Command. Testimony was heard from Gen. Joseph W. Ralston, USAF, Commander in Chief, European Command, Department of Defense.

The Subcommittee also met in executive session to hold a hearing on U.S. Space Command. Testimony was heard from Gen. Ralph Eberhart, USAF, Commander in Chief, U.S. Space Command and North American Aerospace Command, Department of Defense.

## LABOR, HHS, AND EDUCATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services and Education continued appropriation hearings. Testimony was heard from public witnesses.

Hearings continue tomorrow.

## MILITARY CONSTRUCTION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Military Construction held a hearing on European Military Construction. Testimony was heard from Gen.

Joseph W. Ralston, USAF, Commander in Chief, European Command, Department of Defense.

## TRANSPORTATION APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Transportation continued appropriation hearings. Testimony was heard from Members of Congress.

## TRICARE BENEFITS IMPLEMENTATION

*Committee on Armed Services:* Subcommittee on Military Personnel held a hearing on implementation of TRICARE benefits for Medicare-eligible military retirees. Testimony was heard from the following officials of the Department of Defense: Rear Adm. Jarrett Clinton, USN, Acting Assistant Secretary (Health Affairs); James Sears, Director, TRICARE Management Activity; and Kenneth C. Scheflen, Director, Defense Manpower Data Center; Elizabeth Cusick, Acting Executive Associate Administrator, Health Care Financing Administration, Department of Health and Human Services; and public witnesses.

## USDA BUDGET PRIORITIES

*Committee on the Budget:* Held a hearing on the Department of Agriculture Budget Priorities for Fiscal Year 2002. Testimony was heard from Representative Stenholm; Ann M. Veneman, Secretary of Agriculture; and a public witness.

## EMPOWERING SUCCESS: FLEXIBILITY AND SCHOOL CHOICE

*Committee on Education and the Workforce:* Subcommittee on Education Reform held a hearing on Empowering Success: Flexibility and School Choice. Testimony was heard from. Lisa Graham Keegan, Superintendent of Public Instruction, Department of Education, State of Arizona; Spence Korte, Superintendent, Public Schools, Milwaukee, Wisconsin; and public witnesses.

## OVERSIGHT—NATIONAL ENERGY POLICY: COAL

*Committee on Energy and Commerce:* Subcommittee on Energy and Air Quality held an oversight hearing on National Energy Policy: Coal. Testimony was heard from Mary Hutzler, Director, Office of Integrated Analysis and Forecasting, Energy Information Agency, Department of Energy; Billy Jack Gregg, Director. Consumer Advocate Division, Public Service Commission, State of West Virginia; Edwin Pinero, Director, Program Operations, Office of Pollution and Compliance, Department of Environmental Protection, State of Pennsylvania.

## PUBLIC ACCESS TO STOCK MARKET DATA

*Committee on Financial Services:* Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing on Public Access to Stock Market Data-Improving Transparency and Competition. Testimony was heard from public witnesses.

## CONFRONTING LIBERIA

*Committee on International Relations:* Subcommittee on Africa held a hearing on Confronting Liberia. Testimony was heard from Senator Feingold; and public witnesses.

## EL SALVADOR EARTHQUAKES; PERU—PROSPECTS FOR FREE AND FAIR ELECTIONS

*Committee on International Relations:* Subcommittee on Western Hemisphere approved for full committee action H. Con. Res. 41, expressing sympathy for the victims of the devastating earthquakes that struck El Salvador on January 13, and February 13, 2001, and supporting ongoing aid efforts.

The Subcommittee also held a hearing on Prospects for Free and Fair Elections in Peru. Testimony was heard from Ambassador Luis Lauredo, OAS, Department of State; Susan Westin, Managing Director, International Affairs and Trade, GAO; and a public witness.

## PRIVATE IMMIGRATION AND PRIVATE CLAIMS BILLS

*Committee on the Judiciary:* Subcommittee on Immigration and Claims approved for full Committee action a private claims bill.

Prior to this action, the Subcommittee adopted Rules of Procedure for private immigration bills and private claims bills and policy on Federal Charters.

## SMALL BUSINESS PAPERWORK RELIEF ACT; BUDGET VIEWS AND ESTIMATES

*Committee on Rules:* Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 327, Small Business Paperwork Relief Act. The rule provides that it shall be in order to consider as an original bill for the purpose of amendment the amendment in the nature of a substitute printed in the Congressional Record and numbered 1. The rule provides that the amendment in the nature of a substitute shall be open for amendment by section. The rule allows the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Burton and Representatives Ose and Tierney.

The Committee adopted Budget Views and Estimates for Fiscal Year 2002 for submission to the Committee on the Budget.

### CLIMATE CHANGE

*Committee on Science:* Held a hearing entitled: ''Climate Change: The State of the Science.'' Testimony was heard from Daniel Albritton, Director, Aeronmay Laboratory, NOAA, Department of Commerce; and public witnesses.

### BUDGET VIEWS AND ESTIMATES

*Committee on Small Business:* Approved Committee Budget Views and Estimates for Fiscal Year 2002 for submission to the Committee on the Budget.

### AIR TRAFFIC CONTROL SYSTEM—MODERNIZATION

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation held a hearing on the FAA's efforts to modernize the Air Traffic Control system, focusing on the Standard Terminal Automation Replacement System (STARS). Testimony was heard from the following officials of the Department of Transportation: Kenneth M. Mead, Inspector General; and Steven Zaidman, Associate Administrator, Research and Acquisitions, FAA; and public witnesses.

### ADMINISTRATION'S HEALTH AND WELFARE PRIORITIES; BUDGET VIEWS AND ESTIMATES

*Committee on Ways and Means:* Held a hearing on the Administration's Health and Welfare Priorities. Testimony was heard from Tommy G. Thompson, Secretary of Health and Human Services.

Prior to this action, the Committee approved Committee Budget Views and Estimates for Fiscal Year 2002 for submission to the Committee on the Budget.

### BRIEFING—COVERT ACTION CAPABILITIES

*Permanent Select Committee on Intelligence,* Subcommittee on International Policy and National Security and the Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to hold a joint briefing on Covert Action Capabilities. The Subcommittees were briefed by departmental witnesses.

## *Joint Meetings*

### WILDFIRE PROGRAM

*Joint Hearing:* Senate Appropriations' Subcommittee on the Interior concluded joint hearings with the House Committee on Appropriations' Subcommittee on the Interior on issues dealing with the wildfire program, after receiving testimony from Lyle Laverty, Associate Deputy Chief/National Fire Plan Coordinator, Forest Service, Department of Agriculture; Tim Hartzell, Director, Office of Wildland and Fire Coordination, Department of the Interior; and James Hubbard, Colorado State Forest Service, Fort Collins, on behalf of the Western Governors Association.

### VETERANS PROGRAMS

*Joint Hearing:* Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of the Disabled American Veterans, after receiving testimony from Armando C. Albarran, Disabled American Veterans, Washington, D.C., who was accompanied by several of his associates.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D136)*

H.R. 559, to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the ''John Joseph Moakley United States Courthouse''. Signed March 13, 2001. (Public Law 107–2)

S. 279, affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee. Signed March 13, 2001. (Public Law 107–3)

## COMMITTEE MEETINGS FOR THURSDAY, MARCH 15, 2001

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Transportation, to hold oversight hearings on competition and mobility issues in the freight rail industry, 10 a.m., SD–124.

Subcommittee on District of Columbia, to hold hearings on the District of Columbia's child and family services receivership, 10:30 a.m., SD–192.

*Committee on Banking, Housing, and Urban Affairs:* business meeting to mark up S. 149, to provide authority to control exports, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* business meeting to consider S. 319, to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity; S. 361, to establish age limitations for airmen; S. 415, to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities; the committee resolution designating Senator Allen as Chairman of the Subcommittee on Science, Technology, and Space; the nomination of Rear Adm. Thad W. Allen, United States Coast Guard to be Commander, Atlantic Area, U.S. Coast Guard, with the grade of Vice Admiral;

and other nominations for promotion in the United States Coast Guard, 9:30 a.m., SR–253.

*Committee on Energy and Natural Resources:* to hold hearings on S. 26, to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market; S. 80, to require the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates or charges for electricity, to establish cost-based rates for electricity sold at wholesale in the Western Systems Coordinating Council; and S. 287, to direct the Federal Energy Regulatory Commission to impose cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and amendment No. 12 to S. 287, 9 a.m., SH–216.

*Committee on Environment and Public Works:* Subcommittee on Transportation and Infrastructure, to hold hearings to examine the Army Corps of Engineers management reforms, 9:30 a.m., SD–406.

*Committee on Finance:* Subcommittee on Taxation and IRS Oversight, to hold hearings to examine the preservation and protection of family business legacies, 10 a.m., SD–215.

Full Committee, to resume hearings on issues relative to living without health insurance focusing on solutions including individual tax credits, employer tax credits, increased flexibility in Medicaid and the State Children's Health Insurance Program, program expansions, and ways to improve outreach, 2:30 p.m., SD–215.

*Committee on Foreign Relations:* to hold hearings on the nomination of Richard Lee Armitage, of Virginia, to be Deputy Secretary of State, 10:30 a.m., SD–419.

Subcommittee on European Affairs, to hold hearings to examine certification of the United States assistance to Serbia, 2 p.m., SD–419.

*Committee on Governmental Affairs:* to hold hearings to examine high performance computer export controls, 9:30 a.m., SD–342.

*Committee on the Judiciary:* business meeting to consider S. Res. 50, designating March 25, 2001, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" and subcommittee organization, Time to be announced, S–216, Capitol.

## House

*Committee on Agriculture,* to consider the following: Committee Budget Views and Estimates for Fiscal Year 2002 for submission to the Committee on the Budget; and other pending Committee business; and to continue hearings on federal farm commodity programs, 9:30 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Defense, executive, on Worldwide Threat, 9:30 a.m., H–405 Capitol, and executive, on U.S. Southern Command, 1:30 p.m., H–140 Capitol.

Subcommittee on Labor, Health and Human Services and Education, on public witnesses, 10 a.m., 2358 Rayburn.

Subcommittee on Military Construction, on Historic Properties, 9:30 a.m., B–300 Rayburn.

Subcommittee on Transportation, on Airline Delays, 10 a.m., 2358 Rayburn.

*Committee on the Budget,* hearing on Department of State Budget Priorities Fiscal Year 2002, 9:30 a.m., 210 Cannon.

*Committee on Education and the Workforce,* Subcommittee on 21st Century Competitiveness, hearing on Improving Student Achievement Through Technology, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Health, hearing entitled: "A Smarter Health Care Partnership for American Families: Making Federal and State Roles in Managed Care Regulation and Liability Work for Accountable and Affordable Health Care Coverage," 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing on Digital Television: A Private Sector Perspective on the Transition, 10 a.m., 2123 Rayburn.

*Committee on Government Reform,* Subcommittee on National Security, Veterans' Affairs and International Relations, hearing on Vulnerabilities to Waste, Fraud and Abuse: Inspectors General Views on Defense and National Security Programs, 9 a.m., and on Inspectors General Views on International Relations and Trade Programs, 1 p.m., 2247 Rayburn.

*Committee on International Relations,* Subcommittee on International Operations and Human Rights, hearing on Human Rights in Northern Ireland: Promises Kept or Promises Broken? 9:30 a.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on the Constitution, hearing on H.R. 503, Unborn Victims of Violence Act of 2001, 10 a.m., 2237 Rayburn.

*Committee on Resources,* Subcommittee on Energy and Mineral Resources, oversight hearing on Domestic Natural Gas Supply and Demand: the Contribution to Public Lands and the OCS, 2 p.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 643, African Elephant Conservation Reauthorization Act of 2001; H.R. 645, Rhinoceros and Tiger Conservation Reauthorization Act of 2001; and H.R. 700, Asian Elephant Conservation Reauthorization Act of 2001, 10 a.m., 1324 Longworth.

*Committee on Transportation and Infrastructure,* Subcommittee on Water Resources and Environment, hearing on Brownfields: Lessons from the Field, 9:30 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee on Benefits, hearing on the following: H.R. 801, Veterans' Opportunities Act of 2001; and on VA's implementation of veterans transitional housing assistance, 9 a.m., 334 Cannon.

*Committee on Ways and Means,* Subcommittee on Health, to continue hearings on Medicare Reform, 10 a.m., 1100 Longworth.

Subcommittee on Human Resources, hearing on Welfare Reform, 11 a.m., B–318 Rayburn.

*Next Meeting of the* SENATE

9:30 a.m., Thursday, March 15

Senate Chamber

**Program for Thursday:** Senate will continue consideration of S. 420, Bankruptcy Reform, with Senator Wellstone being recognized to offer certain amendments. At 10:30 a.m., Senator Kohl will be recognized to offer a certain amendment relating to the Homestead provision, with a vote to occur thereon. Also, votes will occur on Reid (for Leahy) Amendment No. 19 and Leahy Modified Amendment No. 41, beginning at 12 noon.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 15

House Chamber

**Program for Thursday:** Consideration of H.R. 327, Small Business Paperwork Relief Act (open rule, one hour of debate).

## Extensions of Remarks, as inserted in this issue

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