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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 26, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PROJECT IMPACT

Mr. BLUMENAUER. Mr. Speaker, numerous natural events of the past few months, including the earthquake in the State of Washington and Tropical Storm Allison of just recent days in Texas and Louisiana, have underscored our need for disaster preparedness.

What we have learned from these events is that we can in fact save lives and money by making investments up front to protect our communities. What we have learned is that what we do in the beginning by hardening the sites, preparing people's responses, moving out of harm's way, has an overwhelming payback, a payback not just in money but in lives saved and injury and human misery avoided.

As was pointed out in yesterday's Washington Post, spending money in disaster mitigation pays off. It has often been cited that in the great flood of 1993, Charles County, Missouri, suffered $26 million in damages. However, the same area, after a significant buyout and a similar flood 2 years later, caused only $300,000 in damage.

Our friends at the Federal Emergency Management Agency believe that in the past 8 years the buyout programs of the Federal government have received a 200 percent rate of return in investment in disaster mitigation.

It is frustrating that, in the wake of these tragedies, the Bush administration and its Office of Management and Budget have proposed cutting funds for several of these Federal mitigation programs, including FEMA's Project Impact.

Mr. Speaker, I have had significant opportunity to interact with the men and women working with Project Impact. This was one of the creations of former Director James Lee Witt that has in fact earned him international recognition.

I have seen that, contrary to the administration's assertion that Project Impact has not proven effective, I have seen Project Impact leverage even a modest Federal investment in my own community to be a lynchpin for additional commercial investments, as well as careful planning and consideration by local government.

I had an opportunity last fall to address the Conference of Project Impact Volunteers. One of the most important aspects of this program is the development of the human infrastructure to aid in disaster mitigation. It is hard to imagine a Federal investment doing more than to produce these dedicated volunteers making the difference in making these programs work.

Project Impact is not a grant program. It provides seed money to build disaster-resistant communities. It is a commonsense approach to help communities protect themselves. It offers expertise and technical assistance. It puts the latest technology and mitigation practices into the hands of local communities, and most important, it brings people together to understand how they can solve their own problems.

Started just 5 years ago with seven pilot projects across the country, there are now 2,500 Project Impact business partners, including Federal agencies like NASA, that are working in 250 Project Impact communities.

Mr. Speaker, Joe Allbaugh, a longtime friend and Bush appointee, the new Director of FEMA, has pointed out that he is deeply impressed by the ''swift and tangible results,'' his words, of buy-out programs and other efforts to mitigate the cost of disasters before they strike. I know from the news accounts that he has taken his budget concerns to the bean-counters at OMB who need to understand the potential benefits of continuing this program.

I must commend the Bush administration for understanding the potential of using reform in other contexts. I appreciate and applaud their putting money in the budget that signifies reform of the National Flood Insurance Program.

The gentleman from Nebraska (Mr. BEREUTER) and I for the last 2 years have been working to reform the flood insurance program so it is no longer subsidizing people to live in areas where it is repeatedly shown that it is dangerous and inappropriate.

I hope the administration will build on this notion of reform that they are proposing in flood insurance and carry

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it over in Project Impact. We cannot afford to lose it.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 8 minutes a.m.) the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

The Reverend Lawson Anderson, Canon Pastor, Episcopal Diocese of Arkansas, Little Rock, Arkansas, offered the following prayer:

Let us pray. Gracious God, as we prepare in the week ahead to celebrate the anniversary of the founding of this Republic, we commend this Nation to Your merciful care. We pray that being guided by Your providence we may live securely in Your peace.

Grant to the President of the United States, to the Members of this Congress, and to all in authority wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve this country in Your fear. Guide them as they shape the laws for maintaining a just and effective plan for our government.

Give to all of us open minds and caring hearts and a firm commitment to the principles of freedom and tolerance established by our Nation's founders and defended by countless patriots throughout our history.

Help us to stamp out hatred and bigotry, to embrace the love and concern for others that You have clearly shown to be Your will for all mankind. Bring peace in our time, O Lord, and give us the courage to help You do it.

For we ask this in Your name. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. MCNULTY led the Pledge of Allegiance as follows:

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

WELCOME TO REVEREND LAWSON ANDERSON, GUEST CHAPLAIN

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

Mr. HUTCHINSON. Mr. Speaker, it is with great pleasure that I welcome Reverend Lawson Anderson to the House floor and thank him for such an encouraging opening prayer.

Reverend Anderson is a lifelong resident of Arkansas and thousands have been blessed with his compassion and support in times of crisis. He is well-known for his wisdom, his wonderful wit, and his easy manner in any situation. After successful careers in forestry and banking, Lawson was called to the ministry and has served Episcopal congregations in Springdale, Newport, and North Little Rock.

In his life, Lawson reflects a true commitment to helping and encouraging others; from prison ministries to respite care for the elderly; from youth services to mental health; from crisis to crime prevention.

After 25 years of ministry, he continues his work. He has provided support and counseling to law enforcement officials, educators, and health professionals following the tragic school shootings in Jonesboro and the tornadoes in Central Arkansas.

He has served his community, his State, and his Nation with honor and compassion. While he reminds me that he is here today not to be praised but to pray, I am honored to have him pray with us today and to recognize the work he has done for the people of Arkansas.

THE JOURNAL

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). The Chair would like the Members' attention.

The Chair is advised that one column of the lights on the voting display panel is inoperative at this moment but that all those Members are being recorded. Members should verify their votes.

The vote was taken by electronic device, and there were—yeas 346 nays 45, answered ''present'' 1, not voting 40, as follows:

[Roll No. 189]

YEAS—346

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica

Millender-McDonald	Regula	Snyder
Miller (FL)	Rehberg	Solis
Miller, Gary	Reyes	Souder
Miller, George	Reynolds	Spence
Mink	Riley	Spratt
Mollohan	Rivers	Stark
Moran (KS)	Rodriguez	Stearns
Moran (VA)	Roemer	Stenholm
Morella	Rogers (KY)	Strickland
Murtha	Rogers (MI)	Stump
Myrick	Rohrabacher	Sununu
Nadler	Ros-Lehtinen	Tanner
Napolitano	Ross	Tauscher
Neal	Rothman	Tauzin
Nethercutt	Roukema	Taylor (NC)
Ney	Royce	Terry
Northup	Rush	Thomas
Norwood	Ryan (WI)	Thornberry
Nussle	Sandlin	Thune
Obey	Sawyer	Thurman
Olver	Saxton	Tiahrt
Ortiz	Scarborough	Tiberi
Osborne	Schiff	Tierney
Ose	Schrock	Traficant
Otter	Scott	Turner
Oxley	Sensenbrenner	Upton
Pascrell	Serrano	Vitter
Pastor	Sessions	Walden
Paul	Shadegg	Walsh
Pence	Shaw	Wamp
Peterson (PA)	Shays	Watkins (OK)
Petri	Sherman	Watson (CA)
Phelps	Sherwood	Watt (NC)
Pickering	Shimkus	Watts (OK)
Pitts	Shows	Weldon (FL)
Pombo	Shuster	Weldon (PA)
Pomeroy	Simmons	Wexler
Portman	Simpson	Whitfield
Quinn	Skeen	Wilson
Radanovich	Skelton	Wolf
Rahall	Smith (NJ)	Woolsey
Rangel	Smith (TX)	Wynn
	Smith (WA)	Young (FL)

NAYS—45

Aderholt	Kelly	Sanchez
Baird	Kennedy (MN)	Schaffer
Bishop	Kingston	Stupak
Bonior	Kucinich	Sweeney
Borski	Latham	Taylor (MS)
Brady (PA)	Lewis (GA)	Thompson (CA)
Capuano	LoBiondo	Thompson (MS)
Costello	McDermott	Udall (CO)
DeFazio	Menendez	Udall (NM)
Filner	Moore	Velazquez
Gutknecht	Oberstar	Visclosky
Hastings (FL)	Pallone	Waters
Hefley	Peterson (MN)	Weller
Hilliard	Ramstad	Wicker
Holt	Sabo	Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—40

Boucher	Istook	Putnam
Burton	John	Roybal-Allard
Clay	Kaptur	Ryun (KS)
Clement	Largent	Sanders
Cox	Larsen (WA)	Schakowsky
Crane	LaTourette	Slaughter
Cummings	Lipinski	Smith (MI)
Doolittle	Maloney (CT)	Toomey
Doyle	Owens	Towns
Fattah	Payne	Waxman
Fossella	Pelosi	Weiner
Herger	Platts	Young (AK)
Hinchey	Price (NC)	
Hinojosa	Pryce (OH)	

□ 1031

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. MALONEY of Connecticut. Mr. Speaker, today I was unavoidably detained and missed rollcall vote No. 189. Had I been present, I would have voted ''yea'' on rollcall No. 189.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 2001.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a Certificate of Election received from the State Board of Elections, Commonwealth of Virginia, Mr. Linwood M. Cobbs, Chairman, indicating that, on examination of the Official Abstracts of Votes on file in that office for the special election held June 19, 2001, the Honorable J. Randy Forbes was duly elected Representative in Congress for the Fourth Congressional District, Commonwealth of Virginia.

With best wishes, I am,

Sincerely,

JEFF TRANDAHL.

SWEARING IN OF THE HONORABLE J. RANDY FORBES, OF VIRGINIA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect and the Members of the Virginia delegation present themselves in the well.

Mr. FORBES appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the 107th Congress.

WELCOMING THE HONORABLE J. RANDY FORBES TO THE HOUSE OF REPRESENTATIVES

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

Mr. WOLF. Mr. Speaker, it is my pleasure to welcome the newest Member of the House, RANDY FORBES, of Chesapeake, Virginia.

RANDY won a hard-fought battle to represent the Fourth District of Virginia, which was represented by our former colleague and very, very good friend, Norman Sisisky, for the last 18 years.

RANDY comes to Congress with a strong legislative background. He has served in the Virginia General Assembly since 1990, first as a member of the House of Delegates, then as a State senator since 1997. He held leadership positions in both bodies.

RANDY also has served as the chairman of the Republican Party of Virginia. He had tremendous success recruiting candidates and is credited with helping Republicans take control of the Virginia House of Delegates for the first time in modern history.

While in the General Assembly, RANDY was a leader in the Commonwealth's drive to abolish parole and enact truth-in-sentencing laws. He was the chief patron of a bill that allows teachers to enforce discipline in their classrooms without fear of being sued. And he led the effort to create a school construction grants program to assist localities with the skyrocketing costs of building new schools to help reduce classroom overcrowding.

I have known RANDY for a long time. He is good, he is honest, he is ethical, he is decent, he is moral. He is a very capable legislator. I know he will be an outstanding addition to the United States Congress. He has a longstanding relationship with a number of other Members, particularly with those of us from the Virginia delegation and will have no trouble at all adapting to how things are done here in Congress.

RANDY earned his law degree from the University of Virginia and was the valedictorian of his 1974 graduating class at Randolph-Macon College. He and his wife of 22 years, Shirley, live in Chesapeake, Virginia. They have four children.

Mr. Speaker, it is my pleasure to welcome RANDY to the United States Congress. Joining us today are Senator JOHN W. WARNER and Senator GEORGE ALLEN. I, along with my other colleagues from Virginia and across the country, look forward to working with you.

EXPRESSING GRATITUDE ON ELECTION TO CONGRESS

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

Mr. FORBES. Mr. Speaker, I can think of no honor greater than the privilege of joining the men and women of this body for whom I have such great respect. I want to personally thank you, the congressional leadership, and those men and women on both sides of the aisle who have been so gracious in assisting us in our quick transition to this new office.

Mr. Speaker, I am also aware that I will benefit greatly by standing on the shoulders of a great legislator, Norman Sisisky, who worked tirelessly for his constituents for over 18 years. Since he is no longer with us, and I cannot thank him personally, I would like to thank his family and his staff for the service his office has provided over the years.

Mr. Speaker, I also want to thank all the people of the Fourth Congressional District for giving me their trust and confidence. I particularly want to thank my wife, Shirley, my children, family, friends and supporters for all their help. I promise to each of you that I will give all my energy, all my ability, and all my passion to representing the ideals of this Congress and of fulfilling the hopes, dreams and needs of the people of the Fourth Congressional District of Virginia.

Mr. Speaker, last but certainly not least, I am grateful to the Lord for giving me the wonderful gift of living in the greatest Nation on the face of the earth. I will continue to pray that God will give me the wisdom and strength to serve the men and women of the fourth district and that He will continue to bless this great Nation.

REPUBLICANS TRIUMPH IN ANNUAL CONGRESSIONAL BASEBALL GAME

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

Mr. OXLEY. Mr. Speaker, today is the day of bragging rights for the congressional baseball game. I am proud to announce that the Republican team won 9 to 1 on Thursday night. I want to thank MARTIN SABO and all the Democrat participants as well as our own team for a wonderful game. We had over 3,000 people come out to the Baysox ballpark for the game and raised over $90,000 for charity, the Washington Literacy Council and the Boys and Girls Club of Washington.

We are very, very proud of that. This is a great tradition. This is the 40th congressional game in the modern era. I want to thank everybody who participated.

I thought I would immortalize this year's game in poetry so it goes down in the literary, as well as the sports, annals and, in the process, raising the level of culture a little bit in this great Chamber.

Many of my colleagues may remember this famous poem by Gerald Hern on the old Boston Braves pitching stars, Warren Spahn and Johnny Sain. They were the team's only two reliable pitchers:

First we'll use Spahn
and then we'll use Sain.
Then an off day
followed by rain.
Back will come Spahn
followed by Sain
and followed we hope
by 2 days of rain.

With apologies to Mr. Hern, I have adapted his poem into an ode to my starting pitcher and MVP, STEVE LARGENT, the gentleman from Oklahoma.

First we'll use Largent
and then we'll pitch him again.
As long as his arm's good
we'll pitch him in sun or in rain.
Sadly, now he's retired like Spahn and like Sain
I probably won't see his likes again.
Auditioning new pitchers will be a big pain
because you know from last year
that walks drive me insane.
There's just one more honor
at which Steve can now aim,
not Governor but induction
in the Roll Call Baseball Hall of Fame.

CITIZENSHIP FOR GAO ZHAN

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I want to discuss the tragic story of Gao Zhan. Gao Zhan is a United States lawful permanent resident and American University faculty fellow who is currently being detained in China on charges of espionage. On February 11, 2001, while visiting relatives in China, Dr. Zhan and her family were arrested on espionage charges. The Chinese authorities did release Gao Zhan's husband and child, both United States citizens, after being separated for a month. The child, the little boy, is 5 years old. However, Gao Zhan remains in detention.

There has been no contact with her since she was arrested over 4 months ago. All attempts to locate Gao Zhan have failed. The United States embassy in China and other United States officials as well as attorneys from both the United States and China have tried to locate the whereabouts of Gao Zhan. The Chinese government has refused to share any information.

I have introduced H.R. 1385, which grants Gao Zhan citizenship in the United States without her being administered the oath of renunciation and allegiance. This bill is critical since Gao Zhan is being held against her will in China and the law provides different treatment to United States citizens than it does to United States lawful permanent residents.

Congress needs to confer this citizenship on Gao Zhan. She is one who needs to be reunited with her family.

TIME TO STOP POINTING FINGERS

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

Mr. FOLEY. Mr. Speaker, in the past few weeks Governor Gray Davis has turned up the rhetorical heat while Californians have turned out their lights because of rolling blackouts expected to plague the State all summer long.

The Governor has left no stone unturned in his campaign to point fingers in any direction. He has blamed the Federal Government. He has blamed electric utilities. He has blamed energy companies. He has even blamed President Bush. My God. He is the Energizer bunny of bankrupt ideas.

President Bush recognizes that America faces serious energy shortages, so his administration is putting forward a comprehensive plan to protect consumers from fluctuating fuel costs using 21st-century technology to diversify our clean and affordable energy sources.

But what does Gray Davis do? He hires spin doctors at $30,000 a month paid for by the taxpayers to explain why his State is suffering. I am sure Governor Davis realizes this is an inappropriate use of tax dollars, considering he is sitting on $26 million in campaign cash.

This reminds me of another disaster, Mr. Governor, the *Exxon Valdez*. That is your administration.

MONUMENT NEEDED FOR SOME OF THE BRAVEST AMERICANS

(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, today is the 125th anniversary of Custer's last stand, a sad chapter in American history. To make it even worse, there is only one monument at Little Bighorn, to—General Custer!

□ 1045

Unbelievable. As the story goes, Uncle Sam took the whole Indian Nation and put them on a reservation. He took away their native tongue, taught English to their young, took away their way of life, killed their children and their wife. And even the beads they made by hand were then imported from Japan.

Beam me up. Is it any wonder that these brave warriors joined together massively for one lasting victory to be remembered throughout all of American history?

Now, Mr. Speaker, their descendants fight along with our soldiers to keep America free.

I yield back the need to build a lasting monument in tribute to some of the bravest Americans who ever lived right here in Washington, D.C.

PRICE CONTROLS MAY BE NICE POLITICS BUT THEY ARE LOUSY POLICY

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

Mrs. BIGGERT. Mr. Speaker, day in and day out I hear calls for price controls on electricity, and I wonder were the 1970s that long ago, or are we just suffering from convenient amnesia? Am I the only one who remembers the gas price controls imposed by President Richard Nixon in an effort to ensure an adequate supply of gasoline at reasonable rates? Am I the only one who remembers that the resulting artificial low prices did not lower consumption, but did lower supply?

I guess I am the only one who does not look fondly back on the days of long lines at the local service station and gas rationing. Price controls may be nice politics, but they are lousy policy. The bottom line is that we are trying to meet today's energy needs with yesterday's energy infrastructure, and it is not working.

Our energy demand has increased 47 percent over the last 30 years, and yet we have half as many oil refineries, static pipeline capacity and 20 times as many mandated gasoline blends. Low energy prices through the 1980s and 1990s have lulled American consumers

and producers into believing that low prices will always be there, but now we know that is not true.

MUHAMMAD ALI

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

Ms. CARSON of Indiana. Mr. Speaker, I rise today almost 1 week after the 34th anniversary of Muhammad Ali's conviction for draft evasion. Muhammad Ali sits on anyone's short list of the greatest athletes of the 20th century. In fact, Time Magazine recently listed Ali among the top 20 heroes and icons of the 20th century.

Perhaps Ali's greatest testament was the only fight in which he declined to participate. With the war in Vietnam dragging on, the draft call was expanded, and the heavyweight champion of the world was reclassified as 1A, eligible for military service.

Ali was told the news at a training camp in Miami, and, badgered all day by the press, he came out with the now famous line, ''I ain't got no quarrel with them Viet Cong.''

It may have been a spontaneous remark, but he stuck by his word with courage, conviction and stood out against the conflict in Vietnam. His courage to stand by his belief in the years when the war was still favored by the majority of Americans will stand as a testament to those who protested.

I would encourage, Mr. Speaker, my colleagues in joining, along with the other 40 cosponsors, in awarding Muhammad Ali a Congressional Gold Medal. Please sign up.

CONGRATULATIONS TO CHARLTON ''CHEWY'' JIMERSON, THIS YEAR'S OUTSTANDING PLAYER AT UNIVERSITY OF MIAMI

(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, I congratulate the University of Miami baseball team and its exceptional coach Jim Morris for the flawless performance that enabled them to win the College World Series. The Hurricanes celebrated their 12-to-1 win over Stanford, and this victory marks their second annual title in 3 years.

Professional teams have drafted 11 talented Hurricanes, but it is Charlton Jimerson who won this year's Outstanding Player Award.

Chewy, as he is called by his teammates, survived an unstable childhood. He was raised by his sister Lanette, who inspired confidence so that he would achieve success. By writing a letter, Chewy invited himself to play at the University of Miami, and today this fifth-round draft choice of the Houston Astros is described as the emotional fuse for a dynamite team.

I ask my congressional colleagues to join me in commending outstanding player Charles Jimerson, his talented coach Jim Morris, and the amazing University of Miami baseball team for an outstanding victory once again.

FINGERPOINTING MAY WIN POLITICAL POINTS AT HOME BUT IT DOES NOT SOLVE OUR NATION'S ENERGY CRISIS

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

Mrs. MYRICK. Mr. Speaker, during this current energy situation, there has been a lot of pointing of fingers of blame in this Chamber. That may win political points at home, but it sure does not solve the problem.

President Bush has put forth a very responsible plan to solve our energy problem. He has taken the lead. It is a balanced plan that stresses conservation as well as increased supply. We, of course, want to protect the environment and be responsible with the plan. There is no question in that.

We also need to reduce our dependency on foreign sources of supply. It is time that America is in charge of our supply of energy, not Saddam Hussein.

IT IS DEMOCRATS WHO HAVE PUT CALIFORNIA INTO THIS ENERGY MESS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am sick and tired of being sick and tired; sick and tired of hearing Democrats complain about the energy crisis. The last time I checked, the Democrat Governor Gray Davis was and is in charge of California. The last time I checked, Democrats also controlled the White House for 8 long years and did nothing. Bill Clinton and Al Gore had plenty of time to examine and solve the energy crisis in California while they were out there visiting Buddhist temples, but they did not. Instead, Democrats like DASCHLE and GEPHARDT just play the blame game.

Democrats are blaming George Bush and DICK CHENEY for the California energy problem. They must have forgotten this administration just took office. If the Democrats had been wise, they would have been drilling for oil, building new energy plants and building new transmission lines. That is what it takes to solve the problem is finding resources. In short, it is the Democrats who put California into this mess. Americans do not want, need or deserve the California energy problems.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair would remind Members that it is not in order to address members of the other Chamber.

PRICE CONTROLS, THE EVIDENCE IS THEY DO NOT WORK

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, wholesale electric price controls do not work. What better example of this than California? Leading energy experts have been saying for months that one major reason California is in its current energy mess is because of price controls. Now we have further evidence that the price controls are not the answer.

Last week the Department of Energy released a report indicating that if Governor Davis gets his way and a cost-plus-$25 price cap is implemented, Californians will be literally in the dark.

The Department of Energy report concludes that Governor Davis' price caps would result in the delay or abandonment of about 1,300 megawatts of capacity scheduled to be constructed in the State. What does this mean to Californians? It means that 90,000 additional households could be affected.

As Pennsylvania learned, deregulation can be implemented with success, but price caps and unnecessary government regulations result in shortages and higher prices. We in Pennsylvania know that. The Department of Energy concurs.

HARD-WORKING AMERICANS DESERVE ANSWERS AND THEY DEMAND A SOUND ENERGY POLICY

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

Mr. GIBBONS. Mr. Speaker, our economy over the last year has showed signs of slowing. Energy prices are already too high, and they are going higher. Much of our country faces either energy shortages, blackouts or both. Major energy shortages are expected throughout the summer for most of the West. Gas prices there top $2.25 a gallon at the pump. Hard-working Americans deserve answers, and they demand a sound energy policy.

Mr. Speaker, our Nation's energy problems demand multifaceted solutions, including increased supplies of traditional fossil fuels and alternative sources of energy as well as improving energy conservation and efficiency. It will not be easy, and it will not be quick, but we have the technology and the resources to meet our energy needs for decades, even centuries, to come, while ensuring a clean environment as a legacy for our children as well.

We need to work with President Bush to create a balanced, comprehensive national energy policy that meets our energy challenges today and provides for our needs well into the future.

ARTISTIC HOMES, A WAY TO CONSERVE OUR ENERGY RESOURCES

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

Mrs. WILSON. Mr. Speaker, on Saturday afternoon I was on the west side of Albuquerque at Artistic Homes. Artistic Homes have changed the way they build homes in order to reduce utility bills.

I met a first-time buyer family that is going to buy one of those homes. They were signing the papers that day. They currently pay $160 a month for their electric and gas bill, and they expect that bill will be $20 a month when they move into this new home.

That experience reinforces why conservation must be a part of our energy agenda. We have an energy problem in this country. It is toughest in the West, but it affects us all. There are not going to be any quick fixes. We need a balanced, long-term approach to give us the stability and the energy that we need. This is too important to do anything but the right thing.

We need to start with conservation. We have made tremendous progress in this country over the last 20 years. We are not going back, and nobody wants to. We need a balanced mix of new supplies of energy, and we have to bring on the next generation of new supplies of energy. It is time to pull together and lead, to give us real answers for our energy problems.

THE TIME HAS COME TO CHANGE THE OUTDATED DAVIS-BACON ACT

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

Mr. BALLENGER. Mr. Speaker, I would like attention to be directed to one of many problems on the outdated Davis-Bacon Act of 1931. As my colleagues know, this law requires the State and local construction projects receiving over $2,000 in Federal aid must adhere to the Federal prevailing wage, which on average is 17 to 22 percent higher than the State level. Because of these higher wages, State and local construction projects can cost up to 38 percent more than they would have without the act.

This enormous waste of taxpayers dollars is proof that the Davis-Bacon Act should be modernized. In the 70 years since its introduction, the act has never been adjusted for inflation and has not been amended according to current construction standards. Meanwhile, inflated Davis-Bacon costs continually hinder emergency relief efforts and federally-assisted construction projects because of the additional costs communities must pay if they receive a mere $2,000 in Federal aid.

Because this $2,000 minimum was set in 1931 and has never been adjusted, the gentleman from North Carolina (Mr. COBLE) and I have introduced H.R. 2094, the Davis-Bacon Modernization Act, which would increase the threshold from $2,000 to $100,000. While many of my colleagues believe this number is not high enough, I believe it is a good start. Let us make this law more reasonable and, above all, helpful. I urge my colleagues to help communities across the country to get more bang for their buck. Cosponsor and support the Davis-Bacon Modernization Act.

THE AGRICULTURAL SUPPLEMENTAL RELIEF ACT

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

Mr. POMEROY. Mr. Speaker, it is another tough year for the farmers of this country. Commodity prices once again are below the cost of producing the crop. Imagine the frustration of investing one's heart and soul and extending virtually everything they own to grow a crop that when it is harvested and it is taken to the elevator, the money that is received does not even cover the costs they had of growing it. That is, of course, if the production season is a good one and a crop is actually gotten.

Yesterday I was in fields in North Dakota that have been totally devastated by hail. There will be no crop for these farmers. There will be no income of any kind at the elevator. I raise this to everyone's attention because in a few minutes we are about to consider the Agricultural Supplemental Relief Act. Unfortunately, the Committee on Agriculture brings forward a proposal that reduces by about 15 percent the amount of relief and support we gave to farmers last year.

Now farmers' inputs have gone up. It is costing more to grow the crop. The prices are still lousy. It is no time to cut relief for our farmers. Reject this and increase assistance.

NORTH KOREA

(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, I recently met with a German doctor, Dr. Norbert Vollertson, and talked to him about his experiences during his 18 months living in North Korea.

□ 1100

The stories of suffering and the photos of starving children and adults were deeply moving. Dr. Vollertson made a strong statement that should spur the international community to action.

When comparing the North Korean prison camps to Nazi concentration camps, Dr. Vollertson said, ''No journalist, nobody wanted to believe that Hitler is so cruel, that the German government is so cruel. I think it is my duty as a German to learn from history, to not make the same mistake twice.''

He said what is happening in North Korea in the concentration camps, in his opinion, is as bad as what happened during the Second World War. It is the duty of the international community not to make the same mistake again, to ignore the plight of thousands of people in North Korea who are starving and in terrible prison situations where they are beaten and tortured and executed in horrific ways.

Mr. Speaker, I call on this body and the administration to act on behalf of the people of North Korea, to act to ensure that the regime in North Korea is no longer allowed to continue destroying its people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). 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 later today.

RECOGNIZING OUTSTANDING AND INVALUABLE DISASTER RELIEF ASSISTANCE PROVIDED DURING TROPICAL STORM ALLISON

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 166) recognizing the outstanding and invaluable disaster relief assistance provided by individuals, organizations, businesses, and other entities to the people of Houston, Texas, and surrounding areas during the devastating flooding caused by tropical storm Allison.

The Clerk read as follows:

H. RES. 166

Whereas during June 2001 tropical storm Allison brought catastrophic flooding to Houston, Texas, and surrounding areas;

Whereas this disaster tragically and suddenly took the lives of 21 people;

Whereas this disaster injured countless other people, uprooted families, and devastated businesses and institutions;

Whereas the State of Texas has been declared a Federal disaster area, and individuals and families in 28 Texas counties are eligible for Federal assistance;

Whereas numerous individuals and entities have selflessly and heroically given of themselves and their resources to aid in the disaster relief efforts; and

Whereas the catastrophic injury, death, and damage in Houston, Texas, and surrounding areas caused by tropical storm Allison would have been even worse in the absence of local relief efforts: Now, therefore, be it

Resolved, That the House of Representatives recognizes, for outstanding and invaluable service during the devastating flooding caused by tropical storm Allison in Houston, Texas, and surrounding areas, the following:

(1) the American Red Cross service centers located at Sunnyside Multi-Service Center,

Friendswood Activity Center, Lakewood Church, and Berean Seventh Day Adventist Church, the American Red Cross shelters located at Salvation Army Community Center, Arbor Lights Men's Shelter, the B.L.O.C.K., Oak Village Middle School, Kirby Middle School, and Sweet Home Missionary Church, and the many other voluntary relief sites and shelters who rendered outstanding and invaluable assistance to the victims of the disaster;

(2) the Houston Police Department, the Houston Fire Department, and the Sheriff's Department of Harris County, Texas, who displayed great bravery and dedication in rendering assistance to the people of Houston, Texas during the disaster;

(3) Houston Mayor Lee Brown, particularly for his effort in establishing the Adopt-a-Family program and for his collaboration in the disaster relief efforts with Robert Echols;

(4) Texas Governor Rick Perry and all other State and local officials, who provided invaluable support and assistance;

(5) the Federal Emergency Management Agency, who quickly deployed and responded to the disaster;

(6) the United States Coast Guard;

(7) the Texas Army National Guard, who quickly deployed and responded to the disaster;

(8) the employees of Texas Medical Center, Memorial Hermann Hospital, and Houston Veteran's Hospital, who struggled heroically to perform their jobs amid chaos;

(9) all the volunteers, who are too numerous to name, but who made heroic efforts and special sacrifices and played a crucial role in the disaster relief efforts;

(10) the private sector, including major corporations, other businesses of all sizes, and their employees, who rapidly and voluntarily donated money and other resources to the disaster relief efforts;

(11) the many media organizations who aided the relief effort by keeping the community closely and extensively informed, requesting volunteers, and providing information regarding dangerous roads; and

(12) all the individuals and organizations who immediately and unselfishly helped the people of Houston, Texas, and surrounding areas in their time of need, took quick and decisive action for the public good, and demonstrated an ability to work together for a brighter future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

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

Mr. Speaker, I would first like to note that House Resolution 166 was discharged from committee consideration and expeditiously brought to the floor for immediate consideration. This is not the normal process; but in the interest of time, the committee will occasionally discharge consideration.

House Resolution 166 recognizes the dedication and tireless efforts of all of the individuals and organizations who assisted in relief efforts in Houston, Texas, during and in the aftermath of Tropical Storm Allison.

Houston is no stranger to tropical storms named Allison. In June of 1989, Tropical Storm Allison wreaked havoc on Texas and Northern Louisiana, dumping 15 inches of rain in the Houston area. Total damage from that storm was estimated at $500 million, and 11 people were killed.

This year's Allison was more focused. Between June 5 and 10, Allison inundated the city of Houston with 35 inches of rain. The storm claimed 23 lives and flooded major highways, hospitals, and homes.

According to the American Red Cross, more than 35,000 homes in the city and surrounding county were damaged or destroyed. Many hospitals and laboratories were flooded, resulting in a blood supply emergency in the greater Houston area. Current estimates place the cost of total damage to the area in excess of $2 billion.

Fortunately, countless individuals and organizations came to the assistance of Houston area residents in response to the devastation. At its peak, the Harris County 911 emergency system logged 400 to 500 calls each hour. In response, the Houston Fire Department executed 1,200 missions to rescue flood victims stranded in their homes and vehicles by high water. The Texas National Guard assisted in the response using 5-ton trucks to rescue people from their homes. National Guard and fire department efforts were supplemented by the U.S. Coast Guard's dispatch of rescue helicopters. Two hundred people were reported rescued on June 9 and 10. At the height of the storm, 15,000 people were housed in 40 emergency shelters.

Without the assistance of all those who came together to help Houston in its time of need, including FEMA, the American Red Cross, Houston's Mayor, and Texas Governor Rick Perry, the number of lives lost and damage to property from this dangerous storm would have been much greater.

I support the bill and urge my colleagues to join in support of this resolution.

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

Mr. LAMPSON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise today in strong support of this resolution; and I join the gentlewoman from Texas (Ms. JACKSON-LEE), the author, and all my colleagues in extending my sincere thanks and appreciation to all of the personnel throughout Southeast Texas who have devoted their lives to disaster recovery efforts.

Having walked the streets of Friendswood, Texas, I saw the heartache and loss, both fiscal and emotional, and got a chance to see a lot of that devastation. The people of Friendswood are a strong and resilient people; but without the heroics of those individuals who devote their lives to disaster recovery, the casualties and destruction could have been much worse.

This resolution recognizes the invaluable disaster relief of various agencies, organizations, businesses, and individuals who assisted the people of Houston and the surrounding areas during the devastating floods of Tropical Storm Allison. The resolution states that although 21 people died, the casualties and destruction would have been even worse, if not for the disaster relief given by American Red Cross centers, the voluntary donation of money and resources from individuals and private businesses of Texas, the heroics of the United States Coast Guard, the Houston police and fire departments, and the valiant efforts of many other hospitals and shelters. The bill also lauds the recovery actions of Houston Mayor Lee Brown and Texas Governor Rick Perry.

Looking back to Monday, June 4, when the reconnaissance aircraft first reported the development of Allison, I realized that the main impact of this storm would not be the wind, but would be the rain. Rain totals throughout Harris County and in other portions of my Congressional district exceeded 30 inches during the week-long period when the remains of Allison brought relentless flooding to the upper Texas Gulf Coast.

Of course, no words can adequately describe the devastation that the Greater Houston area felt in the wake of the storm. The Texas coast certainly had not seen flooding of this magnitude in decades. Clearly, this event was more than a wake-up call, it was a stark reminder of the impressive forces that still govern the Earth.

In the midst of the disaster and periods of chaos, there were countless individuals and organizations responded almost instantaneously to help the victims caught by the flood waters. The plight of one became the concern of many, and people displayed an enormous humanitarian spirit that transcended all barriers.

The American Red Cross placed its disaster relief plans into action and opened numerous service centers throughout Harris County and the Ninth Congressional District of Texas. The police, fire, sheriff, and emergency response teams worked quickly and without reservation to minimize injuries and render invaluable assistance.

The disaster tragically claimed the lives of now 23 individuals from practically every walk of life and every part of the city. Deaths would have been in the hundreds, were it not for the heroism, professionalism, and dedication of all those who responded.

The media broadcast around the clock to keep the public constantly informed of the dangerous situation by disseminating critical information. Volunteers, many of whom were also suffering, responded to the calls for help from the various agencies, who were critical to the response efforts.

Our friends at FEMA also did a phenomenal job in a task that was as sobering as it was frustrating. Thousands of people were affected and the recovery and damage assessments still continue.

I toured the devastation firsthand by helicopter and on the ground. The

scenes were tragic: lost homes, lost businesses, lost medical research, and lost lives. Yet the human spirit continues throughout Texas, Louisiana, and across the Gulf Coast States and up the Eastern Seaboard, where Allison ravaged property and tore apart lives.

So as I stand here today reflecting on the tragedy, I am forever grateful to all who assisted; and my prayers continue for the suffering and the afflicted. The strength that all have displayed is worthy of our recognition.

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

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY).

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

Mr. Speaker, we have seen time and time again that the best qualities within the people that we know often emerge when the weight of a tragic event presses down upon us. In Houston, we have learned this lesson all over again. The unending rains from the Tropical Storm Allison overwhelmed our bayous, overflowed our streams, and flooded our streets and buildings and homes; but they did not dampen the vigor of Houston.

We Texans pride ourselves on maintaining the spirit of the West. It has passed down from the early generations, who fought the elements, to build a new life in Texas. They were tested, and those that stayed shared a very common quality. They had the resilience and resourcefulness to outlast Mother Nature and overcome the obstacles that she places in our path.

Part of that creed is the understanding that when nature strikes, you pitch in to help your friends and neighbors. We understand that. We understand that when we rally together, no adversity, can keep us down for very long. Houstonians demonstrated that they have not forgotten their responsibility to aid each other during Allison.

We feel deeply for all our neighbors who lost a loved one or a friend. This tragedy claimed far too many lives. Many others lost belongings and had their homes turned inside out by this storm. But we can be certain that far more people would have died if Houstonians had not responded as quickly and as vigorously as they did.

Many, many people deserve to be thanked for their efforts. We are grateful to the Coast Guard and Red Cross, to the National Guard troops, and our local police officers and fire fighters. We say thank you. For every individual citizen who lifted a hand or waded out into the flood waters to bring comfort and assistance to the others, we say thank you so very much. Your efforts make us a great community and a great place to raise a family.

All Houstonians also appreciate the swift response from the Federal Emergency Management Agency and the Bush administration. By reacting quickly, they are helping us get back on our feet.

When I stopped by the Red Cross shelter in Pearland, I saw the best and most poignant tribute to the men and women who pitched in in responding to Allison. Hanging inside the shelter was a little small sign that was written in crayon by a child, and it simply said ''God bless you for helping us.''

When the floodgates opened on Houston, we were ready to respond with charity, sacrifice, hard work and compassion. I hope we always stand ready to react with the same qualities.

Mr. LAMPSON. Mr. Speaker, I yield 4½ minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), the author of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for managing the bill, and I thank him for his support. I thank all of my colleagues for supporting H. Res. 166, and I rise to support the resolution that I introduced on June 14 to recognize the outstanding and invaluable disaster relief assistance that individuals and organizations and businesses and other entities provided to the people of Houston, Texas, and surrounding areas during the devastating flood that was caused by Tropical Storm Allison, one of the worse disasters that Houston has known.

Some people would ask, what is going on in Houston, Texas? I would simply say, the greatest amount of charitable spirit, heroic efforts, friendship, love, and the ability of a community to stand up together and say yes we can. But for the heroic efforts of those invaluable volunteers, the catastrophic death, injury and damage would have been far worse.

I commend my fellow colleagues in the House of Representatives, especially my fellow Members of the Texas delegation, for joining us in encouraging those altruistic acts of selflessness and heroism.

I remember within the 24-hour time frame of being out walking in neighborhoods, flying overhead, looking at homes filled to capacity up to the roof with water, and yet hearing the tragedies of those who may have been stuck overnight, there were the encouraging words that people were saying, yes we can.

Although words cannot even begin to describe adequately the destruction that Houston and surrounding areas know, I will attempt to paint for you a visual picture.

More than three feet of rain that fell on the Houston area began June 6 and caused approximately 23 deaths. Over 20,000 people have been left at least temporarily homeless during the flooding, many with no immediate hope of returning to their homes. More than 56,000 residents in 30 counties have registered for Federal disaster aid. Over 3,000 homes have been destroyed, over 43,000 damaged. The damage estimates in Harris County, Texas, alone are about $4.8 billion.

Some of the areas that have been hit, universities in my Congressional district, like the University of Houston, Texas Southern University, and a little neighborhood known as Kashmir Gardens. You would think a place filled with flowers. It is an enclave that has a high number of senior citizens, many of whom I visited in the last weekend, some still left in their homes, stranded, possessing few resources, but yet with a strong spirit.

□ 1115

I watched this past Sunday as the Red Cross team came that we called out to see a senior citizen who had a knee that needed to have surgery, who had not been attended to; and that Red Cross team came like an S.O.S. with an angel standing behind them to help that senior citizen.

Other areas such as Sunnyside in southeast Houston, northwest Houston and around Scarborough High School. Additionally, of course, we all know a very important aspect of our community, the Texas Medical Center, has faced a very uphill battle. But I am very pleased that they are going to have the kind of support where all of the delegation members of this particular delegation will be supporting them and helping them with the millions and millions of dollars of damages, maybe in the billions of dollars of damage, to come back and be able to serve not only Texas, but to serve the Nation. Ten million gallons of water have inundated the medical center complex, and we are working to make sure that they get back on their feet.

But let me share the many personal stories, the help that the Red Cross has given, the 46 disaster centers, the Houston Police Department, the Houston Fire Department, the sheriff's department displayed great bravery and dedication in rendering assistance. Mayor Lee Brown and the Adopt-a-Family program, Judge Robert Eckles, Texas Governor Rick Perry, all of us gathered together, huddled around the Houston TransCar Center, a center that was supposed to deal with traffic; but we determined that it could be an emergency center, and all of us gathered there to design strategy to help those who were stranded.

I believe, Mr. Speaker, that this is an important resolution to be able to acknowledge, as the Houston Chronicle said, most of the countless acts of kindness and compassion, of heroism and self-sacrifice that will go unsung and the heroes that will remain anonymous, even to those they helped.

I believe it is important to mention some of those personal stories. Time will not allow me to talk about Cora Clay, a sandwich shop employee who fed an entire shelter from funds from her own pocket, or Kathleen Ross who donated two of her rental properties, or the heroic police officers who could not swim, but yet jumped in. C.R. Bean and Mike Lumpkin and Matt May who jumped in to save those who were in their car, floating. The Texas Children's Hospital, the Coast Guard and Texas National Guard.

Let me just simply conclude by saying, it gives me a special privilege to be able to thank all of those people who gave of their time, who gave of their heart. We have spirit in Houston and the surrounding areas. We have spirit in Texas, and we will overcome.

Mr. Speaker, I rise today to support H. Res. 166, a resolution I introduced on June 14 to recognize the outstanding and invaluable disaster relief assistance that individuals, organizations, businesses and other entities provided to the people of Houston, Texas and surrounding areas during the devasting flooding caused by Tropical Storm Allison, one of the worst disasters Houston has known. But for the heroic efforts of those invaluable volunteers, the catastrophic death, injury and damage would have been far worse. I commend my fellow colleagues in the House of Representatives, and especially my fellow members of the Texas delegation, for joining me in encouraging these altruistic acts of selflessness and heroism.

Although words cannot even begin to describe adequately the destruction that Houston and its surrounding areas know, I will attempt to paint for you some of havoc that the storm has wreaked. The more than three feet of rain that fell on the Houston area beginning June 6 has caused at least 23 deaths in the Houston area and as many as fifty deaths in six states. Over 20,000 people have been left at least temporarily homeless during the flooding, many with no immediate hope of returning to their homes. More than 56,000 residents in thirty counties have registered for federal disaster assistance. Over 3000 homes have been destroyed, over 43,000 damaged. The damage estimates in Harris County, Texas alone are $4.88 billion and may yet increase.

Some of the most hard hit areas include the University of Houston, Texas Southern University, and the Kashmere Gardens neighborhood, a Houston enclave that has a high number of elderly citizens and possesses the fewest resources needed to bounce back from this once in a lifetime event. Other areas such as Sunnyside and South East Houston—northwest Houston around the Scarborough High School area were also hard hit.

Additionally I note the damage which occurred at Texas Medical Center, because what has occurred affects us not just locally, or even just in Texas, but nationally. The Texas Medical Center, home to some forty medical institutions, is the largest medical center in the world. Globally, reknown medical care and research takes place here. The flood has decimated these preeminent health institutions.

The cost to restore the Center is about $2 billion, which is nearly all of the total $2.04 billion in damage at Harris County's public facilities. It serves 4.8 million patients yearly with a local economic impact of $10 billion. More than 52,000 people work within its facilities, which encompass 21 million square feet. The damage includes $300 million to Texas Methodist Hospital and $433 million to Veteran's Hospital.

The impact on the University of Texas Health Science Center at the Texas Medical Center is exemplary of how the clinical care, medical education, research and the physical structures at this medical community have been affected.

Ten million gallons of water have inundated the medical school complex, and the earliest possible start up date for the hospital is mid July, including operation of one of the two Level One trauma centers in Houston. The ability of the center to serve the Houston community will be severely compromised for at least two months. In the entire Houston area, a total of 3,000 beds are out of service.

The UT Health Science Center has incurred $52 million in physical damage to the facility and $53 million to the equipment. A total of 400 emergency personnel have been required to assist in the clean up thus far. Moreover, preparation must still also be made for 825 medical students arriving in August, and the floor used for student service functions is estimated to be nine months away from re-opening. Until that point, teaching facilities and services must be dispersed across the city.

Research has been substantially affected, destroying all animal based research due the death of all 4,000 animals. Some of these losses could take as long as three to four years to recoup, and some of the more senior graduate students may have lost their dissertation research, setting back their careers indefinitely. $105 million in sponsored research has been affected.

Yet the storm has not defeated our spirit. The citizens of Houston are facing the tragedy with the spirit of love and have displayed the true meaning of the biblical phrase the ''peace in the midst of the storm.'' Untold numbers of individuals and organizations have risen to meet the overwhelming challenges that the storm has presented. Among those who have risen to this challenge is the American Red Cross, which at one time was running 46 disaster relief centers around the city to serve those in need, and who, along with the Salvation Army is serving thousands of meals per day. The Houston Police Department, the Houston Fire Department, and the Sheriff's Department of Harris County, Texas have displayed great bravery and dedication in rendering assistance to the people of Houston, Texas during the disaster. Houston Mayor Lee Brown, Judge Robert Eckles, Texas Governor Rick Perry and all other State and local officials have provided invaluable support and assistance.

The Federal Emergency Management Agency is once again successfully fulfilling its mission, having quickly deployed and responded to the disaster, and the Small Business Administration has also been on the ground providing much needed disaster assistance to families and small businesses. The United States Coast Guard and the Texas Army National Guard have bravely and rapidly served during this disaster. Houston TransCar Center was an outstanding Storm emergency center where strategy to help the victims was designed.

Many major corporations, other businesses of all sizes, and their employees have who rapidly and voluntarily donated money and other resources to the disaster relief efforts. Many media organizations have aided the relief effort by keeping the community closely and extensively informed, requesting volunteers, and providing information regarding dangerous roads.

I wish I could recognize every single hero, but time does not permit that. So I will recount for you a few stories that represent the spirit that we have seen.

There have been the ultimate sacrifices of people like Sharon Mateja of Warsaw, Missouri. Sharon was a Red Cross volunteer and member of the Board of Directors who was crushed by a van while helping another volunteer move bags of ice to a Red Cross van.

This flood has pushed ordinary people to do extraordinary things. As reported in the Houston Chronicle, ''most of the countless acts of kindness and compassion, of heroism and self-sacrifice, will go unsung and the heroes will remain anonymous, even to those they helped. Those who are known insist there was nothing exceptional about their actions, that they happened to be in the right place at the right time to help someone in need.''

Sgt. C.R. Bean is a Houston Police office who cannot swim. Yet he and Officers Mike Lumpkin and Matt May plunged into cold, rapidly rising water to attempt to save the lives of three young men whose vehicle had been swept off the road by the torrential waters. They spent at least an hour and a half and were able to save two. They were unable to save Chad Garren, but without the exceptional bravery of the officers, all three would have been lost. Shelters like Oak Village Elementary School and Kirby Middle School were invaluable in helping the displaced.

There have also been the seemingly simple acts of women like Cora Clay, a sandwich shop employee, who fed an entire shelter from funds from her own pockets. Kathleen Ross, who donated two of her rental properties to house families whose houses were uninhabitable due to the floor. Or Richard Hill, who, without being asked to do so, led a friend's horse for three hours through brackish water to a safe pasture. The list goes on and on.

And businesses in our community have not ignored our needs. The Houston Chronicle newspaper and television station KHOU has raised over $5 million in funds for the Red Cross relief work. Fiesta Market grocery store brought two trailers on eighteen wheelers to fed the shelters. Many other entities have given food, money and other resources quickly and without condition to our community in need.

At two hospitals in the Texas Medical Center, the Memorial Hermann Hospital and Memorial Hermann Children's Hospital, located in the Texas Medical Center, the flooding caused the loss of all utilities. The hard working employees of the hospitals along with Life Flight, the Coast Guard and the Texas National Guard struggled heroically amid chaos to evacuate successfully and safety 540 patients to other hospitals via helicopters and ambulances, some to hospitals as far away as San Antonio and Austin.

Several houses of worship have opened their doors and hearts to the community to give disaster relief assistance, including use of their buildings for FEMA disaster centers and Red Cross Service Centers. Father Enette of St. Peter Claver Church opened his doors, in the midst of his recovery from a stroke. Father Enette never complained about the sacrifice the church would incur due to the substantially increased use of electricity and water as a result of opening its doors. Paster Lewis opened the doors of the BLOCK Church for use as a full time FEMA center to provide relief for those located in the Sunnyside South Post Oak area. There is the kindness of Paster Kirby Caldwell from Windsor Village Church, who made a delivery of clothing and food to one of the shelters within our district. And there is the group known as the Baptist men,

who have prepared more than 62,000 meals. Minister Robert Muhammad and Makeba Muhammed from Mosque #45 in Houston, fed over 3,000 families. Lakewood Church opened its doors to over 2,000 people during the early morning hours after the flood.

Each and every effort made to help the flood victims has been done so not for recognition and public glory, but because it is the right to do.

Mr. Speaker, this resolution attempts to recognize all the individuals and organizations who immediately and unselfishly helped the people of Houston, Texas, and surrounding areas in their time of need, took quick and decisive action for the public good, and demonstrated an ability to work together for a brighter future.

As much as this disaster has torn apart our city and its surrounding areas, it has also bound us together, neighbors, friends and strangers alike. While we cannot personally thank everyone, may all of you know that your courage, hard work, sacrifice and kindness are recognized. And as we recover from this disaster, let those who have suffered know that their needs are heard, their patients gratefully acknowledged and hopefully prayers answered.

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Houston, Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. COOKSEY), who has been such a good friend to Texas in all issues, including his help and response to Tropical Storm Allison. I also want to commend my Democratic colleagues, the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Texas (Mr. BENTSEN), the gentleman from Texas (Mr. GREEN), and the gentleman from Texas (Mr. LAMPSON), for their leadership in this effort as we jointly work together, and to the gentleman from Texas (Mr. DELAY) and the gentleman from Texas (Mr. CULBERSON), who together as a delegation have been working to try to recover and restore some sense of getting back on our feet in our region.

This storm was more than just numbers. For many of us who have lived in the area a long time, we have seen a lot of natural disasters in our part of Texas, but Tropical Storm Allison was stunning. While it caught us a bit, it did not look like it was a tough, difficult storm to start with; but the damage was remarkable. It is more than numbers.

When I look at the reports each day on the number of homes in my area, as I continue to ask for requests, and the numbers continue to go up and up. In 26 of my communities in North Harris County, in Montgomery County, in Waller and Washington County, we see now over 3,000 homes that have been flooded and need help. That is not including all of the businesses, small businesses, all the road and infrastructure damage. I look at all of the help that has been given by FEMA, the Disaster Assistance Center at Greens Point and all around our region, those people are working tirelessly. All of the volunteers, the firefighters, the police, the United Way agencies. We have wonderful emergency assistance directors in our counties that have I think been awake since the storm hit us.

For the families that are hurt so bad, this is so important, because being flooded out is a miserable experience. It is so disheartening and disruptive. And the only thing that keeps us going is the prospect of those who are stepping forward to help us through this time of need, our family, our friends, the community, even FEMA workers who I saw in the centers who had been flooded out themselves in other States, who felt the calling to help in the Houston region. It is because of all of those people that we are recovering today.

Mr. Speaker, our region is very strong. We have strong individuals and strong communities; but the assistance that has been provided, both within and without, is irreplaceable. So to all of the volunteers, to all that are helping and continue to help, I wanted to add my ''thank you'' and sincere appreciation for all that you do and continue to do. We cannot thank you enough.

Mr. LAMPSON. Mr. Speaker, I yield 2 minutes to the gentleman from Houston, Texas (Mr. BENTSEN), who suffered probably the largest amount of damage there.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of this resolution, and I commend the gentlewoman from Houston, Texas, for offering it.

The flood waters from Tropical Storm Allison may have receded, but the damage remains. As I tour the wreckage in my home district of Harris County, Texas, I am confronted with the many stories of tragedy and loss; but what shines through is the spirit of the people of Harris County, the sense of community that has neighbors reaching out to one another, unselfishly bestowing the ordinary blessings of compassion to less fortunate friends and neighbors. A citizenry summoned to the call of charity.

As torrential rains fell on Harris County, power outages at the Texas Medical Center meant patients had to be evacuated. Nurses, technicians, doctors, and orderlies came to the rescue and physically carried more than 540 patients down dark, wet stairways to safety. A local Boy Scout troop guided the volunteers down corridors to awaiting helicopters. Police and firefighters worked double and triple shifts to ensure public safety, even going days without sleep. These men and women who, without concern for their own flooding homes, but the interest of others ahead of their own and are those whom we recognize today.

In the trying times that have followed Allison, the true colors of the ordinary citizens and community leaders have shined. Banks and thrifts have generously offered to waive check-cashing fees and phone companies have donated cellular phones to disaster-relief shelters. More than 600 officials from the Federal Emergency Management Agency have assisted nearly 60,000 victims and the Red Cross has aided thousands more. I applaud the businesses and residents and volunteers for their efforts and commitment to transforming our city into a community.

Mr. Speaker, the devastation in Harris County is unimaginable. Billions of dollars in property have been lost. Years of critical research at the Texas Medical Center have been lost, hampering the international medical research grid; and tens of thousands of our fellow citizens have lost their personal property, including the woman I spoke to last week in the Hiram Clarke section of Houston, who lost her most prized possession, the last letter her great grandmother had written her. Having saved it from the first flooding on Tuesday, June 5, she lost it when her home flooded the second time on June 9. But what is more tragic is that 23 fellow Texans lost their lives as a result of this storm.

No Federal assistance or House resolution will ever make up the loss endured by those families, but we know with a little help from our friends from across the Nation we will be able to rebuild Houston; and with the spirit this the city has, we will endure again.

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Houston, Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, the physical boundaries of the district I represent in west Houston, district seven, we were very, very blessed and fortunate to have escaped the flooding, in large part. We had a few very small isolated pockets of flooding, but the businesses of many of the people I represent were affected; and the entire city, of course, suffered a devastating blow as a result of the flood.

I was extraordinarily impressed to have seen firsthand the work of the emergency rescue personnel who were staging their operation out of my district in west Houston, out of Tully. The weekend the flooding began, I spent time there at the headquarters where the search and rescue teams were coordinating their efforts, bringing in resources from all over the State of Texas. The Colorado River Authority contributed personnel and equipment; the San Antonio Fire Department contributed personnel and equipment. There were resources from every corner of the State there to help the people of Houston; and it was an extraordinarily impressive operation, to see the ability of these rescue personnel to come in right away, right after the flood, to rescue people from their homes to save them from life-threatening situations.

It was also instructive for me to see as a new Member of Congress that there was, immediately after that initial period of rescuing people, a gap in services where the City of Houston, the

county was unable in many cases to actually get in to some of these neighborhoods that were so devastated to help people clean up their property, take care of the day-to-day essentials of living, which had all been brought to a screeching halt.

What particularly impressed me is that in that gap, between the time the rescue services came in to pluck people off their roofs and get them to hospitals and the time when the city and the county were able to really come into those neighborhoods and help, that gap, which was largely unfilled by local government, was filled spontaneously and almost immediately by the churches of Houston, by the civic associations, by individual Houstonians stepping forward to help their own neighbors and family members.

Therefore, I ask all of my volunteers, all of the people that were gracious enough to help me throughout the last year's election campaign and the people I know throughout west Houston, to contribute their volunteer time, their money and their efforts through their local churches and civic associations, but in particular through their churches, to help relieve the flood victims. I think there is no better example of what President Bush has been talking about; there is no better example of faith-based initiatives than what took place and is taking place today in the City of Houston, with churches like Second Baptist, like our very own memorial drive of the United Methodist Church, which is stepping forward with volunteers and assistance, to help people tear out carpet, to get their homes restructured, rebuilt, their lives restructured where they do not have insurance.

That final phase of the recovery that is going on now, which will go on for months to come, is where the Federal Government can really step forward to help. That is why I am proud to be a cosponsor of this resolution. It is a very, very good example of the unity that is so necessary among the members of the Texas delegation, the Houston congressional delegation, and working together, not only through this resolution to say ''thank you'' to all of the rescue personnel, but, more importantly, for us all to work together to find ways to ensure that the people who have lost their homes to fill the gap between what private insurances covered and what is not covered; that the Federal Government is there to help pay for the reconstruction, the relocation of families, and to do whatever is necessary to provide every available Federal dollar to repair the damage done to homes, to the Texas Medical Center, to all that irreplaceable research that was damaged as a result of the flood. The Houston area congressional delegation, the congressional delegation from Texas is unified and focused in doing everything that we can to ensure that the damage is repaired as fast as humanly possible.

Mr. Speaker, I want to reassure the people of Houston and the people of Texas that the money will be there to rebuild, to repair, and to, for the long term, plan for and prevent future floods of this type because of the unified and focused approach of the Houston and Texas congressional delegations.

Mr. LAMPSON. Mr. Speaker, I yield 2 minutes to the gentleman from Houston, Texas (Mr. GREEN), who toured the devastation with us.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, like my colleagues, I represent an area that tragically succumbed to Tropical Storm Allison in northeast Harris County. I want to thank my Texas colleagues for putting this resolution together, but mainly to the hundreds and even thousands of volunteers and workers who donated their time to help Houston residents clean up.

At the top of the list would be the men and women of FEMA who literally were on the ground before the waters receded, assessing the damage and getting a head start on setting up the disaster recovery centers, three in our congressional district in the Jacinto City Community Building, Sheldon Intermediate School, and also in the Aldine School District, the M.O. Campbell Center.

To date, FEMA has received 62,000 applications for assistance, and also their recovery centers have played a role and provided a great deal of effort visiting the Red Cross Centers in our district, the FEMA neighborhood centers, and walking the streets in north and east Harris County showed the huge loss, but also the response from seeing literally people helping each other, communities pitching in and banding together, seeing people in Jacinto City and Galina Park in Aldine and northeast Houston, working together to help overcome this loss; seeing the loss at North Forest Independent School District, Sheldon ISD and also Houston Independent School District.

To date, we know that FEMA and the Small Business Administration made literally millions of dollars of loans and grants to assist Houstonians in replacing their belongings and temporary housing. I urge FEMA to keep these disaster centers open as long as necessary so that individuals can continue to have access to vital services on a personal basis.

I would also like to thank the Coast Guard and our National Guard for their effort and the many employees of the City of Houston and Harris County for their efforts to rescue people and as they go through the cleanup effort now, Mr. Speaker. As Houston and southeast Texas and other areas affected continue the long process of rebuilding, I want to express my thanks to everyone and will continue to work to make sure that the Federal funds are there to help people in disasters.

□ 1130

Mr. LAMPSON. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate people coming together to focus on the heroic efforts that have taken place in Houston in the aftermath of this terrible storm, but I hope we also focus on what we can do to prevent it in the future.

We should as a Congress invest in Project Impact which helps prepare communities before disaster occurs, rather than to cut it, as has been suggested by the administration. We have need to reform the flood insurance program so it no longer subsidizes people to live in places where God repeatedly shows that He does not want them.

It is important that we not ignore global climate change, because the scientists tell us if we are not careful, global climate change is going to make these horrible events that occurred in Houston far more frequent and far worse.

Mr. Speaker, this is an opportunity for us in Congress not only to reflect on the heroism that took place and to mourn the loss, but for us to step forward to take our responsibility to make sure that we are doing everything possible so that it does not occur in the future.

Mr. LAMPSON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I commend the gentlewoman from Texas (Ms. JACKSON-LEE), my colleague, and the other Members of the Texas delegation for introducing the resolution to recognize those who have helped the people of Texas during the recent flooding.

It is so important to take time to express gratitude to those who have brought relief to the people of Houston during the flooding and its aftermath. I know that Missourians who have experienced flooding, particularly the devastating floods of 1993 and 1995, understand what an effort it takes to recover from such a disaster.

Mr. Speaker, we must not take the contributions of volunteers for granted, for their selfless efforts often come at a great price. If I can bring to this body's attention one particular Red Cross volunteer who answered the call to help the victims of Tropical Storm Allison, Mrs. Sherry Mateja of Warsaw, Missouri, who was killed in a tragic accident last week while helping another volunteer move bags of ice from a tractor-trailer to a Red Cross van at a church in Humble, Texas.

A Red Cross volunteer since 1999, Mateja was an active volunteer with the Pettis County Chapter of the American Red Cross in Sedalia, serving in a leadership role on the chapter's board of directors. She was instrumental in providing Red Cross services in her local community, including the chapter's disaster relief and learn to swim programs.

Her assignment to help relief efforts for Tropical Storm Allison in Texas was her first national disaster assignment. Mrs. Mateja is survived by her husband, John Mateja; three sons, Marc, Nick, and Eric; two grandchildren; her brother, Charles Maggard; and her mother, Margaret Maggard.

While recognizing the work of all the volunteers helping the Houston community, I ask my colleagues to join me today in paying special tribute to Sharon Mateja, expressing our gratitude for her contributions to her community and for her selfless efforts to help the people of Texas. I send my sincere condolences to her family and to her friends.

Mr. LAMPSON. Mr. Speaker, I yield 1 minute to the gentleman from East Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I represent 19 counties in the Second Congressional District in Southeast Texas, all of those counties were declared a disaster area during the recent tragedy of the Tropical Storm Allison.

I think we all come to the floor today with a deep sense of gratitude for the many who worked so tirelessly to help in that disaster.

I want to mention three organizations that I know were among the private sector organizations that helped the victims of Tropical Storm Allison, that is the Salvation Army, the American Red Cross, and Texas Baptist Men. Those three private organizations, in addition to literally scores of others, helped so rapidly and so efficiently and effectively along with our many State and Federal agencies during that time of crisis.

While the greatest damage was in Harris County, there was significant damage in all of the 19 counties that I represent. There has been over 63,000 contacts made to FEMA just in the last few weeks, so we all express our gratitude at this moment to the many who helped during that time of crisis.

Mr. LAMPSON. Mr. Speaker, I yield the balance of my time to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), the author of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. LAMPSON) for yielding the time to me and for managing the bill.

Mr. Speaker, I also thank the Committee on Transportation and Infrastructure. I also thank the gentleman from Louisiana (Mr. COOKSEY) for managing the bill. The gentleman has a daughter in my congressional district.

I also want to thank the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Transportation and Infrastructure, as well as the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, for their accomodation in moving this legislation to the floor of the House so quickly.

Let me also thank the House leadership and say, Mr. Speaker, that many times in giving comfort in a religious setting, we will say, this, too, will pass.

I am very grateful to have authored this legislation to not pass over those whose family members were lost, or to pass over those who sacrificed in helping others.

Mr. Speaker, I again want to mention Sergeant C.R. Bean, a Houston police officer, who, as I indicated earlier, could not swim, and along with officers Mike Lumpkin and Matt May, plunged into cold rapidly rising water to attempt to save three lives. The likes of those individuals who came forward are an expression of the kind of spirit we have in Houston, Texas.

As indicated, many of us were out within 24 hours of the flood, joining the Coast Guard and joining FEMA Director Joe Allbaugh, in surveying the area. I want you to know that the religious community stood tall.

It is very important to note the Sunnyside Multi-Service Center, the Friendswood Activity Center, Lakewood Church, the Berean Seventh Day Adventist Church, the American Red Cross Centers, the Salvation Army, the Men's Shelter, the B.L.O.C.K., the Oak Village Middle School, Kirby Middle School, Sweet Home Missionary Baptist Church and Lakewood Church that opens it doors to 2,000 people right after the flood.

This was the kind of sacrifice, Mr. Speaker, that was made, Robert Muhammad and Makeba Muhammad from Mosque 45 in Houston who fed over 3,000 families.

Mr. Speaker, I would like to acknowledge the fact that we lost even a Red Cross worker; and the name is Sharon Mateja of Warsaw, Missouri. Sharon was a Red Cross volunteer and a member of the board of directors who was crushed by a van when helping another volunteer move bags of ice to a Red Cross van.

Mr. Speaker, we would like to say that this will not happen again, but we are working diligently with the FEMA resources in restoring them back into the budget and being assured, as I was on the floor of the House, as the gentleman from Florida (Mr. YOUNG), Chairman of the Committee on Appropriations, that we would not let Houston and the surrounding areas not have the dollars it needs to be restored.

We will be fighting for those dollars; and to those who are seeking to be rebuilt and to be recovered, we will continue to work with you.

We will also work prospectively to ensure that we put in place the kind of structures that help us not have such incidents occur or prevent such incidents from occurring again.

Today, what we are doing, Mr. Speaker, is simply thanking all of those who are still standing and rising to the occasion. We are here to thank the volunteers, the churches, the local officials, because the day still continues where they are recovering and seeking to recover.

It will be a long journey, but when someone asks what is going on in Houston, Texas, and the surrounding areas, I am saying great activities are going on, great people are working with others and we are doing the job to get the job done.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 166, recognizing the outstanding and invaluable disaster relief assistance provided by individuals, organizations, and businesses, to the people of Houston, Texas, and surrounding areas during the flooding caused by Tropical Storm Allison.

During the month of June, Tropical Storm Allison brought devastating floods and damage from debris to Texas, Louisiana, Florida, and many other states. After the President declared the storm that hit Texas a major disaster, 28 counties became eligible for disaster assistance. Tragically, Tropical Storm Allison is responsible for 21 deaths, countless injuries, and major damage to homes and businesses. Yet, through it all, many individuals and groups selflessly gave of themselves and their resources to help in the disaster efforts. From the Red Cross and Salvation Army, to local churches, to the Harris County Police and Fire Department, to the Texas Medical Center, to the United States Coast Guard, to the dedicated elected officials, to name just a few; they all made special efforts and sacrifices and today, we honor them for their service and dedication to their fellow citizens.

The pending resolution calls our attention to our recent failure to ensure that we will be able to aid victims of Allison and future disasters. Just last week, while the Federal Emergency Management Agency (FEMA) was working diligently to help the victims of Tropical Storm Allison, the House passed H.R. 2216, the FY2001 Supplemental Appropriations Act, containing a provision, which many of us strongly opposed, to rescind $389 million in disaster relief funds from FEMA.

Currently, FEMA is assessing the impact of Tropical Storm Allison on Texas, Louisiana, and Florida, and it expects to request additional funds to address these pressing needs. More than 25,000 flood insurance claims are expected from that region of the country, and FEMA is projecting the flood insurance claims for Tropical Storm Allison in Texas and Louisiana alone will exceed $350 million.

The proposed rescission could preclude FEMA's ability to pay these claims and it might limit assistance to future victims of disasters and necessitate another supplemental spending bill. The rescission eliminates much of the funding needed by the agency to provide quick and effective assistance to disaster-stricken communities and victims. The most recent disasters highlight the fact that these funds could be needed by FEMA to pay for natural disasters occurring in FY2001. They should not be rescinded.

Moreover, with the increases in climate change brought on by global warming, we should begin to expect more natural disasters. According to recent data, in 1999, the United States experienced the warmest January-March period since we began keeping these records 106 years ago. Climate change and these recent warming patterns are costly to the Nation. These temperature changes can lead to more extreme weather events, including droughts, floods, and hurricanes.

Over the past decade we have seen a marked increase in natural disasters and this trend is expected to continue. FEMA data show that more frequent and severe weather

calamities and other natural phenomena during the past decade required 460 major disasters declarations, nearly double the 237 declarations from the previous ten-year period, and more than any other decade on record. The increased number and severity of natural disasters has huge economic impacts on the United States. Comparing the three-year periods of 1989 through 1991, and 1997 through 1999, the federal cost of severe weather disasters rose a dramatic 337 percent in less than ten years. Of the $35 billion that FEMA has spent in the last 20 years for disaster relief, $28 billion, or 80 percent, has occurred in the last seven years alone (1993–2000). In addition, the insurance industry has paid more than $63 billion in insured losses in these seven years.

Fortunately, the Senate Appropriations Committee has reported its Supplemental Appropriations bill and it does not contain the $389 million rescission from FEMA's contingency fund. I am hopeful that the conference report on this bill will not accept the House provision on FEMA's rescission. We are all aware of the critical and fundamental support that FEMA provides for the victims of natural disasters. It is essential that we do not hinder FEMA's mission by allowing unwarranted rescissions or cuts to FEMA's budget.

Again, I commend the numerous individuals, government agencies, and groups of people in Texas who heroically gave of themselves and assisted their fellow citizens through a major disaster. They serve as an inspiration to us all and I pledge to work together with FEMA and other agencies on behalf of these victims to help them rebuild their lives and renew their spirits.

I urge all Members to support H. Res. 166.

Mr. CRENSHAW. Mr. Speaker, I rise in support of H. Res. 166, which honors the men and women, community organizations and businesses, and the government entities that provided relief and assistance to the people of Texas in the wake of tropical storm Allison.

It is truly times like these, when Mother Nature strikes suddenly and strongly, that communities must come together to help people whose homes and businesses are damaged or destroyed and who might have suffered loss of life within their families. It is a true testament to the spirit of community to see neighbor selflessly helping neighbor in these circumstances, and I commend the men and women who lent of their time, energy, money, resources, and friendship to make the flooding in Houston and its suburbs less painful for their neighbors.

While the damage was not nearly so severe, I would be remiss if I did not mention the community spirit of Floridians who helped to reduce the pain and suffering that tropical storm Allison brought to the people of Florida. For instance, local fire and rescue workers attempted to save swimmers who regrettably drowned off of Florida Panhandle beaches in the storm-tossed waters of the Gulf. They also worked to save men and women caught off guard by the flooding in Tallahassee and elsewhere in North Florida. Also, electric company and utility employees worked to keep power, water, and information flowing into people's homes and businesses as North Florida was pelted with heavy rain, 40–55 mile-per-hour winds, and 15-foot waves.

It is in their honor, as well, that I ask my colleagues to support this resolution.

Ms. PELOSI. Mr. Speaker, I rise to speak in support of H. Res. 166 and applaud Ms. JACKSON-LEE for introducing this resolution. H. Res. 166 commends the many volunteers, public safety officials, agencies, and businesses that rose to the challenge of tropical storm Allison. The storm took 22 lives and caused at least $4.8 billion in property damage.

Living in San Francisco, in an area that is prone to natural disasters, I appreciate the commitment and heroism shown by so many people in the wake of a major natural disaster. Thanks to many brave and generous individuals, Houston and the communities around it pulled through the storm and are on the road to recovery.

I came back this morning from Houston, where I had the great pleasure of meeting my 6th grandchild, who was born on Sunday. While the damage in the area is clearly visible, so are the signs of healing. For my own family and all the people who call Houston home, I was pleased to see the recovery already underway. I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and agree to the resolution, H. Res. 166.

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. LAMPSON. 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.

GENERAL LEAVE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include therein extraneous material on H. Res. 166.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR ON H.R. 2149

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2149.

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

There was no objection.

2001 CROP YEAR ECONOMIC ASSISTANCE ACT

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2213) to respond to the continuing economic crisis adversely affecting American agricultural producers, as amended.

The Clerk read as follows:

H.R. 2213

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

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall use $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(a) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $63,320,000.
(2) Florida, $16,860,000.
(3) Washington, $9,610,000.
(4) Idaho, $3,670,000.
(5) Arizona, $3,430,000.
(6) Michigan, $3,250,000.
(7) Oregon, $3,220,000.
(8) Georgia, $2,730,000.
(9) Texas, $2,660,000.
(10) New York, $2,660,000.
(11) Wisconsin, $2,570,000.
(12) North Carolina, $1,540,000.
(13) Colorado, $1,510,000.
(14) North Dakota, $1,380,000.
(15) Minnesota, $1,320,000.
(16) Hawaii, $1,150,000.
(17) New Jersey, $1,100,000.
(18) Pennsylvania, $980,000.
(19) New Mexico, $900,000.
(20) Maine, $880,000.
(21) Ohio, $800,000.
(22) Indiana, $660,000.
(23) Nebraska, $640,000.
(24) Massachusetts, $640,000.
(25) Virginia, $620,000.
(26) Maryland, $500,000.
(27) Louisiana, $460,000.
(28) South Carolina, $440,000.
(29) Tennessee, $400,000.
(30) Illinois, $400,000.
(31) Oklahoma, $390,000.
(32) Alabama, $300,000.
(33) Delaware, $290,000.
(34) Mississippi, $250,000.
(35) Kansas, $210,000.
(36) Arkansas, $210,000.
(37) Missouri, $210,000.
(38) Connecticut, $180,000.
(39) Utah, $140,000.
(40) Montana, $140,000.
(41) New Hampshire, $120,000.
(42) Nevada, $120,000.
(43) Vermont, $120,000.
(44) Iowa, $100,000.
(45) West Virginia, $90,000.
(46) Wyoming, $70,000.
(47) Kentucky, $60,000.
(48) South Dakota, $40,000.
(49) Rhode Island, $40,000.
(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term ''specialty crop'' means any agricultural crop, except wheat, feed grains, oilseeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–42), is amended to read as follows:

''(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

''(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2002 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

''(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

''(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments.''.

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

''(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 5.1 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginners (as defined and provided in such section) that—

''(1) incurred a loss as the result of—

''(A) the business failure of any cotton buyer doing business in Georgia; or

''(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

''(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

''(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''Upon the establishment of the indemnity fund, and not later than October 1, 1999, the'' and inserting ''The''.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

(b) TOTAL AMOUNT OF EXPENDITURES.—The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

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

Mr. Speaker, I rise today to advocate passage of H.R. 2213, a bill to provide economic assistance to farm producers for the 2001 crop year. The current farm recession, in its 4th year, ranks among the deepest in our Nation's history, along with the Great Depression, the post-World War I and II recessions and the financial ruin of the 1980s.

There are many factors that contribute to this dismal situation. First, energy prices have skyrocketed, pushing diesel fuel and fertilizer to more than twice last year's prices. Second, overseas markets continue the slump that started with the Asian financial crisis, and that has been compounded by the steadily increasing strength of the dollar abroad.

USDA estimates that the value of the dollar is up to 25 percent relative to our customers' currencies and up 40 percent relative to our competitors' currencies, making our farm commodities significantly less marketable in overseas markets. Finally, tariff charged in our agricultural exports remain high, averaging 5 times those levied by the U.S.

Clearly, additional assistance for our farmers is needed. H.R. 2213 makes a good start on providing such assistance. With the help of the Committee on the Budget, the gentleman from Iowa (Chairman NUSSLE), in this year's budget, Congress made available funding for fiscal year 2001 and fiscal year 2002 specifically to address the need for the assistance in the 2001 crop year.

The legislation before us today makes $5.5 billion available for that purpose. In my opinion, this amount is not sufficient to meet the needs of our producers, and I intend to work further as this bill moves forward through the legislative process to improve that message. But today the important point is to move the process along, because the fiscal year 2001 funds will expire unless delivered to hard-pressed farmers by the end of September, it is imperative that a bill be sent to the President for signature before the August recess.

To ensure that outcome, the House must move the legislation this week. Despite its current imperfections, farmers need House passage of H.R. 2213 today.

The Committee on Agriculture is now in the process of writing a new multiyear farm bill that will end the need for these annual emergency packages. We expect to bring that bill to the floor before the end of the year and hope to have it in place for next year's crop. But today we are dealing with the immediate crisis facing farmers in this year's crop, and that is why I am asking my colleagues to support passage of H.R. 2213.

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Additionally, Mr. Speaker, it has come to my attention that there are some misconceptions currently being spread about the bill, including one suggesting that H.R. 2213 will extend the Northeast Dairy Compact. This is simply not the case.

First of all, dairy compacts are not within the jurisdiction of the Committee on Agriculture and, therefore, are not germane to any legislation that our committee would report. Second, there are simply no dairy provisions of any kind in H.R. 2213, as amended.

When I introduced the bill originally, it did include a simple extension of the dairy price support program due to expire at the end of this year, but even that provision has been removed from the amended version.

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

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

Mr. Speaker, I support this bill even though I, too, wished we could do more. At the outset, let me recognize the work of the gentleman from Texas (Chairman COMBEST) and state for the record that I agree with him that American agriculture is in need of immediate assistance, and that producers of our food and fiber are at risk.

Last year crop prices were at a 27-year low for soybeans, a 25-year low for cotton, a 14-year low for wheat and corn and an 8-year low for rice. Very little recovery has occurred since that time. The need for the $5.5 billion in assistance provided by this bill is so great that a doubling of this amount could easily be utilized.

Because this is the fourth year in a row that we have provided ad hoc assistance to compensate for low commodity prices, however, I consider it crucial that we provide aid with a view toward the long term.

While the budget should provide us the authority to improve our commodity programs, there are a couple of reasons why the amount made available in the budget will soon appear insufficient. First, aside from amounts in the bill before us, the budget provides $73.4 billion to add to our baseline over 10 years. During the course of the Committee on Agriculture's hearings, however, representatives of agriculture have responsibly argued for several times that amount.

Second, the budget is not ironclad. The Committee on Agriculture has a budget allocation for fiscal year 2002, but not for the succeeding fiscal years. The remaining $66 billion is only available to the extent that the on-budget surplus is greater than the Medicare surplus. Our ability to address agriculture's long-term need is now very sensitive to any deterioration in the overall budget surplus.

The reality of the tight budget situation we faced was recently made abundantly clear by a letter from the administration. Prior to the markup of this economic assistance, the OMB Director advised that, if the committee surpassed the $5.5 billion, he would recommend the President not sign the bill.

A bare majority of my colleagues on the Committee on Agriculture agreed with the gentleman from Ohio (Mr. Boehner) and me that we needed to save every penny we could to draft a responsible long-term farm bill.

I am proud to say that, by adopting our amendment, the Committee on Agriculture has faced its responsibility to prioritize agriculture's needs within the budget. Our chairman presided over a full debate with the utmost fairness. For those of us who were strong advocates for agriculture, we arrived at a difficult decision.

The bill before the House today provides a reasonable response to our producers who are suffering from the continued slump in the farm economy. Assistance is provided in a very clear way. Take the aid provided for the most recent crop and prorate the payments to equal $5.5 billion. I repeat, assistance is provided in a very clear way. Take the aid provided in the most recent crop and prorate the payments to equal $5.5 billion. Funds will be disbursed to producers quickly and simply.

While I would have preferred alternative ways to deliver this assistance, we are constrained in this manner because the assistance must be provided by September 30.

We also need to analyze all fiscal year 2002 options at the same time in order to provide the right long- and short-term policy mix. Many specialty crops that desire additional assistance over that provided in the bill can only be assisted in fiscal year 2002 money. We can provide such assistance, but it must be provided fairly and consistently in keeping with our long-term strategy.

Mr. Speaker, I cannot disagree with those who say that the $5.5 billion is inadequate; however, this is all we can afford at the moment. As we pass this bill, it is crucial that we immediately move toward an improved and reliable long-term policy that benefits farmers and taxpayers alike.

I urge the passage of the bill.

Mr. Speaker, I support this bill even though I wish we could do more.

At the outset, let me recognize the work of Chairman COMBEST and state for the record that I agree with him that American agriculture is in need of immediate assistance and that the producers of our food and fiber are at risk. Last year, crop prices were at a 27-year low for soybeans, a 25-year low for cotton, a 14-year low for wheat and corn and an 8-year low for rice. Very little recovery has occurred since that time. The need for the $5.5 billion in assistance provided by this bill is so great that a doubling of this amount could easily be utilized.

Because this is the fourth year in a row that we have provided ad hoc assistance to compensate for low commodity prices, however, I consider it crucial that we provide aid with a view toward the long term.

While the Budget should provide us the authority to improve our commodity programs, there are a couple of reasons why the amount made available will soon appear insufficient:

First, aside from amounts in the bill before us, the Budget provides $73.4 billion to add to our baseline over ten years. During the course of the Agriculture Committee's hearings, however, representatives of agriculture have responsibly argued for several times that amount.

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I urge the passage of the bill.

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

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I rise in strong support of H.R. 2213, the Fiscal Year 2001 Economic Assistance Act. It provides $5.5 billion in markets loss payments and other agriculture assistance.

I am pleased that the Committee on the Budget was able to work hand in hand with the Committee on Agriculture to make this bill possible.

Recognizing the needs of farmers, the Committee on Budget reported and the House passed a budget resolution that revised the allocations and budgetary totals for the current fiscal year to accommodate $5.5 billion in additional emergency agricultural assistance for the crop year of 2001. We budgeted for this emergency. This fits within the budget. It is responsible.

All the Committee on the Budget asked was that the Committee on Agriculture produce a straightforward bill that avoided accounting gimmicks and reserved sufficient funds to meet future crop year needs and permanently reform agricultural assistance programs so we can move away from this Band-Aid approach of the past 3 years. H.R. 2213 more than up holds the Committee on Agriculture's part of this bargain.

As the chairman of the Committee on the Budget, I have the privilege of reporting to my colleagues that this bill is within the budget. I commend the gentleman from Texas (Chairman COMBEST), the gentleman from Georgia (Chairman CHAMBLISS), the gentleman from Texas (Mr. STENHOLM), ranking member, for their hard work on this and all the members of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in allowing me to speak on this bill.

I know it has been hard for the members of the Committee on Agriculture, but I am personally disappointed that there appears to be no funding for the conservation programs in the agricultural supplemental. This is especially troubling in light of the fact that it appears that the Committee on Appropriations plans to sharply reduce funding for our major conservation program in the next fiscal year, including the Wetlands Reserve Program, the Wildlife Habitat Incentives Program and Farmland Protection Program.

Only 5 percent of the USDA funding rewards voluntary efforts for protecting our drinking water supplies, to provide habitat for wildlife, protect open spaces.

There are many programs where farmers voluntarily want to come forward, but as a result of declining funding levels for conservation programs, three out of four farmers, ranchers and foresters are rejected when they seek cost-sharing to improve the quality of our drinking water supplies; 9 out of 10 are rejected when they offer to sell development rights to help combat sprawl and protect farmland; half of our farmers and ranchers and foresters are rejected when they seek basic technical assistance. Sadly, we are not stepping forward to help the incredibly productive farmland that surrounds our metropolitan area, the urban-influenced farmland.

Mr. Speaker, as we struggle with declining amounts of money because of some decisions that we have made, that, frankly, I think some of us are hoping that people recognize were inappropriate, we need to make sure that we are dealing with efforts to equip and ensure that we maintain the agricultural base.

This is an opportunity for a win-win to protect the environment, to enhance the vast majority of small farmers that are at risk, and to make sure that we are preserving water quality supplies. I am hopeful that we can do better in the future.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CHAMBLISS).

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

Mr. CHAMBLISS. Mr. Speaker, I thank the chairman for the opportunity to speak today, and I thank him for his leadership on this and other matters relative to the agriculture community in our country.

I rise in strong support of this bill. I would say to the gentleman from Oregon (Mr. BLUMENAUER) I share the same concerns that he does about conservation, and I hope we can address that to a greater extent in the farm bill.

But what we are doing today is coming forward with a market assistance package, and I emphasize that because it is not a disaster bill. A market assistance package is necessary for our farmers because, for the fourth year in a row, we are facing low commodity prices all across the spectrum.

This bill is responsible. It addresses the needs of producers. It puts an amount of money in the pocket of producers as quickly as we can do it. Our folks need that relief now. At the same time, if the American people are going to be assured that they are going to continue to have quality food products at low-commodity prices, we need to pass this bill today.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in support of this measure, but I also want to express some disappointment with the lack of any type of funding for conservation programs within this farm supplemental bill for 2001.

While there is no doubt that our Nation's farmers, ranchers and foresters are struggling financially, this measure merely continues the failed economic policies of the current farm bill, directs cash transfers that many of us believe distort the marketplace and drives commodity prices even further down.

The next farm bill, which the House is currently considering, must be more inclusive and provide creative new revenue streams to assist our Nation's family farmers. It is my hope that voluntary incentive-based conservation programs which provide landowners with much-needed revenue while also assisting them in meeting soil, air and water environmental compliance is a part of the new farm bill.

For instance, programs such as Wetlands Reserve, Wildlife Habitat Incentive Programs and the Farmland Protection Program not only help our farmers to promote preservation of open space, habitat for wildlife and improve water quality, but they also increase farm profitability.

Two-thirds of America's farmers do not benefit from any traditional income support programs under the current farm bill. Furthermore, more than 90 percent of USDA payments go to only one-third of America's farmers

who produce commodity crops. For example, States such as California and Florida receive less than 3 cents from USDA for every dollar they earn. Conservation payments provide an important source of funding that allows farmers throughout all regions of the country to retain their land while providing benefits to society, including cleaner drinking water and improved recreational opportunities.

Currently, funding levels are insufficient to meet the demands of conservation programs. Three out of every four farmers, ranchers and private forest landowners are turned away when they seek to participate and help protect habitat and improve the quality of drinking water supplies through these land conservation programs.

Mr. Speaker, I hope the conservation funding aspect becomes a major feature of the next farm bill. I look forward to working with the leadership on that.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Speaker, agriculture is Montana's number one industry, but with the cost of farm production at an all-time high and farm incomes sagging, I am deeply concerned about agriculture's future in our State.

H.R. 2213 will provide much-needed help to Montana producers, but the bill fails in many ways. The assistance level provided for in this legislation is not sufficient to address needs of many families this year.

H.R. 2213 fails to address the needs of dairy farmers, sugarcane growers, those who graze their wheat, barley, and oats, as well as producers who are denied marketing loan assistance because they do not have an AMTA contract.

Members who supported the $5.5 billion in assistance at the committee level argued that a cut in funds to producers this year was necessary to save funds for the new farm bill, but I fear that many producers in my State will now have to face the reality that they may not make it for the next farm bill.

While this bill is far from perfect, it is a first step in keeping Congress' commitment to stand by American farmers and ranchers until a permanent safety net is in place.

I want to thank the gentleman from Texas (Chairman COMBEST) and the staff for all their hard work on behalf of America's rural communities.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, dramatic increases in energy costs have hurt everybody, especially in the agriculture industry. Today, right now, farmers in my district, a lot of them, are going bankrupt, clearly not able to keep up with their energy bills.

We need to encourage more domestic production of oil and gas, but that is for the future. We will not solve the crisis of today.

I am not really not here to point fingers, assign blame for skyrocketing energy prices, but I am here on behalf of family farmers who do seek solutions. They need our help now.

Despite repeated appeals from my colleagues and myself, this Congress, this leadership has ignored the plight of ordinary citizens who are suffering this energy crisis. Let us face the fact that some farmers and ranchers have seen their gas bills double and triple over the last year, and this is through no fault of their own.

Our economy depends on agriculture, and especially Mississippi, because we are still a rural economy.

This may not be a natural disaster like a tornado or flood, but it is a disaster just the same. It is an economic disaster that threatens the very existence of our farmers.

If we cannot see fit to address these needs through supplemental funding, I challenge the Congress to take up the issue separately.

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I have introduced H.R. 478, the Family Farmers' Emergency Energy Assistance Act, which will provide immediate and long-term emergency assistance to our farmers and ranchers, including crop and greenhouse growers and poultry and livestock producers.

H.R. 478 will authorize the Secretary of Agriculture to provide grants to help farmers and ranchers to deal immediately with financial pressures caused by this crisis. This bill would also make low-interest loans available to help deal with the energy crisis for the months ahead.

H.R. 478 defines what constitutes an ''energy emergency'' and lays out a formula that will work. H.R. 478 is a farm energy crisis bill that will ensure that agriculture producers suffering an energy crisis will get assistance.

I am calling upon our leaders in Congress to move this emergency assistance bill quickly to passage. In a world where reliable energy costs are tantamount to success or failure, we should remember the pain rural America is enduring while we stand here and debate.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise today to voice my support for the farmers of my home State of Mississippi and for this legislation.

Could we do more? Yes. Should we do more? I hope by the end of the day, by the time this Senate takes this up and it goes to the President, that there will be more. In terms of real dollars, Mississippi farmers are facing their 4th year of prices that have not been this low since the Great Depression.

I look forward to working with the committee and the chairman to look at ways in the farm bill that we can have long-term solutions to crises that come up, not only in our commodities and crops, but for farmers who are in other areas, such as poultry. We need to find ways so that if we do have an energy crisis or spike that we can meet those needs, whether through grants or loans, so that they too can manage their farm income in a way that is predictable and gives them certainty. We need to help our farmers avoid the bankruptcies that we are seeing today in places across my district and in the Southeast.

As we continue to get the emergency assistance and the long-term care, I look forward to working, as chairman of the Congressional Sportsmen's Caucus Waterfowl Task Force, in getting the conservation titles of the farm bill in order for the good it does both for our environment and for our farmers.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me this time, and I want to compliment the chairman of the committee for this supplemental, which goes a long way to preserving the rural legacy of this United States, understanding the fact that every year we lose hundreds of farms all across the Nation. This injection of dollars will go a long way into helping make our farms sustainable and, to a large extent, if we work the right way, making those farms profitable.

I would also ask the Chairman, as we move through the rest of this session, to understand that not only do the AMTA payments make a difference, but the conservation title of the farm bill goes a long way into diversifying a great deal of what happens in our ag communities.

In our ag communities, there is literally an ag corridor; and we need to keep it from being fragmented. In our ag communities, there is also a habitat conservation corridor for wildlife upon which many farmers depend on diversifying their ag businesses. Whether it is hunting or fishing, the conservation title goes a long way into preserving the rural legacy of this country.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to support the agricultural assistance package, but I must state flatly for the record that I was extremely disappointed last week when this much-needed package was reduced from $6.5 billion to $5.5 billion in committee. A majority of the Committee on Agriculture chose not to support me or the chairman in a package that was equal to last year's assistance. This billion dollar cut will cost Oklahoma producers 10 cents a bushel for wheat and effectively kills the LDP graze-out program for 2002. That is unacceptable.

This is the worst time to be cutting funding for agricultural producers. Commodity prices remain low, input prices are increasing and continue to increase dramatically. If anything, we should be increasing our funding for

these programs. Yes, this assistance package is a good first step. It is insufficient to meet the needs of agricultural producers, especially in Oklahoma, but at least it is headed in the right direction.

I want to assure my friends and colleagues here on the floor that while I think this will help producers across the country, and particularly in Oklahoma too, that I intend to work with the other body to ensure that the cuts made last week by the Stenholm-Boehner amendment are restored and that we provide our producers with that minimum $6.5 billion.

Mr. STENHOLM. Mr. Speaker, I have no further speakers at this time, and I reserve the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the chairman for yielding me this time, and I rise to support this bill but to express my disappointment that the House Committee on Agriculture voted last week to reduce the supplemental aid to farmers in the supplemental farm package last week. I opposed the amendment by the gentleman from Texas (Mr. STENHOLM) to reduce the supplemental aid to $5.5 billion and supported the chairman's proposal to provide $6.5 billion in support; the same level as in prior years.

Our farmers are struggling, and we must provide them with the aid they need. This funding bill is better than no assistance, but we really needed that additional billion dollars to help our farmers. I consider this a first step towards ensuring that we provide our farmers the support they need.

We continue to wrestle with historically low prices, and yet this year, in our part of the country, we are having very poor planting conditions and are expecting to have lower yields than in prior years. So we need more aid to maintain the same level as prior years, not less. Now is certainly not the time to cut it, particularly with energy costs driving up the cost of fertilizer and everything else.

Mr. Speaker, I intend to help the chairman and other committee members in an effort to restore funding as the process moves forward.

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

Mr. HAYES. Mr. Speaker, I thank the chairman for yielding me this time, and I rise today for eighth district farmers in North Carolina to support H.R. 2213, the 2001 Crop Year Economic Assistance Act. I want to thank the chairman for his continued leadership and diligence in bringing assistance to our Nation's farmers who are in need.

I am supportive of this bill, though I support the $6.5 even more; and I hope it will bring some relief to our farmers plagued by low commodity prices, rising energy costs, drought, and a slow world economy. USDA estimates that without government assistance, farmers' income could drop to historical lows, so it is imperative we act now.

H.R. 2213 does not provide the same level of assistance as previous years but I urge my colleagues' support and it is my sincere hope that we can provide more adequate assistance as we move through the legislative process.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to thank him for his hard work and leadership in speeding this crop assistance package to the floor today. Family farmers across Indiana appreciate the gentleman's aggressiveness.

Mr. Speaker, by providing $5.5 billion in economic assistance, this farm bill represents a much-needed first step in keeping Congress' promise to America's farmers and ranchers, but it is only a first step.

It is said that the sower sows in expectation, and this farm bill fails to meet the expectation of American farmers in at least two respects. First, the assistance level it provides is not sufficient to address the total needs of farmers and ranchers; and, second, the bill's scope is too narrow, leaving many needs completely unaddressed.

At a time when real net cash income on the farm is at its lowest level since the Great Depression, it is not time to cut supplemental aid to farmers. Although I urge my colleagues to support this bill as a first step toward helping our Nation's farmers, I am deeply disappointed that this bill leaves out $1 billion in farm aid for only a few short-term benefits.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me congratulate the chairman, the gentleman from Texas (Mr. COMBEST), and the gentleman from Texas (Mr. STENHOLM) for continuing to move this process along.

We all know that we have great difficulty in ag country. We have low commodity prices, we have higher fuel costs, and the pressure is on farmers across the country and has been. Until we open more markets for our farmers, this pressure will continue to be there because our farmers continue to outproduce their competitors around the world.

There has been a lot said here about the size of this package. As the author of the amendment, along with my good friend, the gentleman from Texas (Mr. STENHOLM), I believe that the $5.5 billion, as allocated by the budget, is a sufficient amount of money for aid now. Would I like to do more? Of course, I would like to do more. But the fact is we just went through a budget process and allocated $5.5 billion for this year's emergency assistance to farmers. To go back on that now opens the door to the other body to raise the number even higher. I think what we have done here is the fiscally responsible thing to do.

Secondly, we are about to go through the new farm bill. We are going to have a major debate about how to reallocate those resources dedicated in the budget to the new farm bill. Let us not stick our fingers into the pie and take some of next year's money for this year's problems.

Mr. COMBEST. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. COMBEST) has 7½ minutes remaining; the gentleman from Texas (Mr. STENHOLM) has 8½ minutes remaining.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, American agriculture is in a predicament. Should we go to the free market system and say survival of the fittest in an international market and price for food and fiber?

It is complicated by a couple of situations. One is the fact that other countries, such as Europe, subsidize their farmers up to five times as much as we subsidize our farmers.

How interested are we in maintaining a vital agricultural economy in the United States? I would suggest to my colleagues that that ability to produce food is even more important than the production of energy for our national security. With our dependency on imported energy, we have seen what can happen when OPEC decides to hold back. Think what might happen with food.

Right now, farmers are faced with low commodity prices. A 27-year low for soybeans, 25-year low for cotton, a 14-year low for wheat and corn, an 8-year low for rice. Over the past 3 years, net cash income fell in real dollars to its lowest point since the depression.

Now is the time that we have to make the decision of standing up for the survival of American agriculture. I would just suggest that farmers need help to survive. In addition to low commodity prices we have seen increased fuel costs of $2.4 billion over the last year because of higher energy prices.

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

Mr. MORAN of Kansas. Mr. Speaker, I thank the chairman for yielding me this time. It is with concern today that I rise on the House floor. This is an important piece of legislation. We have worked hard at making certain that the farmers of Kansas and across the country have access to additional resources this year to tide them over; and yet the actions of our House Committee on Agriculture last week, I think, are inadequate in reaching that goal.

I voted against the passage of this bill from the committee, and yet I know it is important for the process to continue. We have hope that additional dollars will be placed in this legislation before this bill returns from the Senate.

Two weeks ago I spoke on the House floor about the difficulties facing farmers in my State. I talked about corn prices at $1.89 and gasoline at $1.93. That does not work. Combines and custom cutters are working their way across Kansas now. Wheat prices dropped 25 cents last month; and when I looked at the board this morning, in Dodge City wheat was $2.71, down another 4 cents.

Assistance today is important. Many of my farmers will not be able to wait around and see what happens with the farm bill and the improvements that we hope to make in agricultural policy in this Congress unless they have some dollars to tide them over now. The crisis is real, and the consequences of our failure to act are significant.

I joined the chairman in supporting an increase for assistance for farmers. Our position failed by one vote, 24 to 23. So even within the House Committee on Agriculture, there is disagreement in the best way to help producers. However, I think now is not the time to hold up this bill over our previous disagreements. It is time for those of us concerned about agriculture and rural America to come together and to work on behalf of our Nation's farmers and ranchers.

I look forward to that process continuing, and I look forward to working with my chairman and the ranking member to see that good things happen in Kansas and American agriculture.

Mr. COMBEST. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the chairman for yielding me this time; and really for the benefit of some of my colleagues who are not from farm country, I thought I would like to take a minute today to talk about what is happening to agriculture here in the United States and around the world. Because it is easy for some people to say the problem is the farm bill, the problem is freedom to farm.

It may well be true that some of the problems we face in agriculture today were exacerbated by the last farm bill. But the truth of the matter is what we are into now is the 4th consecutive year of worldwide record production.

□ 1215

Mr. Speaker, I think against that backdrop with any farm policy in the United States, our farmers would be facing a tough year as it relates to our commodities.

The second thing we have to appreciate, in Europe we see huge subsidies for agriculture. Beyond that, we have permitted, we have allowed our trading competitors to subsidize their exports to the tune of $6 billion while we limit ourselves to $200 million. We have put ourselves and our farmers behind the eight ball relative to our trade policy and relative to our agriculture policy. Ultimately that is all coming together.

There is a desperate need in agriculture today for some kind of help. We are here today, and the Committee on the Budget has responded appropriately. The bill in front of us today is the right answer. Ultimately there will be negotiations between the House and Senate and the White House, and hopefully this can be plussed up. There are serious problems in agriculture, most of which are not controllable by our farmers.

Mr. Speaker, I think this is a good bill, and I hope all of my colleagues on both sides of the aisle will join us in supporting this legislation today.

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

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

Mr. Speaker, I urge my colleagues to support this bill. I associate myself with all of the remarks saying we should do more; but I would also point out that this amount of money today is within the budget that was passed that we have agreed to live under this year. I think that is a significant point. And also, as the chairman pointed out in his opening remarks, time is of the essence.

Mr. Speaker, we must have this bill to the President for his signature by August 1 if we are to have any hope of dealing with the multitude of problems that this bill is designed to help.

Mr. Speaker, I encourage my colleagues to pass this bill today and move the process forward, and encourage the other body to do the same.

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

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

Mr. Speaker, I appreciate the comments of the gentleman from Texas (Mr. STENHOLM) and appreciate the good working relationship that we have. Our committee works on behalf of American agriculture, I think, on a bipartisan basis as well as any committee in the Congress.

It is vitally important, and I strongly urge my colleagues who have any reservation about the level of this funding to move forward with this suspension to allow the House to have completed its action so that we make for certain that the $5.5 billion which was established in the budget resolution is in fact eligible to be paid to farmers by the end of the fiscal year of September 30. I think it also sends a message to farmers that in fact there is some assistance on the way at a very critically needed time.

Mr. Speaker, to the Members who spoke of the committee's action in the next few weeks in reporting a farm bill, I will say that we have heard them and all others. This will be a comprehensive farm bill. It will have a strong conservation title, as some have indicated is needed. It is an area that we are looking at very carefully. It is something that we will be trying to craft to deal with all aspects of American agriculture, and we will be spending a great deal of time on it. It is the intent of our committee to report a bill by the beginning of the August recess so that consideration for a full farm bill in a much-needed sector of the American economy that is suffering tremendously can be moved forward; and that we will be able to send a message to American agriculture that there is help on the way.

Mr. Speaker, I appreciate the interest, the intensity, and passion of all of my colleagues on the committee.

Mr. BISHOP. Mr. Speaker, H.R. 2213 will provide the much needed help that my farmers in the Second Congressional District need today. The $5.5 billion is not sufficient to address all the farming needs, but it goes a long way in helping our family farmers. Input costs have skyrocketed for every one including our farming community. I hope this supplemental bill moves quickly to help alleviate some of these costs.

I am happy with the way our peanut farmers concerns have been addressed in this bill, $25.83 a ton for quota peanuts and $13.55 for additional peanuts will help ease the burden that our peanut farmers face today.

I am glad that we continue as we should standby our American farmers. This will provide immediate relief while our Committee continues to work hard on drafting the new Farm bill.

I urge my colleagues to support H.R. 2213 and speedily get these funds to our farmers.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Texas (Mr. COMBEST) that the House suspend the rules and pass the bill, H.R. 2213, 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.

GENERAL LEAVE

Mr. COMBEST. 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. 2213, the bill just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 178, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 178

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ''for administration'' on page 13, line 24, through ''section 40117;'' on line 25; beginning with ''Provided'' on page 14, line 12, through line 20; beginning with ''Provided'' on page 15, line 9, through line 14; beginning with ''Provided'' on page 23, line 20, through page 24, line 2; ''notwithstanding any other provision of law'' on page 26, line 10; beginning with ''together with'' on page 26, line 15, through the closing quotation mark on line 16; page 31, line 9 through ''as amended,'' on line 10; page 38, line 23, through page 45, line 2; page 50, line 22, through page 51, line 15; page 55, line 6, through line 13; page 56, line 16, through page 57, line 2. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

UNFUNDED MANDATE POINT OF ORDER

Mr. MORAN of Virginia. Mr. Speaker, pursuant to section 426 of the Congressional Budget and Impoundment Control Act of 1974, I make a point of order against consideration of the rule (H. Res. 178) because it contains an unfunded Federal mandate.

Section 426 of the Budget Act specifically states that the Rules Committee may not waive this point of order.

In the rule of H. Res. 178, and I quote: ''All points of order against consideration of the bill are waived.'' Therefore, I make a point of order that this bill may not be considered pursuant to section 426.

The SPEAKER pro tempore. The gentleman from Virginia makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. According to section 426(b)(2) of the act, the gentleman must specify language in the resolution that has that effect. Having met this threshold burden to identify the specific language of the resolution under section 426(b)(2), the gentleman from Virginia (Mr. MORAN) and a Member opposed will each control 10 minutes of debate on the question of consideration under section 426(b)(4).

Following the debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The gentleman from Virginia (Mr. MORAN) is recognized for 10 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I raise a point of order because section 343 of this appropriations act directs the local transit authority to change the name of its transit station at Ronald Reagan Washington National Airport with local funds. The cost to comply with this provision is estimated to be $405,476; but the principle being violated is far more costly.

Mr. Speaker, earlier this year the local jurisdictions which comprised the transit board elected not to change the name of the Metro station at the airport. The board determined that the estimated cost of these changes would be better spent on other priorities.

In addition to the rule that requires the request to come from the local jurisdiction in which the station is located, the regional transit board has a long-standing policy of not naming their transit stations after people, preferring instead that they be named after the location that they are serving.

At one time many Democrats wanted the RFK Stadium stop to be named after Robert Kennedy, but that suggestion was rejected because Stadium-Armory is more descriptive, and named after a place rather than a person.

□ 1230

In my view, that was a correct use of local taxpayer resources. I have to think that if President Reagan were not tragically suffering from Alzheimer's disease, he would join the board and the local governments in resisting these heavy-handed tactics of the Federal Government in forcing the local government to act contrary to its best judgment.

In 1964 following the tragic death of President Kennedy, an overzealous Johnson administration by executive fiat renamed Cape Canaveral Cape Kennedy without consulting the local jurisdictions. Had the Johnson administration consulted the local jurisdictions, they would have learned the importance of the name Canaveral dating back to the time of the Spanish explorers and a part of the cape's identity, culture and heritage for the succeeding 400 years. For the next 10 years, the local communities resisted the Federal action, preferring instead to use the term Canaveral. In the early 1970s, the Florida State legislature showed its defiance by enacting legislation to rename the cape Cape Canaveral. By default and Federal inaction, that name still stands.

In the instance of the airport, the localities were never consulted on the 1998 act to rename the airport. Had Congress conducted hearings and allowed local elected officials to testify, it would have learned that Washington National Airport already had a name in honor of our first President, George Washington, one of our founding fathers, commander in chief of the Continental Army during the War of Independence, our first President and a resident of northern Virginia, living just down the very road that runs by the airport. The airport was literally built on land owned by George Washington's family.

Recognizing the direct relationship and strong historical roots of the property, President Roosevelt asked that the airport's main terminal, completed in 1946, be designed to resemble Mount Vernon. That resemblance is now a historic landmark.

Like the renaming of Cape Canaveral, resentment of the name change is on the minds of northern Virginia's local residents. We had a compromise proposal to rename the new terminal after President Reagan. That was rejected even though its existence bears testimony to the success of devolving the operations of the federally owned airport to a local authority. When it was under Federal control, no capital improvements were undertaken. Now the local authority has invested a billion dollars in capital improvements with non-Federal funds.

Substantial honors have already been conferred upon President Reagan and more will be. There is nearly a $1 billion Ronald Reagan building and international trade center. Other than the Pentagon, it is the largest Federal building in existence. It is just a few blocks from the White House. We have a *Nimitz* class aircraft carrier. And, of course, the naming of the airport. President Reagan's legacy will be defined by what he did as President, not by what we do for him. I am sure he would join me in opposing this provision that mandates the local transit authority rename the transit station.

In referencing the controversy of the Metro station issue in his weekly column, George Will said:

> How many ways are there to show misunderstanding of Reagan's spirit? Let us count the zealots' ways.
>
> Political freedom implies freedom from political propaganda—from being incessantly bombarded by government-imposed symbols and messages intended to shape public consciousness in conformity with a contemporary agenda. Such bombardment is unquestionably the aim of some Reaganite monument mongers. They have the mentality that led to the lunatic multiplication of Lenin portraits, busts and statues throughout the Evil Empire.

Let us resist the urge to establish Ronald Reagan's legacy by renaming everything after the former President, thereby trivializing the principles that he stood for.

I urge that we oppose this unfunded Federal mandate.

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

Mr. REYNOLDS. Mr. Speaker, I rise in opposition to the point of order.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York is recognized for 10 minutes.

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

I would like to take this opportunity to put to rest fears that this provision would violate the Unfunded Mandates Reform Act. While a review by the Congressional Budget Office determined the requirement to rename the station to be an intergovernmental mandate under the Unfunded Mandates Reform Act, renaming the station falls well below the 2001 threshold of $56 million. In fact, this project is estimated to cost approximately $500,000. I submit CBO's findings for the RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2001.

Hon. JAMES P. MORAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: As you requested, the Congressional Budget Office has reviewed an amendment to H.R. 2299, the Department of Transportation and Related Agencies Appropriations Act, 2002, that was adopted by the Appropriations Committee on June 20, 2001. The amendment would require the Washington Metropolitan Area Transit Authority (WMATA) to redesignate the National Airport Station as the Ronald Reagan Washington National Airport Station, and to change all signs, maps, directories, and other documentation to reflect the new name. Our review was confined to determining whether that requirement constitutes an intergovernmental mandate as defined by the Unfunded Mandates Reform Act (UMRA) and, if so, whether the costs of that mandate would exceed the threshold established in that act.

UMRA defines an intergovernmental mandate as an enforceable duty imposed upon state, local, or tribal governments, unless that duty is imposed as a condition of federal assistance. Because the requirement to rename the station is not a condition of federal assistance, it would be considered an intergovernmental mandate under UMRA. No funding is provided in the bill to cover the costs of complying with the mandate. However, based on information from WMATA, CBO estimates that those costs would be less than $500,000, well below the threshold established in UMRA ($56 million in 2001).

If you wish further information, we will be pleased to provide it. The CBO contact is Susan Tompkins.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

My colleague may claim as he did last night in the Committee on Rules that this provision is impractical. However, in the past, Metro has made name changes to other existing stations, changes that have been just as long and in some cases longer. A station in Virginia that is George Mason University, you would see GMU University. And so we could say RR National Airport. We could look at other provisions where Metro has worked on it.

In addition, Mr. Speaker, it is important to note, as I who have always watched closely unfunded mandates to make sure that we are not saddling local government with an unfair burden. I have cited for the record the threshold of $56 million. But I also must bring out something else very important to my colleagues, that is, when we look at the report which we will consider in the rule and then following as the debate goes on the floor for the transportation appropriations committee, we will find on page 111 that under section 9, Formula Money, that the signs are eligible for funding for the $30 million that Metro will receive from the Federal Government as this year's allocation of appropriation just under section 9. That is $30 million, of which a half a million dollars is eligible for signage.

Mr. Speaker, the gentleman from Virginia helped craft the Unfunded Mandates Reform Act, and in playing such a key role in that creation, he should know that these thresholds were instilled to prevent time-consuming and unwarranted attacks on House legislation. While I appreciate my colleague's efforts to uphold the integrity of the Unfunded Mandates Reform Act, this is clearly a dilatory tactic meant to delay consideration of the underlying legislation.

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

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

First, I would just say to my friend, the gentleman from New York, that you cannot put a price tag on principle. It is a principle, Ronald Reagan's principle, in fact, that we are attempting to uphold here. It is being violated with this action.

Mr. Speaker, I yield 3½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of his unfunded mandate point of order.

Section 343 of H.R. 2249 orders the Washington Metropolitan Area Transit Authority to change the Metro stop at the airport to read Ronald Reagan Washington National Airport Station. This is both an unfunded mandate and legislation on an appropriations bill and should not be protected from points of order by the rule that we consider today.

The Washington Transit Authority is an interstate compact dating back to 1967. It has a specific written policy in place adopted by the board of directors covering names of its stations. The specific procedure for station name changes says in part that, one, the local jurisdiction in which the station is located shall endorse and formally request a name change to WMATA's board of directors; two, WMATA's Office of Engineering and Architecture will evaluate the proposed name change concerning length of name, other factors and provide cost estimates; three, the local jurisdiction proposing the name change shall obtain community support and bear the cost of the name change; four, the local jurisdiction shall then bring the proposal and supporting data to the WMATA board for action; and, five, the WMATA board of directors must approve the proposal.

None of this is being followed in the procedure directed in the appropriation bill. And the proposers themselves, if this Congress tried to do the same thing in their district, would scream to high heaven that we are invading local jurisdiction.

Over the last several years, a number of communities have proposed name changes, including local funding for the cost, and have built the necessary community support and received WMATA's approval. However, an equal number of name-change proposals have been rejected by the WMATA board. To cite one example, in 1996 councilman for the District of Columbia Jack Evans proposed that the Foggy Bottom-GWU Station be changed to include the Kennedy Center. The board rejected the proposal, saying in part, quote, ''The board of directors considers name changes when they enhance our patrons' ability to orient themselves and circulate through the system. To rename stations affording special recognition to a specific institution in neighborhoods with many other establishments may challenge our ability to provide clear and concise public information.''

Now, this is a proper exercise of local prerogative. No one has ever suggested that this decision is disrespectful to the memory of President Kennedy. Not at all. But to name a Metro stop for President Ronald Reagan meets none of the five tests outlined in the WMATA policy. The local community, Arlington, has not proposed it. In fact, they do not even support it. And they surely do not want to pay for it.

To continue the quote of commentator George Will, one of President Reagan's strongest supporters, about this Metro stop: ''There is something very un-Reaganesque about trying to plaster his name all over the country the way Lenin was plastered over Eastern Europe, Mao over China and Saddam Hussein all over Iraq.''

We ought not to sully the legacy of President Reagan by going against one of his fundamental principles. Leave local control to the States, to the cities. Give them due respect.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I think it is very interesting that we hear this cry that this is an unfunded mandate. I would like to make a couple of points about that.

First of all, these same local jurisdictions that Mr. MORAN mentions are required to abide by OSHA regulations. Would the gentleman from Virginia want to oppose OSHA regulations,

which are unfunded mandates? The answer is no, of course. The same is true of EPA regulations, considered an unfunded mandate. And the Americans with Disabilities Act, again complied with by the Metro authorities. Instead, we have the gentleman rising in opposition to putting a proper name of the location and a destination point on the Ronald Reagan Washington National Airport Station. It should not have to be this way. We should not be required to have a piece of legislation merely to do something correctly, such as putting the proper name on the Metro maps, on Metro designations and on the signs.

Another point I want to make is that no cost was provided here. I would like to offer a little bit of history about the Metro: the Washington Metropolitan Area Transit Authority was conceived by Congress. It has been largely funded by Congress. This year in the Transportation Appropriations bill alone, over $100 million are from U.S. taxpayers to fund the Metro. There is plenty of money to handle the cost of signs.

Let us talk more about the cost of signs. Recently there have been seven changes to the Metro in signs. These changes have occurred since President Clinton signed the law naming National Airport the Ronald Reagan Washington National Airport. That's seven changes at a cost of $713,000. I do not know where this half a million dollar figure is coming from, but Metro has made seven system-wide changes at a total cost of $713,000. So whether it is 100, $125,000, or whatever the cost, I am sure there is the necessary amount of money in the over-$100 million being provided by United States taxpayers all across this Nation.

People from the great State of Kansas who ride this Metro system when visiting or working in D.C., are helping subsidize this. I do not think it is too much to ask for Metro to list the entire name of a stop, so that when people come in from out of town they know that they are going to the Ronald Reagan Washington National Airport Station, a location, a destination on the Metro. We are not asking for a great deal.

This is a request that has been repeated many times since February 6, 1998. And in this time, there have been these seven changes. There was a letter sent in April by 22 Members of Congress asking the Metro authorities to change this. It has been completely ignored. This has been transformed into a political issue. It should not be. It should just be a simple matter of having accurate maps reflecting destination points within the Washington area Metro system.

Mr. Speaker, I think it is important that we carry forward with this. It is not an unfunded mandate. There is money there. It does not fit the definition of an unfunded mandate according to the Congressional Budget Office, as the gentleman from New York (Mr. REYNOLDS) points out.

I request that the Chair rule against this.

□ 1245

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 15 seconds to share with the gentleman the fact that OSHA is exempt from the unfunded mandates law because it is a civil rights provision, and the Federal Government only contributes 6 percent of operating costs to the Metro system.

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

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. BARR), the original sponsor of this legislation.

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, let us put all of our cards on the table. The other side has been irritated no end that they are in the minority, and it irritated the heck out of them 3 years ago when the name of National Airport, over which this Congress has jurisdiction, was changed by majority vote of the people of the United States of America through their representatives, was changed to reflect Ronald Reagan's name. They lost that vote. Get over it, guys. You lost it.

Not satisfied with that, not satisfied with simply playing by the rules and recognizing that the name change went through the Congress, was signed by none other than President Bill Clinton, what they are doing now is they keep trying to come in the back door. They go to their friends on the Metro board, which has never before had a problem with any name change. They have operated like any other metropolitan transit board. When there is an official name change by law, the signage and the literature is changed to reflect that official name. Yet this time it is different. The two sides over there have gotten together and they have decided, well, what we could not do fairly, let us come in through the back door.

It is time for this Congress to tell these guys to grow up, recognize reality, handle this matter the way it has always been handled in the past, when there is a name change by law, signed by the President at a Federal facility, and it relates thereafter to a Federal transit board that receives hundreds of millions of U.S. taxpayer dollars. It is time to just simply let them move on, make the name changes that are always made.

In this case there have been not one, not two, but, count them, I would say to the gentleman from Virginia (Mr. MORAN), seven name changes, comprehensive name changes of stations within the Metro system, some considerably longer than the now official name of Ronald Reagan Washington National Airport. Metro has never had a problem with any of those.

There is nothing defective in this rule. The gentleman on the other side knows that, but he is wasting the time of this Congress raising a specious unfunded mandate objection. This clearly, Mr. Speaker, is not an unfunded mandate. The Metro board receives far more, in excess of $100 million, in this upcoming fiscal year for the running of this system. This change would cost, at most, several thousand dollars. The inflated estimates that we hear from the other side are just inflated propaganda estimates. They do not reflect reality. They do not reflect the reality of any of the other name changes.

This is not an unfunded mandate. This is a proper rule, and, as I say to the distinguished gentleman on the other side, let this issue die. This has never been a problem with this or any other Metro board, I would say to the gentleman from Virginia (Mr. MORAN).

Let us move forward. There are other pressing matters that relate to the Metro board. I think the gentleman would agree with that. Yet they are stubbornly, and with the support of the gentleman, refusing to simply do what the board has done in every other instance, and every other transit board has always done, whether it is reflecting the name of John F. Kennedy or former President Eisenhower or anybody else, and simply make the changes and let us move on.

Would the gentleman agree that that makes sense, let us just move on?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. No, I do not agree. The gentleman's recollection of the facts is not accurate.

Mr. BARR of Georgia. Mr. Speaker, I take back my time. That is what I suspected, and I wanted to give the gentleman the benefit of the doubt and get him on record.

The other side is not interested in just moving on. We are, Mr. Speaker. We are not asking for anything out of the ordinary, out of standard operating procedure, but to simply say the name of the airport has been lawfully changed. It was signed by a Democrat President into law over 3 years ago. It is high time that the Metro board did what they have done in every other situation. Change the name. Let us move on with this rule and move on with the adoption of the appropriations bill for the American people.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is certainly not in order to force name changes upon local governments when they are opposed to it.

Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, just to correct the record, there have been eight proposals, as I cited in my opening remarks, in which WMATA rejected renaming proposals, some of them equally as long as this one.

Secondly, the naming of National Airport was flawed in its inception.

Some years ago when Senator Dole proposed changing the name of Dulles Airport, his legislation left it up to the airport authority to make the decision; did not shove it down their throats.

As for the gentleman's comment about get over it, we are not the ones proposing name changes. It is the other side. I say to the gentleman, get over it. Stop acting like a playground bully trying to shove Reagan's name down the throats of every place in this country.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, I would urge this body not to force Washington's local governments to pay $400,000 with local funds to make a name change to a transit station. It does not fit in length. It does not fit with the policy of naming stations after places rather than people. In attempting to honor Reagan, we are contradicting everything he stood for. I have several quotes that I ought not to have to share with the body where President Reagan urged us to respect local government. This is not respecting local government. What is being said is, we stand by Reagan's principles as long as it suits our politics. That is not right. The principle of deference to local government is correct, and in this case it is being violated not only with the naming of the airport, but certainly with the naming of the transit station.

I would urge my colleagues to read George Will. I would urge them to read President Reagan's statements, and I would particularly urge them to abide by President Reagan's principles of recognition and respect for local government.

Mr. REYNOLDS. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, to close, we have a rule before us. The gentleman has brought a point of order. I disagree with the point of order. While very, very sensitive to local government unfunded mandates, we have a threshold. It is $56 million. This is a normal course of business, as both my colleagues, the gentleman from Georgia (Mr. BARR) and the gentleman from Kansas (Mr. TIAHRT), have pointed out in their opposition to this point of order.

Most important, I have also cited in my opening that on page 111 of the report, which we are going to consider as the rule is hopefully passed and the legislation is before the House, where $30 million under section 9 in the formula for funding will go to the District of Columbia's Metro system. That money is eligible for signs and other important aspects of how this legislation has been created within the appropriations bill.

The gentleman from Virginia (Mr. MORAN) has raised the possibility that H.R. 2299 may contain an unfunded mandate. I urge that we proceed forward so that we may continue consideration of this important legislation.

Mr. Speaker, an aye vote is a vote for continuation of the consideration of the resolution. I urge an aye vote as we move forward from the point of order on to the rule and then to the legislation.

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

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired. The question is, Will the House now consider the resolution?

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 202, not voting 12, as follows:

[Roll No. 190]

YEAS—219

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

NAYS—202

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

NOT VOTING—12

Burton
Clement
Doolittle
Kaptur
LaTourette
Maloney (CT)
Payne
Platts
Putnam
Smith (WA)
Tauscher
Watson (CA)

□ 1317

Messrs. BERRY, STARK, TAYLOR of Mississippi and Ms. KILPATRICK changed their vote from ''yea'' to ''nay.''

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

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. WATSON of California. Mr. Speaker, on rollcall No. 190, I was delayed because of constituents in my office, however, I would have voted ''no'' on the question of consideration.

The SPEAKER pro tempore (Mrs. WILSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

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

Madam Speaker, House Resolution 178 is an open rule that provides for consideration of H.R. 2299, the Department of Transportation and Related Agencies Appropriations for the Fiscal Year ending September 30, 2002. The rule waives all points of order against consideration of the bill.

The rule also provides for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Appropriations.

The rule provides that the bill shall be considered for amendment by paragraph.

In addition, the rule waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) against provisions in the bill, except as otherwise specified in the rule.

Further, the rule authorizes the Chair 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.

Madam Speaker, the Committee on Appropriations has worked diligently to produce legislation that meets the Nation's transportation priorities. As more and more Americans hit the airways and the highways each year, this Congress can take pride in the fact that the underlying legislation represents an increase in safety measures and resources in every area of our transportation system.

With all of the travel we do back and forth to our home districts, I am sure my colleagues can relate to the frustration of airline delays. That frustration is tenfold for countless Americans who rely on air travel for work and for pleasure each and every day.

This bill includes several provisions to address the problem of airline delays such as fully funding the ''Free Flight'' program and raising funding for the ''Safe Flight 21'' programs. These programs develop technologies to aid in the improvement of airway capacity both responsibly and prudently.

Moreover, the bill meets the funding obligation limitation in the transportation legislation known as TEA 21, the Transportation Equity Act for the 21st Century, by providing $31.7 billion in highway program obligation limitations, a 4 percent increase over the current fiscal year's level. Continuing our commitment toward investments in the Nation's infrastructure, this bill provides nearly $59.1 billion in total budgetary resources, a responsible 2 percent increase over the current fiscal year.

This bill, much like last year's, continues to improve and enhance motor carrier safety by providing $206 million for motor carrier safety grants, an increase of $29 million that is consistent with truck safety reforms enacted as part of the Motor Carrier Safety Improvement Act of 1999.

This body recently passed the Coast Guard authorization for fiscal year 2002. The Coast Guard's duties include promoting the safety of life and property at sea, enforcing all applicable Federal laws on the high seas, maintaining navigation aids, protecting the marine environment, and securing the safety and security of vessels, ports, and waterways.

The legislation before us today appropriates in the amount of $5 billion, including $600 million for the Coast Guard's capital needs and $300 million available to initiate the ''Deepwater'' program, which will fight the scourge of illicit drugs, provide support for offshore search and rescue, and work to protect Americans and American shores.

In addition, the bill provides $521 million for Amtrak's capital needs. This funding will cover capital expenses and preventive maintenance. This bill sustains the Federal commitment to continue in partnership with Amtrak and to help it reach its goal of self-sufficiency.

These, along with other modest increases within the bill, will allow the Department of Transportation to have greater flexibility and oversight control for both large and small projects alike. Ensuring proper funding levels ensures the ability of the Department of Transportation to do its job, making travel safer and easier for us all.

Safety should remain the Federal Government's highest responsibility in the transportation area. Clearly, whether by land, by sea, or by air, this bill addresses those needs and concerns, while maintaining the fiscal discipline that has been the hallmark of this Congress.

Madam Speaker, I would like to commend the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their hard work on this measure. I would also like to commend the Chair of the Subcommittee on Transportation and its ranking member. I urge my colleagues to support this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I would first like to commend the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) for all of their hard work in bringing this bill to the floor. The members of the Committee on Appropriations Subcommittee on Transportation have brought us a good bill that funds a number of vital transportation projects, including one important to my congressional district in the Dallas-Fort Worth area.

I am pleased that the bill will provide $70 million to the North Central Light Rail Transit Extension. A bipartisan group of North Texas members worked very hard to get this funding that will more than double DART's light rail coverage and help stimulate development in the Dallas-Fort Worth Metroplex.

However, Madam Speaker, while this is a good bill overall, I cannot support the rule supported by the Republican majority because they have denied a request made by the Democratic ranking member of the Subcommittee on Transportation, who sought to offer an important amendment relating to the safety issues raised by allowing Mexican trucks to enter the United States.

I must also oppose this rule because of the issue of the Washington Metropolitan Transit Authority and the renaming of the National Airport Metro stop. Time and again over the last 6½ years, the Republican majority has selectively ignored their own mantra of local control when it suits an idealogical purpose. The renaming of this Metro stop ignores the wishes of the local authorities, as well as the Member representing this area. And for that reason, as well as the fact that the Sabo amendment was shut out by the Committee on Rules, I oppose the rule.

One of the greatest defects of this rule is the fact that the Republican leadership, working in concert with the President, has prevented the House from addressing a serious highway safety issue: the safety standards of Mexican trucks entering this country under NAFTA.

The Bush administration has lifted all restrictions on the movement of Mexican trucks on our highways effective January 1, 2002. Next year, Mexican trucks will be free to drive across the country, despite clear evidence that many are unsafe for our highways.

In May, the Department of Transportation's Inspector General found that the Federal Government needs to add dozens of additional border inspectors before lifting restrictions on Mexican trucks. The few inspectors now policing the borders found that 40 percent of Mexican trucks that are currently allowed into the U.S. were pulled out of service for significant violations of our safety standards, much higher than the percentage of violations among U.S. trucks.

So many of these trucks are deemed unsafe for our roads because they are

allowed to operate in Mexico with virtually no oversight. The Committee on Transportation and Infrastructure Democrats, who address these issues on a routine basis, also expressed their deep concerns to the Committee on Rules about these trucks coming into the United States; yet their concerns were also ignored by the Republican leadership.

For example, Mexican trucks are 10 years older than U.S. trucks, on average, and do not comply with weight standards. Mexico has no hours-of-service regulations, while U.S. drivers can only drive 10 hours per shift. The gentleman from Minnesota (Mr. SABO) offered a sensible amendment that would require the Federal Motor Carrier Safety Administration to conduct a safety compliance review of each Mexican motor carrier that seeks to operate throughout the United States and to require that they be found to be satisfactory under the same standards applicable to U.S. carriers before being granted conditional or permanent operating authority.

However, the Republican leadership has refused to allow the House to vote on the Sabo amendment. I simply cannot understand why the administration and the House leadership oppose what the gentleman has proposed. The Republican leadership's refusal to recognize safety concerns related to the use of these trucks throughout the United States is nothing short of negligent, Madam Speaker.

This highway safety issue is particularly critical in Texas, as well as in my own congressional district where I35 runs through the middle of the district, since two-thirds of Mexican trucks enter the U.S. through Texas; and many of those trucks will travel on I35 to reach interior destinations. But make no mistake: this is a serious safety issue coming to highways all across America, now that the President has lifted any and all restrictions on Mexican trucks operating on American roads and highways.

This rule also prevents discussion of how to pay for relabeling Metro signs for National Airport. In 1998, over strong local opposition, the Republican leadership decided to rename Washington's National Airport in honor of President Ronald Reagan. Now, in this bill, they are requiring the already-strapped Washington Metro Authority to change all of their station signs, maps, directories, and documents to reflect the new name, but Republican leaders are not providing one single penny of the $400,000 it will cost to do this.

Madam Speaker, I served in the Congress when Ronald Reagan was President. I understand that many Republicans and Democrats want to honor him. Indeed, this Congress and this Nation have already done much to ensure President Reagan's accomplishments get the respect they deserve. But a $400,000 unfunded mandate hardly seems like a fitting tribute to President Reagan. After all, he made a career of campaigning on behalf of local control.

In my own district, we would not take kindly to the Federal Government forcing us to spend $400,000 in local funds that might otherwise have been already budgeted for health care or schools or other local priorities. I understand why this local community would resist spending $400,000 on a symbolic name change while far too many children in the District of Columbia go without food at the end of the month.

Madam Speaker, if the Republican leadership and Grover Norquist believe new Metro signs and maps are such an important priority, then they should provide the money to pay for them. It is just plain wrong to force local governments to spend this money on maps for tourists instead of meals for children. Mr. Norquist and other Republican leaders do President Reagan no favor by imposing this unfunded mandate in his name.

Madam Speaker, I believe the House should be allowed to consider and vote on the issue of the safety of our Nation's highways. These are the same roads school buses travel and people use to get to and from work.

□ 1330

Their safety should be paramount.

Madam Speaker, I urge my colleagues to reject this rule so we may go back to the Committee on Rules and find a better way to address this important issue.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS), the Chair of the Subcommittee on Transportation.

Mr. ROGERS of Kentucky. Madam Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the time.

Madam Speaker, I rise in support of this rule. It is a good rule, it is a fair rule, and it needs to be adopted. At the outset, I want to advise the Members that we have worked closely and cooperatively with the Committee on Transportation and Infrastructure to resolve areas of disagreement on the bill.

The gentleman from Alaska (Mr. YOUNG) and this gentleman have been able to work out almost everything to our mutual satisfaction. We do not agree with their position on every matter, but we do not begrudge their right to assert their concerns and jurisdiction.

Under this rule, the authorizing committee will in a number of instances exercise its prerogatives under the rules of the House to remove provisions that our committee believes are important and necessary, but which fall within their jurisdiction. The rule preserves their right to do that. In a number of other cases, the authorizing committee has agreed not to object to provisions included by our committee, which, again, we believe are necessary to carry out the programs in the bill.

It is vitally important, Madam Speaker, that we adopt the rule and proceed to consider the Transportation appropriations bill. The bill contains $59 billion for highways, airport grants and other aviation programs, highway safety activities, pipeline safety programs, many other items that are critical to every State and to individual Members of the House and, of course, our people.

We are within our funding allocation and the budget resolution. The bill is balanced. It is bipartisan and deserves the support of every Member of this body.

Let me briefly discuss the issue of Mexican trucks and NAFTA. As my colleagues know, the President says that we will be opening our border pursuant to NAFTA in January of next year.

This administration has a plan to ensure the safety of Mexican carriers that transport goods beyond the commercial zones and into the interior of the United States. The administration has put money behind that plan in its budget request. We fund that plan to the penny and then some. In fact, we provide increases above the President's request for the inspection of Mexican carriers at the border. The administration requested $88.2 million above current-year spending. We include $100.2 above the current year, an 800 percent increase.

This money will pay for border inspection facilities and more inspectors. It pays for a common-sense plan that the House needs to support. In addition, our committee has included language in the committee report directing the Department of Transportation to implement a strong safety oversight program that ensures the operational safety of Mexican motor carriers who seek permission to operate in the U.S.

Madam Speaker, together these provisions ensure compliance with U.S. safety laws and regulations, while it allows free trade to go forward. It is the responsible approach, and it complies with NAFTA.

Madam Speaker, I have some serious reservations that the proposal from the other side would, in fact, violate NAFTA, subjecting the United States to severe fines.

Madam Speaker, this is a good rule. It is a good bill, and I would hope that Members would support both today.

Mr. FROST. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I simply want to rise to express my opposition to this rule because of its failure to include the right of the gentleman from Minnesota (Mr. SABO) to offer his amendment on truck safety.

Very simply, what his amendment seeks to do is to require the establishment of procedures to guarantee that Mexican trucks will be safe before they are allowed to travel all over the

United States. It just seems to me that we ought to understand that right now Mexican motor carriers operate with virtually no safety oversight to date.

There are no motor carrier hours of service regulations in Mexico. There is no way at this point to check the driving records, the driving history of Mexican motor carrier drivers. The out-of-service record for those trucks in the areas where they have been checked near the border is astronomical. Those trucks should not be on the road without severe safety precautions.

It is asserted that somehow the Sabo amendment would be a violation of NAFTA. That is nonsense. NAFTA is a trade pact. It is not a suicide pact.

We are not required to put the safety of our motorists at risk in order to satisfy some international bureaucracy. We have already had a ruling that makes quite clear that the United States has the authority, whatever authority we need to exercise, in order to protect the safety of American travelers.

I find it ironic that this House will spend a lot of time on this Mickey Mouse amendment to require the renaming of a train station in the District of Columbia area and yet will not take the time to fully the debate the issue raised by the gentleman from Minnesota. I think that represents a warped set of priorities.

I also find it ironic that the Republican majority has said through legislation that when the question of worker safety is at stake, as was the case with the ergonomics regulations that the Labor Department wanted to put into effect some time ago, I find it ironic that at this point the Republican majority of this House said, ''Oh, no, the regulations must wait. We are not going to worry about safety.''

Yet at this point, when we are asking them again to take into account the safety considerations for American drivers, they are saying, ''Damn the truck safety consequences, full speed ahead!'' if I can plagiarize from Admiral Farragut.

It just seems to me that this House ought to come back to a rule of common sense. Just because the committee did not adopt the amendment in full committee is no reason this House should not have the opportunity to take whatever action is within our reach to assure the safety of American drivers on our highways.

Madam Speaker, I think the bill itself is basically a good bill, and I intend to support it, but I think it is egregiously erroneous for the House not to allow a debate on the Sabo amendment, and that is why I would vote against the rule and urge that other Members do likewise.

Mr. REYNOLDS. Madam Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. NUSSLE), the Chairman of the Committee on the Budget.

Mr. NUSSLE. Madam Speaker, first, I rise in support of the rule. I share the concern that the gentleman from Wisconsin (Mr. OBEY) is raising about Mexican trucks. This is the wrong place and the wrong way to address it, in an appropriations bill. I think there is a lot of concern over the Mexican truck issue, and we need to find a way to resolve that. This is not the place.

I rise in support of the underlying bill, H.R. 2299, making transportation appropriations for fiscal year 2002. As the chairman of the Committee on the Budget, I want to report to my colleagues that this bill is consistent with the budget resolution, and it complies with the applicable sections under the Congressional Budget Act.

H.R. 2299 provides $14.9 billion for the Department of Transportation and several transportation-related agencies. The bill includes $307 billion in rescission of previously enacted budget authority.

The bill is within the 302(a) allocations of the Committee on Appropriations, Subcommittee on Transportation and, therefore, complies with section 302(f) of the Budget Act, which prohibits the consideration of appropriation measures that exceed the appropriate subcommittee's 302(b) allocation.

Madam Speaker, I would observe that, based on the congressional scoring that we have before us, the bill would exceed the statutory caps on highways and mass transit. Under the Budget Enforcement Act, any bill that breaches its caps triggers an across-the-board sequester in programs under that cap, but I further understand that the Committee on Appropriations believes and will work to ensure that this bill will come in under the caps when it is scored by OMB. It is OMB scoring that is used to enforce the caps and trigger any sequester.

Madam Speaker, I urge that the conference committee and the chairman consider this concern and ensure that the final bill is consistent with both the budget resolution and the highway and mass transit caps.

Madam Speaker, I commend the gentleman from Kentucky (Mr. ROGERS) and support not only the rule, but the underlying bill of H.R. 2299

Mr. FROST. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Madam Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time.

Madam Speaker, first, let me say that this is a good bill, and I will have more to say about that later. I commend the gentleman from Kentucky (Mr. ROGERS) for producing a good bill. At the end of the day, it is a bill that deserves broad bipartisan support and should be passed by an overwhelming margin.

Madam Speaker, however, I cannot support this rule. The reason is that we have a problem, in my judgment, a serious problem, with the advent of Mexican trucks having access to the United States outside of the 20-mile commercial zone starting January 1.

This bill did not create the problem, it has been created for us, and if there is one place we can begin to deal with the remedy, that place is in this bill.

The amendment that I had offered, which would require preinspection of carrier applicants in Mexico before they receive conditional certification, would add to the safety potential that we have in this country, to go along with the additional inspectors. None of us can guarantee perfect safety, but those working together would give us some greater hope that we will have safe trucks operating in this country.

Madam Speaker, no one disputes the fact that Mexico-domiciled motor carriers operate with virtually no safety oversight today. There are no motor carrier hours of service regulations in Mexico. Even though the Mexican Government is now implementing a driver record database, there is currently no way to check the driving history of Mexico motor carrier drivers. In addition, Mexico will not finalize its roadside inspection program until October 2001.

Let me add that while we are focusing on inspection and out-of-service rates for trucks, equipment is important, but the driving capability of the driver is the most important. A greater proportion of accidents involving big trucks are driver-related rather than equipment-related.

I might add that this committee and this Congress has been seriously involved in the last several years of trying to improve the truck safety of American trucks, and then we look at what the history is of Mexican trucks coming into the commercial zones today. Let me simply say that for trucks coming into Mexico and Arizona, we find that 40 percent of the Mexican-domiciled trucks today are put out of service.

I urge a no vote on this rule so we can quickly get a new rule which makes my amendment in order.

□ 1345

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

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I thank the gentleman from Texas for yielding me this time, and I thank my colleague from Minnesota for raising this issue.

The Sabo-Ney amendment, bipartisan amendment, is in conformity with the February 6 ruling of the NAFTA arbitration panel on cross-border trucking services. The panel found that ''inadequacies of the Mexican regulatory system provide an insufficient legal basis'' to maintain a blanket moratorium on cross-border trucking. But it made it very clear that the United States could treat applications from Mexican trucking firms in a manner different from U.S. firms as long as they are reviewed on a case-by-case basis. That is what this issue is about.

We do not inspect all these trucks coming in from Mexico. Less than 1 percent of all northbound crossings at the Mexican border were subject to inspection last year. One-third of the Mexican-domiciled trucks were found unsafe, so unsafe inspectors removed the trucks or removed the drivers from service, a 50 percent higher out-of-service ratio than we have in the United States. Obvious reason, there are no permanent truck inspection facilities at 25 of 27 southern border crossings that account for 3½ million northbound trucks every year.

There is no systematic method in place to verify registration on Mexican-domiciled trucks. The inspector general of our DOT found 254 Mexican trucks operating illegally beyond the commercial zones in 24 States. Those trucks are in a position to kill our constituents. Five thousand people a year die in truck-car accidents. There are going to be half as many more deaths if we allow these Mexican trucks to come unsafely into the United States.

They have a woefully inadequate safety regime in Mexico, no systemic safety rating process, no truck weight enforcement process, no roadside domestic inspection program, no hours of service regulations in Mexico, no credible enforcement of drug and alcohol testing. We ought to defeat the rule, allow the Sabo amendment to be offered.

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

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BORSKI).

Mr. BORSKI. Madam Speaker, I rise in opposition to the rule. I believe it is very, very important for this House to be able to vote on the Sabo amendment.

Madam Speaker, just last month, along with the gentleman from Wisconsin (Chairman PETRI) and the gentleman from California (Mr. FILNER) and the gentleman from Pennsylvania (Mr. HOLDEN), we paid a visit to some of the truck inspection facilities along the Mexican border.

At Otay Mesa in California, we saw an inspection system that works and works pretty well and hopefully could serve as a model for the rest of our country.

In California, they perform a comprehensive level one inspection on all trucks crossing the border at least once every 90 days and issue a certificate. If a truck does not have a certificate, it is pulled over and inspected.

The out-of-service rate in California is very similar to our experience in the rest of the United States. Around 24 percent of trucks are taken out of service, way too high in the United States, but something we can continue to work on.

The situation in Texas was an absolute nightmare. There is no inspection in Texas. At Laredo, we visited it on a Sunday, a slow day. Major Clanton of the Texas Rangers or Texas Department of Public Service told us a truck that is not inspected will be neglected. On that day Major Clanton told us he pulled five or seven or eight trucks over to inspect, and five of them were taken out of service. We asked if there were serious concerns. The answer was, yes, extremely serious, things like brakes that are not working.

Madam Speaker, the situation in Texas is very serious. We should not allow trucks to come into the United States unless they are safe, unless they are inspected.

We asked the people in Texas how soon they could put inspection stations up at the border. They told us it would take at least 18 months.

So I would strongly urge that we defeat this rule, we allow the Sabo amendment to be in order so that we can protect the safety of the traveling public in the United States. Whether one is for NAFTA or against NAFTA, we can all be for public safety on the highways.

Mr. REYNOLDS. Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BONILLA), a member of the Committee on Appropriations.

Mr. BONILLA. Madam Speaker, I rise today to ask my colleagues to stop attacking Mexico. I cannot quite understand what the motivation is. If we look at the issue, we are talking about trucks coming into our Nation that would be held at the same standards that American trucks would be held by. There is absolutely no discussion here about trying to put the same restrictions on Canadian trucks, for example. This simply seems to be an effort to try to discriminate and target Mexican trucks.

Again, let me emphasize that, in the State of Texas, like in my area that I represent spans 800 miles of the Texas-Mexico border. We want the trucks. We are prepared to have them come in and bring their cargo through in a safe manner, complying with American law.

Let me also tell my colleagues what free trade has meant to some of these border communities that used to have unemployment rates at 40 to 45 percent. Free trade has dropped the unemployment in border communities drastically. In some areas, like in Laredo, Texas, it has now caused it to be the second fastest growing community in America. It is a boom area, and we enjoy the fruits of free trade.

Allowing these trucks to come in would help those folks as well. So to try to talk about offering an amendment to stop these trucks from coming in not only discriminates against Mexico, but it discriminates against a lot of minority communities along the border that want these trucks to come through because it has improved the quality of life. Trade has improved the quality of life. This is part of free trade that would improve it even more.

So leave us alone. Let the border communities, the high Hispanic populations along the Texas-Mexico border, benefit from free trade. Stop discriminating against us and stop discriminating against Mexico.

Mr. ROGERS. Madam Speaker, will the gentleman yield?

Mr. BONILLA. I am happy to yield to the gentleman from Kentucky.

Mr. ROGERS. Madam Speaker, the gentleman represents an area of Texas I think is the largest border area of any Member of Congress.

Mr. BONILLA. The gentleman is correct, Madam Speaker.

Mr. ROGERS. So all of the gentleman's constituents live on the border; is that correct, Madam Speaker?

Mr. BONILLA. Madam Speaker, the vast majority of my constituents, although I have areas that are also several hundred miles from the border.

Mr. ROGERS. Madam Speaker, if the gentleman will continue to yield, knowing what the administration, the Department of Transportation is doing even as we speak. That is, DOT is designing a plan for the safety of the trucks coming up from Mexico, and knowing generally what the plan is, does the gentleman from Texas (Mr. BONILLA) have concerns for the safety of his constituents through which these trucks would pass to the rest of the U.S.?

Mr. BONILLA. Madam Speaker, reclaiming my time, not any more than I would have a concern about an American truck coming through.

Let me also just add, if I could, to the gentleman from Kentucky, I would challenge any Member here who continues to pursue this action against Mexico, next time they speak about this issue, and the television camera is on them, I challenge them to look that camera in the eye and tell us that they are not discriminating against Mexico and border area residents.

Mr. ROGERS. Madam Speaker, will the gentleman further yield?

Mr. BONILLA. I am happy to yield to the gentleman from Kentucky.

Mr. ROGERS. Madam Speaker, is the gentleman aware that the Department of Transportation, in fact the Motor Carrier Safety Administration, currently is conducting a rulemaking to lay out the specific rules about the topic of which we are talking about today—the safety of Mexican carriers coming into the U.S.? They are conducting a rulemaking procedure. Even as we speak, members of the public can register their fears, their complaints, their ideas, whatever they want to say to the Motor Carrier Safety Administration, and the comments are published in the record. If that record reveals that many, many, many people are concerned about safety, the government is required to change the rule that they adopting. Is the gentleman aware of that rulemaking?

Mr. BONILLA. Madam Speaker, reclaiming my time, I am aware of that. I am aware of that, because I know all of us are concerned about having the highest standards complied with by anyone who drives trucks in our country.

Mr. ROGERS. Madam Speaker, if the gentleman will yield, is the gentleman aware of any Members who have spoken here today that have registered a complaint with the Motor Carrier Safety Administration?

Mr. BONILLA. Madam Speaker, I am not aware of any such problems that have existed, not to create a premise on which to file any complaints. These are simply scare tactics and, as I have pointed out, targeted just against Mexico, nothing mentioned about Canada.

Mr. ROGERS. Madam Speaker, will the gentleman further yield?

Mr. BONILLA. Yes, I yield to the gentleman from Kentucky.

Mr. ROGERS. Madam Speaker, does the gentleman also realize that, if the rulemaking that will be adopted sometime this early fall is not severe enough to ensure the safety of American citizens from Mexican trucks, that Congress can always address the question at that time?

Mr. BONILLA. Madam Speaker, I am aware of that, and I am sure that that is something we would want to do in a bipartisan way.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I rise in opposition to the rule and because of its refusal to allow the common-sense Sabo amendment on truck safety.

This gentleman represents a border community. This gentleman represents an area where 30 percent of the trucks cross the border.

The gentleman from Kentucky (Mr. ROGERS) has filed a complaint on the rulemaking. I will tell my colleagues that I know of the dangers of the trucks to our citizens and to our driving public. I know what happens when uninsured drivers have accidents. I know what happens when trucks do not have brakes. I know what happens when tired drivers are on the roads in San Diego and the rest of this Nation.

I will tell the gentleman from Texas (Mr. BONILLA) who just spoke and the gentleman from Kentucky (Mr. ROGERS) who talks about an administration plan, I live on the border. There is no evidence of such a plan. There is no national standard. I have traveled to Texas. I have looked at our border inspections in California. This is not discrimination against Mexico, Madam Speaker. This is a plea on behalf of the safety of our constituents who would be in danger.

I will tell my colleagues every State is left to itself to determine standards of inspection. We heard that the California inspection station in my district at Otay Mesa has a state-of-the-art inspection station, and they do. But do my colleagues know how many trucks they inspect of the 3,000 or more that come across every day? Less than 1 percent. They do not do anything about the insurance of the driver. They know nothing about the history of the driver or their safety or how long they have worked.

If you go to Texas, and we were in the district of the gentleman from Texas (Mr. BONILLA), who just spoke, in Laredo, there is no inspection. In fact, the Department of Transportation of Texas and the local officials in Laredo have great controversy of what kind of inspection should go on. There will not be inspection stations in there under whatever plan, I assume a secret plan that the President has, to inspect in Texas, because they cannot come to any agreement on what could happen there.

I tell my colleagues, if the gentleman from Texas (Mr. BONILLA) wants those problems in Laredo, that is fine. But let us leave them there and not go to the rest of the Nation where we have problems. I urge a no vote on this amendment. I urge we protect U.S. citizens and the driving public throughout America.

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

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman from Texas for yielding me this time.

President Bush's decision to open the border to Mexican trucks is wrong. A report released on May 8th from the Department of Transportation's inspector general showed the U.S. Border Patrol can only inspect 1 percent, 46,000 of the 4.5 million trucks that were crossing the border.

Three years ago, at my expense, I went to Laredo, Nuevo Laredo. I went to the border and watched the truck inspections. One person was inspecting trucks that day. Two thousand five hundred trucks were going through the border at Laredo; one inspector working for Governor George W. Bush and the Department of Public Safety in Texas.

I asked him how many trucks he inspected a day. He said 10 to 12. I said, how many trucks do you take out of service each day? He said, somewhere between about 9 to 11.

He had told us, complained that the State of Texas had not fixed the scales which had been broken for 3 months, that the State of Texas and the Government of the United States simply were not very interested in truck safety.

Whether these trucks, these 2,500 a day that were going from Nuevo Laredo to Laredo, Texas, the 4.5 million trucks a year, whether they have faulty brakes or tire failures or loads that exceed weight limits, Mexican trucks fail to meet American standards.

Mexican trucks on average are 10 years older than U.S. trucks. A truck driver in the United States cannot get a license until 21. In Mexico, the age is 18. Mexico does not have a national commercial truck driver's license information system to detect driving violations. U.S. drivers can drive only 10 hours per shift, must keep a log of their hours worked, must pass a knowledge and skills test, and must have regular medical examinations.

□ 1400

In Mexico there are none of those requirements.

Madam Speaker, President Bush is wrong on truck safety. He is wrong to open the border to unsafe trucks. The Republican leadership is wrong on this issue. Vote ''no'' on the rule.

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

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

Mr. REYNOLDS. Madam Speaker, if the gentleman wishes to yield back, we will close this and move to the vote.

Mr. FROST. Madam Speaker, we had several other requests for time. The Members are not present on the floor. I would ask the gentleman whether he has any additional speakers.

Mr. REYNOLDS. No, I do not. It is obvious I have been reserving the balance of my time to close the debate on our side when the gentleman is ready.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume to urge that the rule be defeated. The rule does not make in order the very important amendment offered by the gentleman from Minnesota (Mr. SABO), and the rule also did not take into consideration the objections raised by the gentleman from Virginia (Mr. MORAN).

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

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume to close.

Madam Speaker, this is an open rule. It is a fair rule. It is a rule that allows the transportation legislation of the Committee on Appropriations to come before the House. There has been consideration, with the will of the Committee on Appropriations passing a second degree amendment to the Sabo amendment offered by the gentleman from Kentucky (Mr. ROGERS). That amendment passed 37 to 27, reflecting the will of the Committee on Appropriations in the amendment.

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

The previous question was ordered.

The SPEAKER pro tempore (Mrs. WILSON). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8(c) of rule XX, this 15-minute vote on the adoption of House Resolution 178 will be followed by a 5-minute vote on the motion to suspend the rules postponed earlier today.

The vote was taken by electronic device, and there were—yeas 219, nays 205, not voting 9, as follows:

[Roll No. 191]

YEAS—219

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

NAYS—205

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

NOT VOTING—9

Burton
Clement
Hilliard
Hinojosa
Kaptur
LaTourette
Payne
Platts
Putnam

□ 1426

Mrs. MEEK of Florida, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mrs. CAPPS, and Messrs. BECERRA, INSLEE and JONES of Ohio changed their vote from ''yea'' to ''nay.''

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING OUTSTANDING AND INVALUABLE DISASTER RELIEF ASSISTANCE PROVIDED DURING TROPICAL STORM ALLISON

The SPEAKER pro tempore (Mrs. WILSON). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 166.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and agree to the resolution, H. Res. 166, 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 411, nays 0, not voting 22, as follows:

[Roll No. 192]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
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
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
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood

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

NOT VOTING—22

Bryant	Hilliard	Putnam
Burton	Jenkins	Ramstad
Calvert	Kaptur	Rothman
Clement	LaTourette	Turner
Cunningham	McKeon	Wamp
Dooley	Miller, Gary	Watt (NC)
Duncan	Payne	
Hilleary	Platts	

□ 1435

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2299, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mrs. WILSON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 178 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2299.

□ 1436

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to present to the House the Department of Transportation and related agencies appropriations bill for fiscal year 2002. This is an excellent bill that reflects not only the priorities of the budget submitted by the President earlier this year but also the important contributions of all the Members of our subcommittee and full committee and we hope now the full House.

I want to especially thank the gentleman from Minnesota (Mr. SABO) for his tireless and insightful support of transportation programs during the many hours of our hearings, deliberations, and the markup of this bill this year. I also want to thank both the gentleman from Florida (Mr. YOUNG), the full committee chairman; and the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, for their support of this subcommittee and the programs we oversee. I am also thankful to all the members of our subcommittee who had a part in the drafting of this bill and the full Committee on Appropriations, which had the chance to amend and correct as we went through that process. And, of course, we would not be here without our wonderful staff, both on the majority and the minority side upon whom we all so much depend.

Mr. Chairman, the bill I present today provides an increase of 6 percent in the programs and activities of the Department of Transportation. At first blush, this appears to be a healthy increase over current levels, but in fact it is barely enough to cover the 4.6 percent pay raise that will go to all Federal employees next year as well as the general cost of inflation for programs in our jurisdiction. So this is a lean bill, especially when compared with the explosive growth in needs caused by highway and air travel in this country. We are doing a lot in this bill to respond to that demand but not nearly as much as we would like. The Department of Transportation will have to economize, it will have to be more efficient, and it will have to live within the constraints of the spending limits set by the budget just like every other agency.

The bill is within our 302(b) allocation, in both budget authority and outlays. It fully funds the highway and aviation spending increases established by TEA–21 and AIR–21, and it will help relieve the congestion that is frustrating citizens on our interstates, in the skies, and in our bus and train terminals.

Our bill fully funds the Coast Guard's operating budget and provides $600 million, which is a huge increase, in their capital account. Within the capital appropriation, we have provided $300 million to kick off the Deepwater program, which will provide a vitally needed upgrade and replacement of the Coast Guard's ships and aircraft. Members should know that this is the largest acquisition program, that is the Deepwater program in the Coast Guard, ever attempted by the Department of Transportation or the Coast Guard. The Coast Guard estimates that the acquisition costs alone for the Deepwater program will cost $18 billion, and this bill allows the agency to award the first major contracts next year. This is a major step forward for the Deepwater program, and we are optimistic it will succeed. It will only succeed with careful oversight by the Coast Guard, the administration, and the Congress.

The bill also includes, Mr. Chairman, funds to address serious staffing, training, and equipment problems at our small-boat stations of the Coast Guard which were highlighted in our hearings with the Inspector General and the Coast Guard this year. I am proud that we could find a small amount of money to raise the staffing levels and the training at these stations which provide the backbone of our Nation's search and rescue capability. With an average workweek, Mr. Chairman, of 80 hours-plus, Coast Guardsmen at these stations are in desperate need of some help. We provide it in this bill.

Consistent with the provisions of AIR–21, this bill fully funds the airport grants program at $3.3 billion and fully funds FAA's capital appropriation at $2.9 billion. It also provides nearly 100 percent of the FAA's operating budget. In addition, this bill includes several initiatives that will hopefully lead to reductions in the number and severity of airline delays. Our gridlocked aviation system has been a major focus of this subcommittee, and it will continue to receive the scrutiny of our panel until we untangle it for the good of consumers and the economy. We will continue to press the aviation industry to cooperate, to come up with solutions, and to put those solutions to the test. In this bill we are doing everything possible to make sure the money is there for work and technologies that address the problem.

If we find programs and initiatives that work, we will fund them. If we find programs that fail, we will cut them off. It is that simple. We are determined to make improvements. Things will change. This bill is a start. But we will keep pressing for real action and real results in an area critical to all of us.

The bill restores proposed cuts to the essential air service program. Under the administration's proposal, 18 cities would have lost their air service next year. This bill maintains the eligibility of each of these cities in the program and provides the additional $13 million needed to maintain the program at current service levels. That will be good news to 18 cities across the country where EAS provides a necessary lifeline. In addition, the bill provides $10 million to kick off the new small community air service development pilot program authorized last year in AIR–21. This program will provide grants to small and rural communities around the country to foster air service where it does not exist and foster competition in those communities where there is monopoly service. I can personally attest to the declining air service in many smaller cities around the country. It is a tremendously needed program, and I am pleased the bill provides initial funding for it.

□ 1445

The bill includes $32.6 billion for our Nation's highways, an increase of $1.2 billion, 4 percent, consistent with the authorizations in TEA–21. This will provide for high-priority construction needs in every State of the Nation.

The bill provides $298 million for the Motor Carrier Safety Administration, an increase of 11 percent over the current year. Included in the bill is the additional $88.2 million requested by the President to maintain a high level of trucking safety on the border with Mexico as we fully open up the border next year pursuant to NAFTA. This is a very important initiative to ensure the safety of all Americans as Mexican trucks begin to drive beyond commercial zones near the border into the interior of the U.S.

I believe this funding, combined with the administration's regulatory and program activities, will ensure that we receive the benefits of greater trade with Mexico while at the same time protecting our people as we learn to share the road with our neighbors to the south.

The bill includes $419 million for the National Highway Traffic Safety Administration, a 4 percent increase above current year, essentially the same as the administration requested, and it provides the level of funding called for in TEA–21.

Amtrak, we are recommending the requested level of $521 million for Amtrak's capital needs, and we waive a limitation on funding carried for several years so that Amtrak can access those fund on the first day of the fiscal year. We have all read about and studied Amtrak's difficult cash situation. This bill will help them as much as we can next year. Ultimately, though, Congress will have to decide what to do next year if Amtrak does not meet its 5-year glide path to operational self-sufficiency mandated by Congress, soon to be 5 years ago. This bill for now meets the Federal commitment to help get Amtrak to that point. Now the debate will begin about whether or not Amtrak deserves the subsidies that will be required to keep it operating.

In transit, the bill provides $6.7 billion for transit programs, an increase of almost $500 million over the current year. For the New Starts program, where funding is very tight, the committee chose to provide a higher share of the requested amount to those transit projects which show a greater financial commitment by the local and State governments and where the Federal share is limited to 60 percent or less. This will allow the Congress to stretch the very limited amount of Federal money so as many worthy projects as possible can be conducted.

I hope all Members will appreciate that the explosive demand for transit services is far greater than we can possibly fund. By rewarding those projects with a higher local commitment, we are being good stewards of the taxpayers' money.

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

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the fiscal year 2002 appropriation bill. This bill is one that historically has been developed in a bipartisan manner, and I am happy to say that this year is no different.

This is the first year that the gentleman from Kentucky (Mr. ROGERS) has chaired the subcommittee, and I congratulate him on a job well done. He has been thorough, he has been fair, and we have a bill before us that deserves the support of all Members of this House.

I would also like to thank our staff, Bev Pheto and Marjorie Duske from my staff, and the subcommittee staff of Rich Efford, Stephanie Gupta, Cheryle Tucker, Linda Muir and Theresa Kohler. They all have worked exceptionally well together and have produced an outstanding product. So this is a good bill that deserves passage by a substantial margin, and I would hope unanimous support.

The subcommittee held a number of hearings this year on aviation delays. The gentleman from Kentucky (Mr. ROGERS) should be commended for bringing the FAA, airports, airlines and other stakeholders together for frank discussions on the problems facing aviation customers. Solutions are not easy to come by, but we need a balanced approach to increase aviation system capacity with updated air traffic control technology, new runways and responsible flight scheduling.

One important factor that must not be overlooked is the fact that many communities have a legitimate concern about airport noise that results in delays or even prevent airport expansion. We currently spend tens of millions of dollars every year to mitigate noise impacts by insulating or relocating homes. To help alleviate the noise problem at its source, the bill provides an additional $20 million to increase aircraft engine noise research so that quieter airplanes can be developed sooner.

Overall, this is a great bill. We should pass it.

Let me also, however, note some concerns of our colleagues that the committee did not extend several transit, bus and New Start earmarks and would allow them to be reprogrammed in 2002. I am sure that we can work out these issues as we move forward in the appropriations process.

In closing, I believe that the merits of this bill outweigh any problems that must be addressed, and I urge support of the bill.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, to finish my opening statement, this bill is fair, it is balanced, it is bipartisan. It satisfies our national transportation needs to the best of our ability. It emphasizes strong program oversight and financial accountability, and it represents the handiwork of every Member of this subcommittee.

I want to thank all of our Members for their suggestions, their hard work, and, again, special thanks to the ranking member, the gentleman from Minnesota (Mr. SABO), for his assistance throughout the process. I urge approval of the bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the very able chairman of the full committee who has been so helpful to us in the production of this bill and all of the others.

Mr. YOUNG of Florida. Mr. Chairman, I rise in enthusiastic support of this bill, and I want to compliment the gentleman from Kentucky (Mr. ROGERS) for having done an outstanding job in working with the gentleman from Minnesota (Mr. SABO), the ranking member, and the staff of the subcommittee, because they have taken a bill that has the potential for real controversy and made it a very good bipartisan bill.

That is not to say that there are not some differences, because there are some differences. That is always the case when we bring a bill to the floor. But these men have done a really good job.

I also want to compliment the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee, for the tremendous relationship that he has established with the authorizing committee, the Committee on Transportation and Infrastructure, chaired by our friend and colleague, the gentleman from Alaska (Mr. YOUNG). They

had some problems that had to be worked out, and they were able to do that, mostly to the satisfaction of both of them. I believe this is a good example of how legislation can be drafted to get to a good bill that can be accepted by most everybody in this Chamber.

Mr. Chairman, I rise to support the bill, to thank the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO), and to thank the chairman of the authorizing committee, the gentleman from Alaska (Mr. YOUNG) for the good work he has done in helping us to resolve some of these differences.

It is a good bill. Let us vote for it.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a distinguished member of our subcommittee.

Ms. KILPATRICK. Mr. Chairman, I thank the ranking member, the gentleman from Minnesota (Mr. SABO) for his outstanding leadership as we brought a perfect bill to this floor.

Mr. Chairman, it has been a pleasure to work with the gentleman from Kentucky (Mr. ROGERS) on this first time on appropriations and in the subcommittee. This is a good bill. I strongly urge its adoption and that we move forward in the process.

Mr. Chairman, the chairman of our entire subcommittee spent many hours working with the airline industry because we know that cancellations, as well as late flights, are a problem for all Americans.

Mr. Chairman, I want to commend the gentleman from Kentucky (Mr. ROGERS) on his tenacity in making the airline industry come to the table and to address that problem. We have a safe industry here in America, and we are proud of that, but there is much work yet to be done as it relates to cancellations and timely departures and arrivals. With the leadership of the gentleman from Minnesota (Mr. SABO) and our chairman, I am sure we will get to the bottom of that as well.

The bill is a good one, as has been mentioned; not a perfect bill, but seldom do we have a perfect bill.

I want to mention a little bit about the motor carrier safety that we are seeing in America. Trucks are responsible for many accidents that we have in our country. We have to make sure that we have an adequately staffed motor carrier division, and this bill begins to address that.

In our NAFTA provisions that were passed a few years back, beginning January 1, as has been mentioned, many trucks coming from Canada, coming from Mexico must be inspected. Everything has to be safe and within the rules of America's transportation system. As the gentleman from Minnesota (Mr. SABO) mentioned earlier, with NAFTA many trucks now will be coming into America further than the 30 miles, coming across into our country, and sometimes they may not meet the requirements that our country has set for our own trucks. I hope we will revisit the Sabo amendment and that we make those trucks coming in from Mexico meet the very same standards that our trucks have.

Many trucks coming from Mexico do not have regular hours of service. Sometimes their inspection records are not up-to-date like ours must be. I hope we take the time in this bill to revisit that issue, to make sure that all American citizens are secure and safe as trucks move around our country.

I strongly support this bill. I ask that my colleagues support it and that we move it to the Senate as soon as possible.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), the new and very able and strong chairman of the Committee on Transportation and Infrastructure, the authorizing committee, with whom I have a very close working relationship, and I appreciate his work very much and his cooperation.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 2299, the Department of Transportation and Related Appropriations Act for Fiscal Year 2002.

I first want to again to congratulate the gentleman from Kentucky (Chairman ROGERS) for his excellent work on this legislation. He has done an outstanding job in making difficult choices with very little money and finding the funds to ensure the Nation's transportation infrastructure needs are met.

While I may not agree with every choice made in the legislation, I do recognize his leadership and hard work, and it has resulted in an excellent bill. I want to congratulate him for the work well done in his first term as chairman of the subcommittee.

At the beginning of this Congress, the gentleman from Kentucky (Mr. ROGERS) and I began a process of improving communications between our two committees, and I am hopeful that we can continue to work together to improve our communications and cooperation.

I also would like to thank the gentleman from Florida (Mr. YOUNG) and the gentleman from Kentucky (Mr. ROGERS) for reporting a bill that generally honors the funding guarantees contained in both the Transportation Equity Act for the 21st Century, TEA–21, and the Aviation Investment and Reform Act of the 21st Century, AIR–21.

However, I still have several concerns about the legislation. First, I have made it clear from the beginning of my term as chairman of Committee on Transportation and Infrastructure that I am going to ensure that the guaranteed funding provided by TEA–21 and AIR–21 are respected. These funds are essential to maintaining and improving our ground and aviation transportation systems.

The formula adopted by Congress under TEA–21 and AIR–21 guarantees that our promises are kept to the taxpayers who pay the taxes on fuels for the purpose of improving and maintaining our highways and airports.

A major guarantee of TEA–21 is that as the revenue from taxes increases, those revenues would automatically be distributed to the States through a process called Revenue Aligned Budget Authority, or RABA. Unfortunately, section 310 and section 323 both redistribute RABA funds for NAFTA-related spending in violation of the guarantee provided in TEA–21.

While I do support the object of the funding, strict safety inspections of Mexican trucks, I am concerned that opening up RABA to other purposes is not the appropriate manner in which to solve this problem. For that reason, I will object to this change in the law contained in bill.

The bill was reported with actually 50 legislative provisions that fall within this jurisdiction of the Committee on Transportation and Infrastructure. I am not objecting to the majority of these provisions, either because the appropriate consultation with my committee has taken place or because we are able to reach an agreement on the merits of certain actions. However, there will be a number, as I mentioned before, of other provisions that I will object to and raise a point of order that the committee has legislated in an area that is under the jurisdiction of the Committee on Transportation and Infrastructure.

□ 1500

Finally, I want to express my strong support for the amendment to be offered by the chairman of the Subcommittee on Coast Guard and Maritime Transportation, the gentleman from New Jersey (Mr. LOBIONDO). His amendment is needed to address the significant shortfall in the appropriation to the Coast Guard. It was my understanding that the Committee on the Budget had provided a sufficient Function 400 to cover all the needs of the Coast Guard. Unfortunately, that allocation was not passed along in the Subcommittee on Transportation, which now makes this amendment necessary.

Again, I want to thank the Subcommittee on Transportation of the Committee on Appropriations for its consideration and cooperation. I want to commend the excellent staff of the gentleman from Kentucky (Chairman ROGERS) and the staff of the Subcommittee on Transportation for their hard work and willingness to work with my staff.

I look forward to continuing to work with the gentleman through this appropriation process to produce the best transportation appropriation bill possible.

Mr. SABO. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. ROTHMAN), a member of the full committee.

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I wish to engage in a colloquy with our distinguished chairman, the gentleman from Kentucky (Mr. ROGERS), on the subject of Stewart Airport.

Mr. Chairman, I thank you for joining in a colloquy with me and the distinguished ranking member, the gentleman from Minnesota (Mr. SABO), to discuss an important issue regarding air traffic in the New York-New Jersey metropolitan region.

Mr. Chairman, I am grateful for your efforts and those of our distinguished ranking member and for the work of the committee to research how to reduce the terrible problem of aircraft noise, which affects tens of thousands of my constituents in northern New Jersey.

I also want to thank the chairman and ranking member for addressing the critical problem of airline delays and for their work on the redesign of the New Jersey-New York metropolitan area's regional air space.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I want to thank the gentleman from New Jersey for requesting this colloquy. I am proud to inform him of the work the committee has done in our oversight hearings and in this bill to address the serious issue of airline delays. I am also pleased to report that the bill includes $8.5 million, which the Federal Aviation Administration is to use only for the redesign of the New Jersey-New York metropolitan region's air space.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, the committee has also increased funding for the Federal Aviation Administration's environment and energy budget to research aircraft noise mitigation to $27.6 million, an increase of $24.1 million over fiscal year 2001, in order to speed the introduction of lower-noise aircraft technologies.

Mr. ROTHMAN. Mr. Chairman, reclaiming my time, I thank the gentlemen.

As the Federal Aviation Administration looks at ways of reducing the stress on our overburdened regional air space, particularly the air space over northern New Jersey, I would also ask the committee to work with the FAA on examining the important role that Stewart International Airport could play in accommodating general aviation aircraft that now use Teterboro Airport, located in my district in New Jersey. Such a shift from Teterboro to Stewart would reduce the aircraft noise and air traffic that affects hundreds of thousands of my constituents every day.

Mr. ROGERS of Kentucky. If the gentleman will continue to yield, I want to thank the gentleman from New Jersey (Mr. ROTHMAN) and the others for highlighting these additional ways that the FAA can reduce aircraft noise and ease air traffic congestion in the region. We will work with the gentleman on these important issues as the committee moves forward.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I represent the area around the Stewart Airport, and I want the gentleman to know just today we have been meeting with the FAA to emphasize the need for using regional airports, such as Stewart, to alleviate the congestion of LaGuardia Airport. I want to commend the gentleman for focusing attention on this important issue.

Mr. ROTHMAN. Mr. Chairman, reclaiming my time, I thank my distinguished colleague.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full Committee on Appropriations.

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

Mr. Chairman, I simply want to say while we will certainly be debating a number of issues about which there is some disagreement today, including the Sabo amendment, overall, this is a very reasonable bill and it deserves to be supported. I expect to support it, and I expect a large number of Members will do the same.

I congratulate the gentleman from Kentucky and the gentleman from Minnesota for the job they have done. I appreciate their good work, as I know the House does, and we look forward to disposing of this bill in fairly short order today.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON), one of the hardest working members of our subcommittee.

Mrs. EMERSON. Mr. Chairman, I rise today in support of H.R. 2299, and want to thank the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Mr. SABO), the ranking member, for the fabulous job they have done in putting this bill together, as well as the staffs, who have worked tremendously.

I believe very strongly this bill goes a long way towards meeting our Nation's transportation priorities. I come from a rural district; and, as cochair of the Rural Caucus, there is probably nothing more critical to helping rural America than improving our infrastructure. It is probably the most important thing that we needed to address in this issue, from my perspective, and, for the first time, our legislation does fund the Small Community Air Service Development Pilot Program, which will stimulate new and expanded air service at under-utilized airports in small and rural communities.

The legislation also includes important language which strongly urges the Department of Transportation to issue rural consultation provisions which were included back when we did TEA–21 3 years ago. These important rules will ensure that our rural local elected officials have a seat at the table when our State departments of transportation are making Statewide transportation planning decisions.

So, again, I would like to thank the chairman for his tremendous hard work; and I look forward to working with him and the ranking member as we continue on with the process.

Mr. SABO. Mr. Chairman, I yield 1 minute to a distinguished member of our subcommittee, the gentleman from Arizona (Mr. PASTOR).

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

Mr. PASTOR. Mr. Chairman, first of all I would like to congratulate our chairman, the gentleman from Kentucky (Mr. ROGERS), and ranking member, the gentleman from Minnesota (Mr. SABO), for the fine work they have done in bringing this bill before us. It is a reasonable bill, it is a fair bill, and I congratulate them and also thank them.

I would like to thank the subcommittee for the work that they did on the issue of the borders in this bill. We have monies dedicated to building facilities that will inspect the trucks, as we have the international flow of trucks, and also we have additional personnel on the borders. This bill contains additional money for personnel on the borders that will inspect the trucks.

I would also like to congratulate the subcommittee for the work they have done in dealing with airport congestion. As the gentleman from New Jersey (Mr. ROTHMAN) talked about hubs, this subcommittee has taken on the responsibility of dealing with the congestion that we have, and I look forward to working with them to resolve that.

I would like to thank the staff for the fine work they have done. This is a good bill, and we support it.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY), another one of the very hardworking members of our subcommittee.

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

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I basically wanted to stand and commend and congratulate our chairman of the subcommittee, who faced a number of challenges, as well as the ranking member, the gentleman from Minnesota (Mr. SABO).

This is a comprehensive bill that moves forward the transportation needs of this Nation in a very positive way, connecting road, rail and air. They faced a great many challenges.

I come from a State that has huge transportation infrastructure needs. For example, in the New Start program, they faced the challenge that the Federal Transit Administration account has been drawn down to dangerously low levels in the New Start program, and there are a number of programs that need funding.

We were able to secure some funding for the New York City area, which has huge and substantial needs. In addition to that, as my colleague, the gentleman from New Jersey (Mr. ROTHMAN), pointed out, this bill moves forward in a very positive way. I think it is the first tangible way that any level of government began to look at the use of Stewart Airport as one of the four major airports in the New York metropolitan area. And this is not a Northeast regional issue or problem, it is a national problem, because 30 percent of all delays in air travel come out of that region. If we are able, through the commission of a study in this bill, to find a way to ease that problem, it will have an effect nationally.

There are a number of other provisions in this bill that work to serve the Northeast and my constituents, an I–87 corridor study and many other efforts in the high speed rail area, to connect our region.

But I want to especially commend the chairman, the gentleman from Kentucky (Mr. ROGERS), and his staff for their paying attention to these problems, for taking the issues that are at hand here today and working hard with them.

In addition, I understand we are going to add some new money into the FAA's General Counsel's office to handle airport-airline complaints. All of those efforts are consumer friendly and are important to moving the agenda forward, and I want to commend the chairman for that.

Mr. PASTOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO), a member of the subcommittee.

Mr. SERRANO. Mr. Chairman, I rise to engage my chairman, the gentleman from Kentucky (Mr. ROGERS), in a colloquy.

Mr. Chairman, as you know, New York City is the Nation's biggest user of mass transportation. The city's transit needs are constantly growing and transit improvements and expansion are of critical importance to the city's mobility and general well-being.

One project that is vital to the transit network of the future is the Second Avenue Subway. I requested funding for this project, as did other Members of the New York delegation. However, as a member of the subcommittee, I am keenly aware of the funding limits that the gentleman from Kentucky (Chairman ROGERS) and the ranking member, the gentleman from Minnesota (Mr. SABO), faced in putting their bill together and of the tough decisions that they were forced to make.

One of these decisions was to limit New Starts funding to projects already in preliminary engineering. This made funding the numerous projects that are still in the alternatives analysis stage of the planning process impossible.

I would ask the gentleman from Kentucky (Chairman ROGERS) if there were any exceptions to this policy and if the decision was made without prejudice to any of the projects, especially to my great city?

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. The gentleman from New York is correct. There were no exceptions to the policy and it was made without prejudice; and, I would add, the gentleman from New York has been very, very persuasive with us.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I thank the chairman for those comments. I would like to close by saying this continues to be a major concern to my city and to certainly the surrounding area, the people who come in to visit. I would hope that in the near future we could move to find a way to fund this project.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am pleased to rise in strong support of this measure, the Fiscal Year 2002 Transportation Appropriations Act. I commend the gentleman from Kentucky (Mr. ROGERS), the subcommittee's distinguished chairman, for his diligence and hard work in crafting this legislation, which appropriates over $59 billion in budgetary resources to meet our Nation's transportation needs, including almost $20 million for New York State and my Congressional district.

I am gratified to note that over $6 million has been earmarked for improving Stewart International Airport, which we have been discussing, providing funding for the construction of a new, long-needed air traffic control tower.

In addition, funds are going to be allocated to the Stewart Airport Connector Study, which will improve surface access to the airport. Moreover, I welcome Chairman ROGERS' support for Stewart by his recognition of its potential as a priority alternative regional airport for the New York metropolitan region.

Earlier today, I was pleased to host a meeting with Chuck Seliga, Managing Director of Stewart International, and with officials from the Federal Aviation Administration to review the future of Stewart Airport and how our efforts to alleviate congestion at LaGuardia should include Stewart Airport.

□ 1515

Stewart International has the infrastructure location and capability to be a viable alternative for the New York metropolitan region, and I fully support efforts to promote this underutilized airport. I commend the gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, for his efforts in crafting this vital legislation.

Accordingly, I urge my colleagues to fully support this important appropriations bill.

Mr. PASTOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I would like to engage the gentleman from Kentucky (Mr. ROGERS), the subcommittee chairman, in a colloquy.

Mr. Chairman, I would like to request that a study be conducted on pier safety in navigable waters.

Currently, no Federal regulations exist requiring safety standards for piers. This deeply concerns me because there have been a great number of fatal pier accidents that could have been prevented if Federal safety standards were in place.

One such fatal accident took place on May 18, 2000, when a 140-foot portion of Pier 34 on the Delaware River in Philadelphia collapsed, killing three constituents of mine. This accident could have been avoided if Federal pier safety standards had existed.

I believe that Congress can take an active role in preventing these tragic accidents from occurring by creating safety standards for piers in navigable waters. Therefore, I respectfully ask for the chairman to support my efforts by urging the conferees to include language in the final transportation appropriations bill that calls for a study to be conducted on pier safety.

Mr. Chairman, I thank the gentleman for yielding.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, while I have not examined this particular issue in detail, I can assure the gentleman that we will seriously consider his request.

Mr. ANDREWS. Mr. Chairman, I thank the subcommittee chairman and the staff.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF), the very able immediate past chairman of this subcommittee and now the chairman of the Subcommittee on Commerce, Justice and State and Judiciary.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding me this time.

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

Mr. WOLF. Mr. Chairman, I rise in strong support of the bill.

I do want to just say, though, for the membership of the body and for the administration, the gentleman from Minnesota (Mr. SABO) is right. We have to

be careful on this truck issue. Five thousand people a year die in the United States from trucks. If you go out on a truck inspection of American trucks, you will be fearful when you go out on the road sometimes.

Mexico has no hours of service. None. Mexico has no drug testing. None. Mexico has no alcohol testing. None. Mexico has no commercial driver's license. None. Mexico has no truck inspection. None. Mexico uses leaded gasoline and not unleaded gasoline.

Frankly, the administration has not thought this thing through, and we do not even have an Office of Motor Carrier Administration yet on the job.

Now, I know the gentleman from Kentucky (Mr. ROGERS) said we will watch this carefully and I appreciate that. But this is an important issue. I tell the administration, you better be careful and you better handle this right, because if this is not handled right, people will die. So this is an important issue, and I appreciate the chairman's commitment to making sure that those regulations are good. I think the Congress ought to be very careful and the administration especially so, to listen to what the gentleman from Minnesota (Mr. SABO) was trying to say.

The truck safety issue is one that I advocated as the chairman of the House transportation appropriations subcommittee over the past six years. I sat in hearings and heard testimony about the widespread safety problems involving trucks from Mexico, including testimony from the inspector general at the U.S. Department of Transportation. That office issued a December 1998 audit report which "concluded that neither the Office of Motor Carriers nor the border states, with the exception of California, are taking sufficient actions to ensure that trucks entering the United States from Mexico meet U.S. safety standards."

I understand the requirements under NAFTA permitting cross-border trucking services. Nevertheless, the U.S. needs to ensure that trucks coming across our borders and traveling on our highways will meet U.S. safety standards. The Department of Transportation must establish a consistent enforcement program that provides reasonable assurance of the safety of trucks from Mexico entering the United States.

The United States and Mexico must establish, test and implement a comprehensive truck safety program at our borders. It is unacceptable to have unsafe trucks from anywhere on U.S. highways. These trucks could be traveling on I–81 through the Shenandoah Valley in the heart of my congressional district, or on I–5 in California, or on the streets of the nation's capital. We have an obligation to protest our families, our friends and our neighbors who use the nation's highway system every hour of every day.

I urge the Bush Administration to take every precaution necessary to ensure that no lives are lost because of unsafe trucks on our highways. I have spent considerable time on this issue over the past six years and believe it deserves your close attention.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2001.

Hon. NORMAN MINETA,
Secretary, Department of Transportation, Washington, DC.

DEAR SECRETARY MINETA: I am very troubled by the news reports today that the U.S. government may be poised to allow trucks from Mexico to cross U.S. borders under the North American Free Trade Agreement (NAFTA). I am writing to urge that you tread very carefully on this issue because lives are at stake.

The truck safety issue is one that I advocated as the chairman of the House transportation appropriations subcommittee over the past six years. I sat in hearing and heard testimony about the widespread safety problems involving trucks from Mexico, including testimony from the inspector general at the U.S. Department of Transportation. That office issued a December 1998 audit report (TR–1999–034) which "concluded that neither the Office of Motor Carriers nor the border states, with the exception of California, are taking sufficient actions to ensure that trucks entering the United States from Mexico meet U.S. safety standards." A copy of the report is enclosed.

I understand the requirements under NAFTA permitting cross-border trucking services. Nevertheless, the U.S. needs to ensure that trucks coming across our borders and traveling on our highways will meet U.S. safety standards. Already more than 5,000 people die every year on our roads in accidents involving heavy trucks. That number could skyrocket if unsafe trucks from Mexico are allowed on our highways. According to the December 1998 IG report, barely 1 percent of the 3.7 million trucks from Mexico crossing the border were inspected. Of those, nearly half were placed our of service because of safety violations. The Department of Transportation must establish a consistent enforcement program that provides reasonable assurance of the safety of trucks from Mexico entering the United States.

In addition, I am concerned that no drug and alcohol testing program exists for truck drivers from Mexico. Mexico also has no hours of service regulations. This means that a truck driver from Mexico could have been driving for 24 hours straight before even entering the United States. Furthermore, no database exists between Mexico and the United States to exchange information on past violations of drivers from Mexico.

The United States and Mexico must establish, test and implement a comprehensive truck safety program at our borders. It is unacceptable to have unsafe trucks from anywhere on U.S. highways. These trucks could be traveling on I–81 through the Shenandoah Valley in the heart of my congressional district, or on I–5 in California, or on the streets of the nation's capital. We have an obligation to protect our families, our friends and our neighbors who use the nation's highway system every hour of every day.

I urge the Bush Administration to take every precaution necessary to ensure that no lives are lost because of unsafe trucks on our highways. I have spent considerable time on this issue over the past six years and believe it deserves your close attention.

I would be happy to talk with you about this critical matter. Lives are at stake. Please do not hesitate to call.

Best regards.

Sincerely,

FRANK R. WOLF,
Member of Congress.

Mr. PASTOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I want to express my appreciation to the gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, for putting together a very excellent bill to help us deal with the transportation needs of our country over the course of the upcoming fiscal year.

In particular, I want to thank him for his attention to our air traffic needs and particularly to the subject of air traffic safety and the need to relieve air traffic congestion in many places around the country.

The airport at the LaGuardia field in New York City is principal among them. The chairman has recognized that it is possible to relieve air traffic congestion at LaGuardia and other metropolitan airports by providing an alternative venue at Stewart International Airport, which is located just 60 miles north of Manhattan.

The chairman has expressed that by working with us to obtain an appropriation of $5.7 million for a new air traffic control tower and air traffic control system at Stewart. If we are going to be successful in attracting new carriers into Stewart, new commercial carriers, this air traffic control system, which is funded in this appropriations bill, will be absolutely essential. I thank the chairman for that.

I also want to express my appreciation to the chairman for his recognition and allowing of report language in the bill which instructs the Federal Aviation Administration to pay attention to Stewart Airport as it addresses the need to relieve congestion at LaGuardia and other airports in the metropolitan region. We have placed language, report language, in the bill which stipulates that this should occur and that the FAA and the Federal Department of Transportation in addressing these needs also pay attention to the need to provide surface transportation between Newburgh where Stewart Airport is located and the metropolitan area of New York City. That is essential if this airport is going to be used in that way, and I thank the gentleman very much for his assistance in achieving these objectives.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS) for the purpose of a colloquy.

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me this time.

The current bill contains a provision in which the result is a reallocation of certain funds that were appropriated for what is called Corridor One in central Pennsylvania, a very vital item in the revitalization of mass transit transportation and economic development. We want to try to reconstitute this reallocation and allow the stream of funding to continue, and we would urge the chairman, and I will yield to him for a colloquy on this. I would ask him to work with us, staff-to-staff and Member to Member, so that we can try to refashion the appropriation and restore what has been reallocated.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I appreciate the concerns of the gentleman. We would be pleased to work with him as the transportation bill moves along this year, and I assure the gentleman of that.

Mr. GEKAS. Mr. Chairman, I thank the gentleman.

Mr. PASTOR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time.

I would ask if he, on behalf of the gentleman from Minnesota (Mr. SABO) and the distinguished chairman, as well as the gentleman from New Jersey (Mr. ROTHMAN), would join in a colloquy.

Mr. Chairman, I would like to thank the gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, and the gentleman from Minnesota (Mr. SABO), the ranking Democrat on the committee, as well as the gentleman from New Jersey (Mr. ROTHMAN), for addressing the needs of New Jersey this year. We have received generous consideration with regard to important projects such as the Hudson-Bergen Light Rail, and I deeply appreciate that consideration.

There is, however, one particular project that would greatly benefit my district and the region which did not receive funding. I am referring to the ferry terminal and pier project located in the heart of Jersey City's growing Colgate redevelopment zone. This $10 million project was recently submitted for funding, but was not included in the subcommittee's mark; and I was wondering if the gentleman could comment on that.

Mr. PASTOR. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Arizona.

Mr. PASTOR. Mr. Chairman, I understand that the subcommittee's decision was without prejudice to the merits of the Jersey City project.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman is correct.

Mr. ROTHMAN. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from New Jersey.

Mr. ROTHMAN. Mr. Chairman, I too wish to express my gratitude to the gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, and to the gentleman from Arizona (Mr. PASTOR) on behalf of the ranking member, the gentleman fro Minnesota (Mr. SABO), for the cooperation and generosity of the committee for its help on a wide range of transportation priorities in New Jersey that are included in this bill.

I understand the funding constraints under which the committee is working. I would also, however, like to point out that this new ferry hub project would provide an important transportation solution for the tri-state area, New York, New Jersey and Connecticut, as well as in particular for Jersey City. It would connect the New York and New Jersey financial districts with a 5-minute ferry ride, transport up to 30,000 passengers daily, and provide relief to the now congested PATH and Holland Tunnel interstate traffic.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank all of my colleagues for bringing the Jersey City project to our attention. I will be glad to work with my colleagues and other project sponsors as we move the transportation bill through the process this year.

Mr. MENENDEZ. Mr. Chairman, I thank the chairman for his consideration.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I applaud the gentleman from Kentucky (Mr. ROGERS) and the committee for taking action to fight the growing gridlock that plagues northern Illinois.

For the first time in 70 years, our country is building a new commuter rail line, Metra's North Central line; and once complete, this line will pull thousands of cars off of our crowded highways and will help us meet our obligations under the Clean Air Act.

The bill also contains funding for a traffic control center in Libertyville, Illinois, the Pace Suburban Bus System that relieves the pressure for the reverse commuters and for runway construction at Palwaukee Airport that will rebuild a crumbling runway that is crucial to relieving congestion at nearby O'Hare.

I want to thank the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) for their commitment to the quality of life and environment of northern Illinois.

Mr. Chairman, I urge strong support for this bill.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), one of our colleagues on the Committee on Appropriations and an old friend.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I applaud the efforts of the chairman and the ranking member on this bill.

I rise to speak on behalf of a provision which will help the Anacostia waterfront become a vibrant community of residents and commerce, a project that will make Poplar Point a recreation destination, and to make South Capitol Street the center of a vital community and an appropriate gateway entrance into this capital city.

Last year, the gentlewoman from the District of Columbia (Ms. NORTON) shepherded through the Congress a bill to allow private development of the Southeast Federal center. Her bill was key in bringing commercial and residential growth into this community. Over the past several months, I have been working with the gentlewoman from the District of Columbia (Ms. NORTON), Mayor Williams, and a host of Federal and local agencies and all of my colleagues from the Washington metropolitan area to identify what the Federal Government's next step can be. The next step must be addressing the terrible state of the South Capitol Street entrance to the Nation's capitol.

I therefore rise in strong support of the initiative in this bill for the Transportation Department to examine how to rework South Capitol Street. The transportation study will examine ways to create better infrastructure that links the waterfront community to the existing Capitol Hill community.

Once completed, this study is certain, certain to help community residents, Federal and District officials, and entrepreneurs to combine their skills and energy to realize the Anacostia's full potential.

We in Congress, Mr. Chairman, have a duty, a duty to this great city. By supporting the South Capitol Street traffic pattern study, we will be giving our Nation's capital a critical planning tool to make a smart, balanced development decision in the next few years. We will also be sending a powerful signal to District residents and entrepreneurs that we care about Washington, D.C.'s future.

I am very pleased to support this bill and the initiative. I think it is an initiative that all of us will look back on a decade, 2 decades from now and say, this was a substantial step, not just for the capital city, but for America as well.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA) for the purposes of a colloquy.

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to thank the gentleman from Kentucky (Mr. ROGERS) for giving me the opportunity to discuss an issue that is vital not just to New York, but indeed the entire country.

□ 1530

As the gentleman knows, the dynamics of the Regional Airspace Redesign recently brought this issue to our attention. The FAA is currently undertaking the New York-New Jersey-Philadelphia Airspace Redesign project, which is expected to take 5 years to complete.

According to the FAA, the purpose of the New York-New Jersey Airspace Redesign project is to ''increase the efficiency of air traffic flows into and out of the metropolitan area, including Philadelphia, while maintaining or improving the level of safety and air traffic services that are currently in place.''

In accordance with the Federal law, the FAA must conduct an environmental review before implementing any new flight plans. A concern that I have is the environmental impacts of departure delays. Anybody on the runway of any of the major airports knows what I mean, particularly, for example, in Newark airport, where it is not uncommon to sit on the runway for 45 minutes or hour, an hour, 15 minutes in the morning.

It is something that I feel deserves more consideration while conducting the redesign. By increasing efficiency, not only will delays be reduced, but the environments of surrounding communities will see a significant reduction in air pollution. Airports are significant sources of ground-level volatile organic compounds and nitrogen oxides. In our Nation's largest and busiest airports, these idling planes can create as much, if not more, ground-level pollution as many of their large industrial neighbors.

According to a July 2000 report by Department of Transportation Office of Inspector General, at the 28 largest U.S. airports, the number of flights with taxi-out times of 1 hour or more increased 130 percent over the past 5 years, with nearly 85 percent of all delay times occurring on the ground. In addition, it was reported that the departure delays were significantly underreported, so the full environmental effects of idling planes is not known.

The area included in the redesign contains four of the Nation's 10 most delayed airports.

By encouraging the FAA to take the environmental impacts of departure delays into consideration while evaluating new departure paths, this could lead to not only more efficient airports with less delays and happier consumers, but also a cleaner environment; therefore, I respectfully ask that the gentleman include language in the committee report directing the FAA to consider these impacts while conducting its environmental review.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I want to thank the gentleman from Florida (Mr. YOUNG), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) for their great work on this bill.

Mr. Chairman, $65 million for the Mission Valley East Light Rail Extension is included in this bill, and that is part of the San Diego Trolley, an area that we have been trying to improve for a number of years. Also it includes $2 million for phase 1 of the Mid Coast Corridor Extension.

Mr. Chairman, I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for their long-standing commitment to mass transit.

I also want to recognize and thank my colleagues in the San Diego congressional delegation, the gentleman from California (Mr. HUNTER), the gentleman from California (Mr. CUNNINGHAM), the gentleman from California (Mr. FILNER) and the gentleman from California (Mr. ISSA). We have worked together on this Mission Valley East Extension, and this bipartisan cooperation will make a big difference for all of our constituents in San Diego.

What does that mean? It means that we are going to be increasing the trolley ridership by 2.5 million new annual transit riders. It means that students at San Diego State University will now be connected to our light rail system. It means that patients at Alvarado Medical Center will be connected to the light rail system as well. It also means that we are going to close the gap between our blue and our orange lines, and we will take a first step towards linking the University of California at San Diego to our light rail system.

Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for the opportunity to acknowledge these needed transit improvements that will be coming to the San Diego region and the big difference it will be making for all of us.

Mr. SABO. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Kentucky.

Mr. Chairman, I submit the following for the RECORD.

TRANSPORTATION APPROPRIATIONS BILL, 2002 (H.R. 2299)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	63,245	69,500	67,726	+4,481	-1,774
Immediate Office of the Secretary	(1,827)	(1,989)	(1,929)	(+102)	(-60)
Immediate Office of the Deputy Secretary	(587)	(638)	(625)	(+38)	(-13)
Office of the General Counsel	(9,972)	(13,355)	(11,654)	(+1,682)	(-1,701)
Office of the Assistant Secretary for Policy	(3,011)	(3,153)	(3,153)	(+142)	.....
Office of the Assistant Secretary for Aviation and International Affairs	(7,289)	(7,650)	(7,650)	(+361)	.....
Office of the Assistant Secretary for Budget and Programs	(7,362)	(7,728)	(7,728)	(+366)	.....
Office of the Assistant Secretary for Governmental Affairs	(2,150)	(2,282)	(2,282)	(+132)	.....
Office of the Assistant Secretary for Administration	(19,020)	(20,262)	(20,262)	(+1,242)	.....
Office of Public Affairs	(1,674)	(1,776)	(1,776)	(+102)	.....
Executive Secretariat	(1,181)	(1,241)	(1,241)	(+60)	.....
Board of Contract Appeals	(496)	(523)	(523)	(+27)	.....
Office of Small and Disadvantaged Business Utilization	(1,192)	(1,251)	(1,251)	(+59)	.....
Office of Intelligence and Security	(1,262)	(1,321)	(1,321)	(+59)	.....
Office of the Chief Information Officer	(6,222)	(6,331)	(6,331)	(+109)	.....
Subtotal	(63,245)	(69,500)	(67,726)	(+4,481)	(-1,774)
Across the board (0.22%) rescission	-139	.....	.....	+139	.....
Office of civil rights	8,140	8,500	8,500	+360	.....
Across the board (0.22%) rescission	-18	.....	.....	+18	.....
Transportation planning, research, and development	11,000	5,193	5,193	-5,807	.....
Across the board (0.22%) rescission	-24	.....	.....	+24	.....
Transportation Administrative Service Center	(126,887)	(125,323)	(125,323)	(-1,564)	.....
Minority business resource center program	1,900	900	900	-1,000	.....
Across the board (0.22%) rescission	-4	.....	.....	+4	.....
(Limitation on guaranteed loans)	(13,775)	(18,367)	(18,367)	(+4,592)	.....
Minority business outreach	3,000	3,000	3,000	.....	.....
Across the board (0.22%) rescission	-7	.....	.....	+7	.....
Payments to air carriers (Airport & Airway Trust Fund)	.....	.....	13,000	+13,000	+13,000
Total, Office of the Secretary	87,285	87,093	98,319	+11,034	+11,226
ATB rescissions	-192	.....	.....	+192	.....
Net total	87,093	87,093	98,319	+11,226	+11,226
Coast Guard					
Operating expenses	2,851,000	3,042,588	3,042,588	+191,588	.....
Defense function	341,000	340,250	340,000	-1,000	-250
Subtotal	3,192,000	3,382,838	3,382,588	+190,588	-250
Across the board (0.22%) rescission	-6,967	.....	.....	+6,967	.....
Acquisition, construction, and improvements:					
Vessels	156,450	79,390	90,990	-65,460	+11,600
Aircraft	37,650	500	26,000	-11,650	+25,500
Other equipment	60,113	95,471	74,173	+14,060	-21,298
Shore facilities & aids to navigation facilities	63,336	79,262	44,206	-19,130	-35,056
Personnel and related support	55,151	66,700	64,631	+9,480	-2,069
Integrated Deepwater Systems	42,300	338,000	300,000	+257,700	-38,000
Subtotal, A C & I (excluding rescissions)	415,000	659,323	600,000	+185,000	-59,323
Across the board (0.22%) rescission	-869	.....	.....	+869	.....
Environmental compliance and restoration	16,700	16,927	16,927	+227	.....
Across the board (0.22%) rescission	-37	.....	.....	+37	.....
Alteration of bridges	15,500	15,466	15,466	-34	.....
Across the board (0.22%) rescission	-35	.....	.....	+35	.....
Retired pay	778,000	876,346	876,346	+98,346	.....
Reserve training	80,375	83,194	83,194	+2,819	.....
Across the board (0.22%) rescission	-176	.....	.....	+176	.....
Research, development, test, and evaluation	21,320	21,722	21,722	+402	.....
Across the board (0.22%) rescission	-40	.....	.....	+40	.....
Trust fund share of expenses (ATB rescission)	-108	.....	.....	+108	.....
Total, Coast Guard	4,518,895	5,055,816	4,996,243	+477,348	-59,573
ATB rescissions	-8,232	.....	.....	+8,232	.....
Net total	4,510,663	5,055,816	4,996,243	+485,580	-59,573
Federal Aviation Administration					
Operations	6,544,235	6,886,000	6,870,000	+325,765	-16,000
Air traffic services	(5,200,274)	(5,447,421)	(5,494,883)	(+294,609)	(+47,462)
Aviation regulation and certification	(694,979)	(744,744)	(727,870)	(+32,891)	(-16,874)
Civil aviation security	(139,301)	(150,154)	(135,949)	(-3,352)	(-14,205)
Research and acquisition	(189,988)	(196,674)	(195,258)	(+5,270)	(-1,416)
Commercial space transportation	(12,000)	(14,706)	(12,254)	(+254)	(-2,452)
Financial services	(48,444)	(50,684)	(50,480)	(+2,036)	(-204)
Human resources	(54,864)	(74,516)	(67,635)	(+12,771)	(-6,881)
Regional coordination	(99,347)	(90,893)	(84,613)	(-14,734)	(-6,280)
Staff offices	(105,038)	(116,208)	(108,776)	(+3,738)	(-7,432)
Undistributed	.....	.....	(-7,718)	(-7,718)	(-7,718)
Subtotal	(6,544,235)	(6,886,000)	(6,870,000)	(+325,765)	(-16,000)
Across the board (0.22%) rescission	-14,397	.....	.....	+14,397	.....

NOTE: FY01 rescissions included in Net total lines.

TRANSPORTATION APPROPRIATIONS BILL, 2002 (H.R. 2299)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Facilities & equipment (Airport & Airway Trust Fund)	2,656,765	2,914,000	2,914,000	+257,235	
Across the board (0.22%) rescission	-5,845			+5,845	
Research, engineering, and development (Airport and Airway Trust Fund)	187,000	187,781	191,481	+4,481	+3,700
Across the board (0.22%) rescission	-411			+411	
Grants-in-aid for airports (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(3,200,000)	(1,800,000)	(1,800,000)	(-1,400,000)	
(Limitation on obligations)	(3,200,000)	(3,300,000)	(3,300,000)	(+100,000)	
Across the board (0.22%) rescission	(-7,040)			(+7,040)	
Across the board (0.22%) rescission	-4			+4	
Rescission of contract authoritization	-579,000	-331,000	-301,000	+278,000	+30,000
Net subtotal	(2,613,956)	(2,969,000)	(2,999,000)	(+385,044)	(+30,000)
Total, Federal Aviation Administration	9,388,000	9,987,781	9,975,481	+587,481	-12,300
(Limitations on obligations)	(3,200,000)	(3,300,000)	(3,300,000)	(+100,000)	
Total budgetary resources	(12,588,000)	(13,287,781)	(13,275,481)	(+687,481)	(-12,300)
ATB rescissions	(-7,040)			(+7,040)	
ATB rescissions	-20,657			+20,657	
Rescission	-579,000	-331,000	-301,000	+278,000	+30,000
Net total	(11,981,303)	(12,956,781)	(12,974,481)	(+993,178)	(+17,700)
Federal Highway Administration					
Limitation on administrative expenses	(295,119)	(317,693)	(311,837)	(+16,718)	(-5,856)
Limitation on transportation research			(447,500)	(+447,500)	(+447,500)
Federal-aid highways (Highway Trust Fund):					
(Limitation on obligations)	(26,603,806)	(27,042,994)	(27,197,693)	(+593,887)	(+154,699)
Across the board (0.22%) rescission	(-58,528)			(+58,528)	
Revenue aligned budget authority (RABA)	(3,058,000)	(4,341,700)	(4,486,700)	(+1,428,700)	(+145,000)
Innovative transportation solutions program (RABA)		(45,000)			(-45,000)
Alternative transportation grant program (RABA)		(100,000)			(-100,000)
Border infrastructure construction program (RABA)		(56,300)	(56,300)	(+56,300)	
Subtotal, RABA	(3,058,000)	(4,543,000)	(4,543,000)	(+1,485,000)	
Across the board (0.22%) rescission	(-6,728)			(+6,728)	
RABA transfer to FMCSA		(-22,837)	(-23,896)	(-23,896)	(-1,059)
Subtotal, limitation on obligations	(29,661,806)	(31,563,157)	(31,716,797)	(+2,054,991)	(+153,640)
(Exempt obligations)	(1,069,000)	(955,000)	(955,000)	(-114,000)	
(Liquidation of contract authorization)	(28,000,000)	(30,000,000)	(30,000,000)	(+2,000,000)	
Emergency Relief Program (Highway Trust Fund) (contingent emergency appropriation)	720,000			-720,000	
Across the board (0.22%) rescission	-1,584			+1,584	
State infrastructure banks (rescission)			-6,000	-6,000	-6,000
Total, Federal Highway Administration					
Contingent emergency	720,000			-720,000	
(Limitations on obligations)	(29,661,806)	(31,563,157)	(31,716,797)	(+2,054,991)	(+153,640)
(Exempt obligations)	(1,069,000)	(955,000)	(955,000)	(-114,000)	
Total budgetary resources	(31,450,806)	(32,518,157)	(32,671,797)	(+1,220,991)	(+153,640)
ATB rescissions	(-65,256)			(+65,256)	
ATB rescissions	-1,584			+1,584	
Rescission			-6,000	-6,000	-6,000
Net total	(31,383,966)	(32,518,157)	(32,665,797)	(+1,281,831)	(+147,640)
Federal Motor Carrier Safety Administration					
Motor carrier safety (limitation on obligations administrative expenses)	(92,194)	(139,007)	(92,307)	(+113)	(-46,700)
Across the board (0.22%) rescission	(-202)			(+202)	
National motor carrier safety program (Highway Trust Fund):					
(Liquidation of contract authorization)	(177,000)	(204,837)	(205,896)	(+28,896)	(+1,059)
(Limitation on obligations)	(177,000)	(182,000)	(182,000)	(+5,000)	
Across the board (0.22%) rescission	(-389)			(+389)	
RABA transfer from FHWA:					
Border-State grants		(18,000)			(-18,000)
State commercial driver's license		(4,837)			(-4,837)
Motor carrier safety assistance grants			(23,896)	(+23,896)	(+23,896)
Subtotal, RABA		(22,837)	(23,896)	(+23,896)	(+1,059)
Subtotal, limitation on obligations	(177,000)	(204,837)	(205,896)	(+28,896)	(+1,059)
Total, Federal Motor Carrier Safety Administration					
(Limitations on obligations)	(269,194)	(343,844)	(298,203)	(+29,009)	(-45,641)
Total budgetary resources	(269,194)	(343,844)	(298,203)	(+29,009)	(-45,641)
ATB rescissions	(-591)			(+591)	
Net total	(268,603)	(343,844)	(298,203)	(+29,600)	(-45,641)

TRANSPORTATION APPROPRIATIONS BILL, 2002 (H.R. 2299)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Highway Traffic Safety Administration					
Operations and research	116,876	122,000	122,420	+5,544	+420
Operations and research (Highway trust fund):					
(Liquidation of contract authorization)	(72,000)	(72,000)	(72,000)		
(Limitation on obligations)	(72,000)	(72,000)	(72,000)		
National Driver Register (Highway trust fund)	2,000	2,000	2,000		
Subtotal, Operations and research	(190,876)	(196,000)	(196,420)	(+5,544)	(+420)
Across the board (0.22%) rescission	-261			+261	
Across the board (0.22%) rescission	(-158)			(+158)	
Highway traffic safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(213,000)	(223,000)	(223,000)	(+10,000)	
(Limitation on obligations):					
Highway safety programs (Sec. 402)	(155,000)	(160,000)	(160,000)	(+5,000)	
Occupant protection incentive grants (Sec. 405)	(13,000)	(15,000)	(15,000)	(+2,000)	
Alcohol-impaired driving countermeasures grants (Sec. 410)	(36,000)	(38,000)	(38,000)	(+2,000)	
State highway safety data grants (Sec. 411)	(9,000)	(10,000)	(10,000)	(+1,000)	
Across the board (0.22%) rescission	(-469)			(+469)	
Total, National Highway Traffic Safety Administration	118,876	124,000	124,420	+5,544	+420
(Limitations on obligations)	(285,000)	(295,000)	(295,000)	(+10,000)	
Total budgetary resources	(403,876)	(419,000)	(419,420)	(+15,544)	(+420)
ATB rescissions	(-627)			(+627)	
ATB rescissions	-261			+261	
Net total	(402,988)	(419,000)	(419,420)	(+16,432)	(+420)
Federal Railroad Administration					
Safety and operations	101,717	111,357	110,461	+8,744	-896
Across the board (0.22%) rescission	-224			+224	
Offsetting collections		-41,000			+41,000
Railroad research and development	25,325	28,325	27,375	+2,050	-950
Across the board (0.22%) rescission	-56			+56	
Offsetting collections		-14,000			+14,000
Rhode Island Rail Development	17,000			-17,000	
Across the board (0.22%) rescission	-37			+37	
Pennsylvania Station Redevelopment project (advance appropriations, FY 2001, FY 2002, FY 2003) 1/	20,000	20,000	20,000		
Across the board (0.22%) rescission	-44			+44	
Rescission			-20,000	-20,000	-20,000
Next generation high-speed rail	25,100	25,100	25,100		
Across the board (0.22%) rescission	-55			+55	
Alaska Railroad rehabilitation	20,000			-20,000	
Across the board (0.22%) rescission	-44			+44	
West Virginia Rail development	15,000			-15,000	
Across the board (0.22%) rescission	-33			+33	
Capital grants to the National Railroad Passenger Corporation	521,476	521,476	521,476		
Across the board (0.22%) rescission	-1,147			+1,147	
Total, Federal Railroad Administration	743,978	651,258	684,412	-59,566	+33,154
ATB rescissions	-1,640			+1,640	
Net total	742,338	651,258	684,412	-57,926	+33,154
Federal Transit Administration					
Administrative expenses	12,800	13,400	13,400	+600	
Across the board (0.22%) rescission	-28			+28	
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(51,200)	(53,600)	(53,600)	(+2,400)	
Subtotal, Administrative expenses	(63,972)	(67,000)	(67,000)	(+3,028)	
Formula grants	669,000	718,400	718,400	+49,400	
Across the board (0.22%) rescission	-1,360			+1,360	
Formula grants (Highway Trust Fund) (limitation on obligations)	(2,676,000)	(2,873,600)	(2,873,600)	(+197,600)	
Across the board (0.22%) rescission	(-5,887)			(+5,887)	
Subtotal, Formula grants	(3,343,640)	(3,592,000)	(3,592,000)	(+248,360)	
University transportation research	1,200	1,200	1,200		
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)		
Across the board (0.22%) rescission	(-3)			(+3)	
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)		
Transit planning and research	22,200	23,000	23,000	+800	
Transit planning and research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(87,800)	(93,000)	(93,000)	(+5,200)	
Subtotal, Transit planning and research	(110,000)	(116,000)	(116,000)	(+6,000)	
Rural transportation assistance	(5,250)	(5,250)	(5,250)		
National transit institute	(4,000)	(4,000)	(4,000)		
Transit cooperative research	(8,250)	(8,250)	(8,250)		
Metropolitan planning	(52,114)	(55,422)	(55,422)	(+3,308)	

1/ Funding provided in P.L. 106-113.

TRANSPORTATION APPROPRIATIONS BILL, 2002 (H.R. 2299)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
State planning	(10,886)	(11,578)	(11,578)	(+692)	
National planning and research	(29,500)	(31,500)	(31,500)	(+2,000)	
Subtotal	(110,000)	(116,000)	(116,000)	(+6,000)	
Across the board (0.22%) rescission	-49			+49	
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(5,016,600)	(5,397,800)	(5,397,800)	(+381,200)	
Capital investment grants	529,200	568,200	568,200	+39,000	
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(2,116,800)	(2,272,800)	(2,272,800)	(+156,000)	
Subtotal, Capital investment grants	(2,646,000)	(2,841,000)	(2,841,000)	(+195,000)	
Fixed guideway modernization	(1,058,400)	(1,136,400)	(1,136,400)	(+78,000)	
Buses and bus-related facilities	(529,200)	(568,200)	(568,200)	(+39,000)	
New starts	(1,058,400)	(1,136,400)	(1,136,400)	(+78,000)	
Subtotal	(2,646,000)	(2,841,000)	(2,841,000)	(+195,000)	
Across the board (0.22%) rescission	-1,274			+1,274	
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)	(350,000)			(-350,000)	
Job access and reverse commute grants	20,000	25,000	25,000	+5,000	
Across the board (0.22%) rescission	-44			+44	
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(80,000)	(100,000)	(100,000)	(+20,000)	
Trust fund share of expenses (limitation on obligations) (ATB rescission)	(-8,492)			(+8,492)	
Subtotal, Job access and reverse commute grants	(99,956)	(125,000)	(125,000)	(+25,044)	
Total, Federal Transit Administration	1,254,400	1,349,200	1,349,200	+94,800	
(Limitations on obligations)	(5,016,600)	(5,397,800)	(5,397,800)	(+381,200)	
Total budgetary resources	(6,271,000)	(6,747,000)	(6,747,000)	(+476,000)	
ATB rescissions	(-14,382)			(+14,382)	
ATB rescissions	-2,755			+2,755	
Net total	(6,253,863)	(6,747,000)	(6,747,000)	(+493,137)	
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	13,004	13,345	13,426	+422	+81
Across the board (0.22%) rescission	-29			+29	
Net total	12,975	13,345	13,426	+451	+81
Research and Special Programs Administration					
Research and special programs:					
Hazardous materials safety	18,750	21,217	21,348	+2,598	+131
Emergency transportation	1,831	1,897	1,897	+66	
Research and technology	4,816	4,760	1,784	-3,032	-2,976
Program and administrative support	10,976	14,059	11,458	+482	-2,601
Adjustment		60			-60
Subtotal, research and special programs	36,373	41,993	36,487	+114	-5,506
Across the board (0.22%) rescission	-79			+79	
Offsetting collections		-12,000			+12,000
Pipeline safety:					
Pipeline Safety Fund	36,556	46,286	41,003	+4,447	-5,283
Oil Spill Liability Trust Fund	7,488	7,472	7,472	-16	
Pipeline safety reserve	(3,000)			(-3,000)	
Subtotal, Pipeline safety program (including reserve)	(47,044)	(53,758)	(48,475)	(+1,431)	(-5,283)
Across the board (0.22%) rescission	-19			+19	
Emergency preparedness grants:					
Emergency preparedness fund	200	200	200		
Limitation on emergency preparedness fund	(14,300)	(14,300)	(14,300)		
Total, Research and Special Programs Administration	80,617	83,951	85,162	+4,545	+1,211
ATB rescissions	-98			+98	
Net total	80,519	83,951	85,162	+4,643	+1,211
Office of Inspector General					
Salaries and expenses	48,450	50,614	50,614	+2,164	
Across the board (0.22%) rescission	-106			+106	
(By transfer from FTA)	(1,000)	(2,000)		(-1,000)	(-2,000)
Net total	(49,344)	(52,614)	(50,614)	(+1,270)	(-2,000)
Surface Transportation Board					
Salaries and expenses	17,954	18,457	18,563	+609	+106
Offsetting collections	-900	-950	-950	-50	
Net total	17,054	17,507	17,613	+559	+106
Across the board (0.22%) rescission	-37			+37	

TRANSPORTATION APPROPRIATIONS BILL, 2002 (H.R. 2299)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Bureau of Transportation Statistics					
Office of airline information (Airport & Airway Trust Fund)		3,760			-3,760
General Provisions					
Appalachian development highway system (Sec. 326)	54,963			-54,963	
Across the board (0.22%) rescission	-561			+561	
Amtrak Reform Council (Sec. 326)	750	785	785	+35	
Across the board (0.22%) rescission	-2			+2	
Muscle Shoals, Tuscumbia, and Sheffield (Sec. 375)	5,000			-5,000	
Valley trains and tours (Sec. 376)	1,000			-1,000	
Miscellaneous highways (Sec. 378)	1,370,000			-1,370,000	
Across the board (0.22%) rescission	-2,607			+2,607	
Woodrow Wilson Memorial Bridge (Sec. 379)	600,000			-600,000	
Miscellaneous appropriations (P.L. 106-554):					
Huntsville International Airport (sec. 1104)	2,500			-2,500	
Southeast Light Rail Extension Project (sec. 1105)	1,000			-1,000	
Newark-Elizabeth rail link project (sec. 1107)	3,000			-3,000	
Commercial remote sensing products and spatial information technologies (sec. 1109)	4,000			-4,000	
Rural farm-to-market roads (sec. 1121)	2,400			-2,400	
Buses & bus facilities, A&M University (sec. 1123)	500			-500	
Highway Trust Fund, various projects (sec. 1128)	8,700			-8,700	
Across the board (0.22%) rescission	-1,333			+1,333	
Total, General provisions	2,049,310	785	785	-2,048,525	
Net total, title I, Department of Transportation	18,426,918	17,094,110	17,088,675	-1,338,243	-5,435
Appropriations	(18,326,012)	(17,425,110)	(17,415,675)	(-910,337)	(-9,435)
Rescissions	(-619,094)	(-331,000)	(-327,000)	(+292,094)	(+4,000)
Contingent emergency	(720,000)			(-720,000)	
(By transfer)	(1,000)	(2,000)		(-1,000)	(-2,000)
(Limitations on obligations)	(38,432,600)	(40,899,801)	(41,007,800)	(+2,575,200)	(+107,999)
(Rescissions of limitations on obligations)	(-87,896)			(+87,896)	
(Exempt obligations)	(1,069,000)	(955,000)	(955,000)	(-114,000)	
Net total budgetary resources	(57,840,622)	(58,948,911)	(59,051,475)	(+1,210,853)	(+102,564)
TITLE II - RELATED AGENCIES					
Architectural and Transportation Barriers Compliance Board					
Salaries and expenses	4,795	5,015	5,046	+251	+31
Across the board (0.22%) rescission	-11			+11	
Net total	4,784	5,015	5,046	+262	+31
National Transportation Safety Board					
Salaries and expenses	62,942	64,480	66,400	+3,458	+1,920
Across the board (0.22%) rescission	-139			+139	
Net total	62,803	64,480	66,400	+3,597	+1,920
Total, title II, Related Agencies	67,587	69,495	71,446	+3,859	+1,951
Grand total (net)	18,494,505	17,163,605	17,160,121	-1,334,384	-3,484
Appropriations	(18,393,749)	(17,494,605)	(17,487,121)	(-906,628)	(-7,484)
Rescissions	(-619,244)	(-331,000)	(-327,000)	(+292,244)	(+4,000)
Contingent emergency	(720,000)			(-720,000)	
(By transfer)	(1,000)	(2,000)		(-1,000)	(-2,000)
(Limitation on obligations)	(38,432,600)	(40,899,801)	(41,007,800)	(+2,575,200)	(+107,999)
(Rescissions of limitations on obligations)	(-87,896)			(+87,896)	
(Exempt obligations)	(1,069,000)	(955,000)	(955,000)	(-114,000)	
Net total budgetary resources	(57,908,209)	(59,018,406)	(59,122,921)	(+1,214,712)	(+104,515)
Scorekeeping adjustments:					
Pipeline safety (OSLTF)	-7,000	-47,000	-42,000	-35,000	+5,000
Across the board cut (0.22%)	-42,000			+42,000	
CBO/OMB adjustment	40,244			-40,244	
Total, adjustments	-8,756	-47,000	-42,000	-33,244	+5,000
Net grand total (including scorekeeping)	18,485,749	17,116,605	17,118,121	-1,367,628	+1,516
Appropriations	(18,386,749)	(17,447,605)	(17,445,121)	(-941,628)	(-2,484)
Rescissions	(-621,000)	(-331,000)	(-327,000)	(+294,000)	(+4,000)
Contingent emergency	(720,000)			(-720,000)	
(By transfer)	(1,000)	(2,000)		(-1,000)	(-2,000)
(Limitations on obligations)	(38,432,600)	(40,899,801)	(41,007,800)	(+2,575,200)	(+107,999)
(Rescissions of limitations on obligations)	(-87,896)			(+87,896)	
(Exempt obligations)	(1,069,000)	(955,000)	(955,000)	(-114,000)	
Net grand total budgetary resources	(57,899,453)	(58,971,406)	(59,080,921)	(+1,181,468)	(+109,515)

TRANSPORTATION APPROPRIATIONS BILL, 2002 (H.R. 2299)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAP BY FUNCTION					
Mandatory	778,000	876,346	876,346	+98,346	.....
Discretionary:					
Highway category:					
(Limitation on obligations)	(30,216,000)	(32,202,001)	(32,310,000)	(+2,094,000)	(+107,999)
Mass Transit category	1,254,400	1,349,200	1,349,200	+94,800	.....
(Limitation on obligations)	(5,016,600)	(5,397,800)	(5,397,800)	(+381,200)	.....
General purpose discretionary:					
Defense discretionary	341,000	340,250	340,000	-1,000	-250
Nondefense discretionary	16,112,349	14,550,809	14,552,575	-1,559,774	+1,766
Total, General purpose discretionary	16,453,349	14,891,059	14,892,575	-1,560,774	+1,516
Total, Discretionary	17,707,749	16,240,259	16,241,775	-1,465,974	+1,516
Total, mandatory and discretionary	18,485,749	17,116,605	17,118,121	-1,367,628	+1,516

Ms. PELOSI. Mr. Chairman, I support the Sabo amendment, which would ensure that Mexican trucking companies undergo safety reviews before their trucks gain access to American highways.

Trucks are a major factor in highway fatalities. Even with safety regulations in place in the U.S., crashes involving large trucks killed 5,282 people in 1999. Of these fatalities, 363 occurred in my home state of California. Mexico's regulations are much weaker than ours. Drivers do not log their hours on the road, restrictions on hours behind the wheel are not enforced, drivers can be under 21, trucks that violate safety standards are not taken off the road, and trucks can weigh significantly more than in the U.S.

Of the nearly 4 million trucks that enter the U.S. commercial zones from Mexico annually, the U.S. inspects only 1%. Of that 1%, more than a third are removed from service because they are unsafe. This is a dismal record. We must ensure that trucks from Mexico are safe before they are allowed on every highway in the United States. I urge my colleagues to vote for the Sabo amendment.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2299, the Transportation appropriations bill for fiscal year 2002.

This Member would like to commend the distinguished gentleman from Kentucky (Mr. ROGERS), the Chairman of the Transportation Appropriations Subcommittee, and the distinguished gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee for their hard work in bringing this bill to the Floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Transportation Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the State of Nebraska.

This Member is particularly pleased that this appropriations bill includes $1,517,000 for preliminary work leading to the construction of bridges in Plattsmouth and Sarpy County to replace two obsolete and deteriorating bridges. The request for these funds was made by this Member as well as the distinguished gentleman from Nebraska (Mr. TERRY) and the distinguished gentlemen from Iowa (Mr. GANSKE and Mr. BOSWELL).

The agreement leading to the funding was the result of intensive discussions and represents the consensus of city, county and state officials as well as the affected Members of Congress. The construction of these replacement bridges (a Plattsmouth U.S. 34 bridge and State Highway 370 bridge in Bellevue) will result in increased safety and improved economic development in the area. Clearly, the bridge projects would benefit both counties and the surrounding region.

This Member is also pleased that the bill includes $325,000 requested by this Member for the construction of a 1.7-mile bicycle and pedestrian trail on State Spur 26E right-of-way, which connects Ponca State Park and the Missouri National Recreational River Corridor to the City of Ponca. This trail will play an important role as the area prepares for the bicentennial of the Lewis and Clark Corps of Discovery expedition and the significant increase in tourism which it will help generate. The approaching bicentennial represents a significant national opportunity and it is crucial that communities such as Ponca have the resources necessary to prepare for this significant commemoration.

The trail will provide the infrastructure necessary to improve the quality of life by providing pedestrian and bicycle access between Ponca and the Ponca State Park and increases the potential for economic benefits in the surrounding region. The trail addresses serious safety issues by providing a separate off-road facility for bicyclists and pedestrians.

This member would also like to mention that this bill provides more than $2.6 million in Section 5307 urban area formula funding for mass transit in Lincoln, Nebraska. This represents an increase of $230,753 over the FY2001 level.

Finally, this bill includes $1,976,000 for Nebraska's Intelligent Transportation System (ITS). This funding, which was requested by this Member and the distinguished gentleman from Nebraska (Mr. OSBORNE), is to be used to facilitate travel efficiencies and increased safety within the state.

The Nebraska Department of Roads has identified numerous opportunities where ITS could be used to assist urban and rural transportation. For instance, the proposed Statewide Joint Operations Center would provide a unifying element allowing ITS components to share information and function as an intermodal transportation system. Among its many functions, the Joint Operations Center will facilitate rural and statewide maintenance vehicle fleet management, roadway management and roadway maintenance conditions. Overall, the practical effect will be to save lives, time and money.

Mr. Chairman, in conclusion, this member supports H.R. 2299 and urges his colleagues to approve it.

Mr. NADLER. Mr. Chairman, today I rise in support of this bill to provide appropriations for the Department of Transportation for Fiscal Year 2002.

First, I would like to thank Chairman YOUNG, Ranking Member OBEY, Subcommittee Chairman ROGERS, and Ranking Member SABO, for including funds for the Cross Harbor Rail Freight Tunnel Environmental Impact Study in this bill. This project was first authorized in TEA–21, and received funds for a Major Investment Study, which was just completed last year. After examining numerous alternatives, the MIS recommended construction of a rail tunnel under New York Harbor to facilitate cross-harbor freight movement. The MIS confirmed that a tunnel would be beneficial in several respects. The economic return to the region would be about $420 million a year. The benefit to cost ratio is 2.3 to 1. The environmental impact would be profoundly felt, as the tunnel would remove one million trucks from our roads per year, not to mention the economic benefit produced by reduced congestion and the lower cost of consumer goods.

I would like to thank the Committee leadership for understanding the importance of this project, and including funds for the EIS phase so that we can continue the progress of the last few years and correct the freight infrastructure imbalance that exists in the region East of the Hudson of New York and Connecticut.

I do have a few concerns, however, regarding transit funding. As many of you know, New York relies heavily on public transportation, and as such, we have a number of projects which are essential to the economic stability, as well as to the environmental quality, of the city. I would like to thank the Committee for including funds for one of these projects, The East Side Access Project, to connect the Long Island Railroad to Grand Central Station in Manhattan. Unfortunately, no funds were included for the Second Avenue Subway. Both of these projects are important, and will require a greater federal investment if they are to be completed in the sufficient time frame. That being said, I hope this problem can be resolved, and I urge the Appropriations Committee to include funding for the Second Avenue Subway when this bill goes to Conference with the Senate.

I have a number of other concerns with this bill. For instance, funds should be included for the inspection of Mexican trucks operating in the United States. We must not sacrifice safety in an attempt to comply with NAFTA. Overall, however, this is a good bill, which fully funds the highway and aviation trust funds. I would like to comment Chairman ROGERS and Ranking Member SABO for all their hard work in crafting this important legislation, and I urge all my colleagues to support it.

Mr. CROWLEY. Mr. Chairman, I rise today in firm support of the transportation appropriations bill for fiscal year 2002.

I would like to commend Chairman ROGERS and Mr. SABO for crafting a bill that addresses the unique transportation needs in this country.

Though this bill takes into account the demands and constraints of the current transportation network throughout the country, I would like to make special mention of certain aspects of this bill that have a tremendous impact on my constituents in the 7th Congressional district of New York.

I want to thank Mrs. LOWEY, Mr. SERRANO, Mr. HINCHEY, and Mr. SWEENEY for their assistance in securing the inclusion of $250,000 for the Long Island City Links Project.

The LIC Links research funded in this bill will lead to a comprehensive network of pedestrian, bicycle and transit connections between Long Island City residential and business areas and new parks, retail stores, and cultural institutions.

These innovative improvements will help reduce automobile traffic and improve our neighborhood air quality.

Furthermore, this project will improve the overall social and economic conditions in Queens County.

I would also like to thank the Committee for the inclusion of $10 million for the East Side Access Project.

The East Side Access connection will involve constructing a 5,500-foot tunnel from the LIRR Main Line in Sunnyside, Queens to the existing tunnel under the East River at 63rd Street.

A new Passenger Station in Sunnyside Yard, Queens will also be constructed to provide access to the growing Long Island Business District.

The elements of this bill beneficial to my constituency is not limited to ground transportation.

As representative of LaGuardia Airport in Congress, the issue of congestion in the air and on the ground is a problem that plagues residents in and around the airport on a daily basis.

I am pleased that this bill has included two million dollars for the procurement of air traffic control equipment at LaGuardia Airport. It is my hope that these funds will help alleviate the traffic problems that plague one of the most congested airports in the country.

In that same vein, I would like to commend my colleagues in the New York and New Jersey delegation for their work with regard to airspace redesign and the diversion of traffic to Stewart Airport.

The idea of burden sharing of airports in the tri-state is essential to the future of LaGuardia Airport.

Given that LaGuardia is completely saturated, the report initiated by Mr. Hinchey to increase service at Stewart Airport will be a welcome relief for travelers and residents of Queens alike.

This is a reasonable and comprehensive bill that truly addresses the needs of Americans in the 21st century.

Therefore, I strongly urge my colleagues to vote in favor of this bill.

Mr. GREEN of Texas. Mr. Chairman, I rise today in support of this bill. While there are areas that I hope we can improve via amendments that will be offered, it is a good bill that will continue meeting the transportation needs of our constituents.

I would particularly like to praise the Committee for including funding for the Greater Harris County 9–1–1 Emergency Network from the Department of Transportation's Intelligent Transportation Systems (ITS) program. Harris County, which includes Houston, Texas, is pioneering the practical application of critical data provided by Automatic Collision Notification boxes that are beginning to be installed on late-model automobiles.

By deploying these boxes to 9–1–1 centers and trauma hospitals in Harris and Fort Bend Counties, these locations will be able to receive up-to-date information on automobile accident victims.

This information will enable 9–1–1 operators to direct appropriate levels of resources to accident locations, and will also allow doctors and nurses at hospitals the time and information that they need to prepare for incoming accident victims.

The goal of this technology is saving lives, through better distribution of emergency response personnel and a higher level of preparedness for incoming patients by emergency room personnel.

The transmitted data will include the speed of the vehicle at impact; number of times that vehicle may have rolled; the number of occupants in the vehicle; heat generation, which may indicate whether or not the vehicle is on fire; and other valuable information.

The lessons we learn in the implementation and testing of this system will serve as a model for other jurisdictions across the United States as they develop and deploy their own lifesaving networks.

Again, I support this bill, and I support the funding for this innovative program that will save lives.

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in support of H.R. 2299, the fiscal year 2002 Transportation Appropriations bill and I urge my colleagues to do the same.

First, I want to thank Chairman ROGERS and Ranking Member SABO for all their hard work in crafting this bill, and for their assistance in addressing New Jersey's transportation priorities. A special thanks to Rich Efford and the Transportation Subcommittee staff for their help.

Mr. Chairman, as we debate this important bill, thousands of my constituents back in New Jersey are struggling right now to battle traffic delays on Interstate 80, in Denville, in the heart of my Congressional District. The westbound lanes were closed last week after a fiery tractor trailer collision last week damaged the roadway beyond immediate repair.

This is a major commuter route into and out of New York City, and commuters snarled in rush hour traffic this morning learned that extensive repairs to the highway may not be completed until this October. My constituents—these commuters stuck in traffic—know only too well that New Jersey's mass transportation projects deserve our full commitment.

Because New Jersey is the most densely populated state in the nation, innovative commuter light rail projects such as the Hudson-Bergen Light Rail and Newark-Elizabeth Rail Link are vital to relieving traffic congestion in some of the most densely populated areas of our state.

I am pleased to report that these two commuter rail projects, New Jersey's top transportation priorities, have received major support and funding, within the confines of the overall budget allocation, which keeps our commitment to the Balanced Budget Agreement of 1997. I also am pleased to note that President Bush recognized the need for these projects and fully funded them in his budget request in April. I thank the President for his leadership on these top New Jersey priorities.

The Hudson-Bergen Light Rail system will result in a 21-mile, 30 station corridor connecting commuters along the Palisades and Hudson River waterfront with vital transportation arteries in and out of New York City.

The Newark-Elizabeth Rail Link will be an 8.8 mile light rail system connecting the Newark City Subway with revitalized downtown Newark and Elizabeth. It will provide an important connection between the Newark Broad Street rail station and Newark Penn Station, a major commuter hub along Amtrak's Northeast rail corridor while providing commuters who travel on NJ Transit's Morris/Essex and Boonton Lines with a connection from Newark's Broad Street Station to one of our nation's busiest airports, Newark International.

Our investment in the Hudson-Bergen and Newark-Elizabeth light rail projects will also help our state meet environmental standards as outlined in the Federal Clean Air Act and keep New Jersey on the right track so that we can ensure tomorrow's economic prosperity and environmental protection.

I am also pleased that this bill will provide a minimum of $8.5 million specifically for the ongoing Federal Aviation Administration's New Jersey/New York Metropolitan Airspace Redesign. For too long, constituents in my district have been suffering from the daily burden of aircraft noise. We have been repeatedly told by the FAA that the only way to alleviate aircraft noise in New Jersey will be through the comprehensive redesign of our airspace. That is why continued, dedicated funding for this redesign effort is vitally important, and I thank the subcommittee for its continued commitment to this vital effort.

Again, I want to thank Chairman ROGERS and Ranking Member SABO for all their hard work, and urge my colleagues to support this legislation.

Mr. WELLER. Mr. Chairman, I rise today in strong support of H.R. 2299, Making Appropriations for the Department of Transportation for Fiscal Year 2002. H.R. 2299 is an important bill for Illinois, providing much needed funding for Metra Commuter Rail Service New Start Projects and the Elgin, Joliet and Eastern Railroad Bridge reconstruction. The legislation also directs the Federal Aviation Administration to make a priority of processing the Environmental Impact Statement for the proposed South Suburban Chicago Third Airport and to help Lewis University Airport with much needed expansion.

I would like to focus on the unique needs of Lewis University Airport today. Lewis University Airport is the busiest ''single-runway'' airport in Illinois with 104,000 annual aircraft landings and takeoffs. Located in Will County, Illinois, it serves as the only corporate airport in Illinois' fastest growing county. The airport is home to 295 based aircraft and over 35 regular visiting customers. Jet fuel sales—an indicator of corporate aircraft use—have increased from 1,469 gallons sold in 1991 to 200,000 gallons sold in 2000. In less than a decade, jet sales have increased to 136 times the first year's sales.

The existing 12,000 square yard apron has space for only 10 aircraft. The small size of the apron limits its use to only visiting aircraft arriving at the Airport's new terminal building. The apron is regularly over-filled with visiting corporate jets. There are no spaces available for based aircraft.

To meet federal airport safety and design standards, the Airport must soon relocate 150 aircraft storage positions that are too close to the runway. The proposed terminal apron expansion will provide space for the relocation of these Airport residents.

The proposed apron is part of a multi-phased development program of the Airport. The Runway 1–19 construction program is using innovative construction and land use techniques to save over $9,600,000 in federal airport development dollars. The project received recognition by the FAA with the award of one of the first projects funded under the FAA's Innovative Development Funding Program.

In addition, Lewis University Airport is by far the closest and most convenient airport to the new ChicagoLand Motor Speedway, opening July 2001. This NASCAR Winston Cup race is expected to bring 200 to 300 aircraft to the Joliet/Will County area, providing a serious need to increase the apron capacity of the airport.

Mr. Chairman, the House Transportation Appropriations Bill recognizes the importance of Lewis University Airport and encourages the Federal Aviation Administration to make its expansion a priority. This is good legislation for Illinois and the Nation's transportation infrastructure. I encourage all of my colleagues to support this bill and vote yes on the rule and final passage.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed

in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $67,726,000: *Provided,* That notwithstanding any other provision of law, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,500,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $5,193,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $125,323,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2003: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, to be derived from the Airport and Airway Trust Fund, $13,000,000, to remain available until expended.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $3,382,588,000, of which $340,000,000 shall be available for defense-related activities; and of which $24,945,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation.

AMENDMENTS OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I offer en bloc amendments.

The Clerk read as follows:

Amendments offered by Mr. LOBIONDO:

Page 4, line 25, after the dollar amount insert ''(increased by $250,000,000)''.

Page 5, line 16, after the first dollar amount insert ''(increased by $59,323,000)''.

Page 5, line 18, after the dollar amount insert ''(reduced by $16,000,000)''.

Page 5, line 20, after the dollar amount insert ''(increased by $1,500,000)''.

Page 5, line 23 after the dollar amount insert ''(increased by $16,198,000)''.

Page 5, line 25, after the dollar amount insert ''(increased by $19,056,000)''.

Page 6, line 2, after the dollar amount insert ''(increased by $569,000)''.

Page 6, line 5, after the dollar amount insert ''(increased by $38,000,000)''.

Mr. LOBIONDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order against the amendment.

Mr. LOBIONDO. Mr. Chairman, my amendment provides increased funds for Coast Guard operations and acquisitions in accordance with the levels allocated in the fiscal year 2002 budget resolutions passed by the House and the Senate.

Earlier this year our committee worked with the Committee on the Budget to ensure that the function 400 allocation in the fiscal year 2002 budget resolution not only accommodated the TEA–21 and the AIR–21 funding guarantees, but also provided approximately $5.3 billion for the Coast Guard's appropriated programs. This represents an increase of $250 million over the President's budget. Unfortunately, the 302(b) allocations approved by the Committee on Appropriations failed to include funds that would address critical Coast Guard needs.

H.R. 1699, the Coast Guard Authorization Act of 2001, passed the House on June 7 by a vote of 411–3. H.R. 1699 conformed to the Coast Guard funding levels in the budget resolution.

The amounts authorized by H.R. 1699 would allow the Coast Guard to correct immediate budget shortfalls. Many of the Coast Guard's most urgent needs are similar to those experienced by the Department of Defense, including spare parts shortages and personnel training deficits. The funding increase contained in the budget resolution and H.R. 1699 addresses those needs, and also increases the amounts available for Coast Guard drug interdiction.

H.R. 1699 also provides for $338 million for the Coast Guard's vital Deepwater asset modernization program. I strongly believe that the Integrated Deepwater system is the most economical and effective way for the Coast Guard to provide future generations of Americans with lifesaving services.

Mr. Chairman, I want to take this opportunity to commend the men and women of the Coast Guard for their exceptional services that they provide to our Nation. All Americans benefit from a strong Coast Guard that is equipped to stop drug smugglers, support the country's defense and respond to national emergencies.

During the fiscal year 2000 and 2001, the Coast Guard has been forced to reduce, let me repeat that, they have been forced to reduce illegal drug interdiction and other law enforcement operations by up to 30 percent. Yes, that is up to 30 percent, due to insufficient funds. Without additional operational funding for the fiscal year 2002, the Coast Guard will be forced to cut drug interdiction by 20 percent, including eliminating 5 cutters, 19 aircraft and 520 positions.

Mr. Chairman, without the funding increase provided in my amendment, the Coast Guard's operating budget during the next fiscal year will again be inadequate to respond to critical missions. The law enforcement emergency concerning migrant interdiction or a surge in drug smuggling would severely degrade other Coast Guard law enforcement activities. None of us want drug smugglers to be given open access to the United States, but that is exactly what could happen if we are not careful with these funding levels.

Should my amendment not be accepted today, I would urge the House and the Senate conferees on H.R. 2299 to fund the Coast Guard at a level consistent with the budget resolution and the Coast Guard Authorization Act of 2001. I would respectfully request that the gentleman from Kentucky (Mr.

ROGERS), the gentleman from Florida (Mr. YOUNG) and the gentleman from Alaska (Mr. YOUNG) work toward that end.

I understand the Senate Appropriation Committee's Transportation 302(b) allocation is about $690 million above the House allocation. I strongly believe that the U.S. Coast Guard is the best place to allocate a portion of this funding.

Mr. Chairman, I urge the House to support my amendment and allow the Coast Guard to be funded at the levels necessary to respond to the operational emergencies.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard on his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his recognized point of order.

Mr. ROGERS of Kentucky. Mr. Chairman, sure we would have liked to have found more money for the Coast Guard, but as it is, we are 6 percent above current spending levels. We are 99 percent of the Coast Guard's request.

The supplemental that just passed the House and is headed towards the Senate would include another $92 million, and that is available throughout fiscal year 2002. This amendment would throw the bill way above the budget allocations provided to us pursuant to the budget resolution. It simply is beyond our capability.

I appreciate what the gentleman from New Jersey (Mr. LOBIONDO) is trying to do. The gentleman is a great chairman. He is a great spokesman on behalf of the Coast Guard and the other matters that he represents, but this amendment is simply unaffordable. It violates the Budget Act, and we have very little choice.

For that reason, I do make a point of order against the amendment, because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2002 on June 13, 2001. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b), and it is not permitted under section 302(f) of the act.

Mr. Chairman, I ask for a ruling.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. LOBIONDO. No, Mr. Chairman.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. DELAHUNT. I do, Mr. Chairman.

Mr. Chairman, I have great respect for the gentleman from Kentucky (Mr. ROGERS), but the reality is, is that we all claim we want the Coast Guard to stop the flow of illegal drugs into this country, and to save our depleted fisheries, and to protect the coastal environment from oil spills, to intercept illegal immigrants, to secure international ports from terrorists, to conduct ice-breaking operations so critical supplies of home heating oil can reach our constituents, and to maintain aids to navigation for commercial and recreational boaters, and, of course, to save lives.

If we want those things, we have to ante up. I understand the difficulties as articulated by the gentleman from Kentucky (Mr. ROGERS), but we have to find a way.

The facts are with inexcusably inadequate resources, the Coast Guard does a heroic job of balancing their multiple responsibilities with heroic professionalism. At the same time budget constraints have been so severe and so chronic that the Coast Guard can barely keep its fleet in the water and its airplanes in the air.

The authorization bill recently passed and championed by the gentleman from New Jersey (Mr. LOBIONDO) responded to those challenges by boosting the Coast Guard's operating budget for the next year by 250 million, and thus far in the appropriations process, that promise stands unfulfilled.

We have to do better. We have to find a way, otherwise we face the predictable consequences of a crippled Coast Guard, lost property, lost commerce and, of course, lost lives, both the lives of the men and women in the Coast Guard who serve us every day, as well as those who use the seas either for enjoyment or to secure a livelihood.

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Let me just finally remind my colleagues that just recently came reports that the Coast Guard recalled port security forces that were sent overseas to protect U.S. naval units after the destroyer *Cole* was attacked. Why? Because it can no longer foot the bill. That, Mr. Chairman, is simply disgraceful, and it is unacceptable.

The CHAIRMAN. Is there anyone else who wishes to be heard on the point of order?

The Chair is prepared to rule on the point of order.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from New Jersey would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $600,000,000, of which $19,956,000 shall be derived from the Oil Spill Liability Trust Fund; of which $90,990,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2006; $26,000,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2004; $74,173,000 shall be available for other equipment, to remain available until September 30, 2004; $44,206,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2004; $64,631,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2003; and $300,000,000 for the integrated deepwater systems program, to remain available until September 30, 2004: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the national distress and response system modernization program, to remain available for obligation until September 30, 2004: *Provided further*, That upon initial submission to the Congress of the fiscal year 2003 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2003 through 2007, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That none of the funds provided under this heading may be obligated or expended for the Integrated Deepwater Systems (IDS) system integration contract until the Secretary of Transportation, or his designee within the Office of the Secretary, and the Director, Office of Management and Budget jointly certify to the House and Senate Committees on Appropriations that IDS program funding for fiscal years 2003 through 2007 is fully funded in the Coast Guard Capital Investment Plan and within the Office of Management and Budget's budgetary projections for the Coast Guard for those years.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,927,000, to remain available until expended.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO), chairman of the Subcommittee on Coast Guard and Maritime Transportation.

Our U.S. Coast Guard performs to the same high standards and faces many of the same dangers as our Armed Forces, but does not get funded in the larger Department of Defense budget. Each year they compete for funding with major agencies in the transportation budget, and for the last several years has been forced to either decrease operations or transfer money from maintenance to operations.

Just 2 weeks ago we passed a Coast Guard authorization by 411 to 3 that added $300 million more than this bill provides. Without this additional funding, the Coast Guard will be forced to

reduce operations by 20 percent including deactivating two medium cutters, two TAGOS ships, and 13 Falcon jets. This is not how we should be treating the men and women who risk their lives stopping drug smugglers and illegal immigrants, protecting our ports, and performing search-and-rescue missions.

I urge our colleagues to vote yes on this amendment and support a budget for the United States Coast Guard that meets our Nation's priorities.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,466,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $876,346,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $83,194,000: *Provided*, That no more than $25,800,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,722,000, to remain available until expended, of which $3,492,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $6,870,000,000, of which $5,773,519,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $5,494,883,000 shall be available for air traffic services program activities; not to exceed $727,870,000 shall be available for aviation regulation and certification program activities; not to exceed $135,949,000 shall be available for civil aviation security program activities; not to exceed $195,258,000 shall be available for research and acquisition program activities; not to exceed $12,254,000 shall be available for commercial space transportation program activities; not to exceed $50,480,000 shall be available for financial services program activities; not to exceed $67,635,000 shall be available for human resources program activities; not to exceed $84,613,000 shall be available for regional coordination program activities; and not to exceed $108,776,000 shall be available for staff offices: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $6,000,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,914,000,000, of which not to exceed $2,536,900,000 shall remain available until September 30, 2004, and of which not to exceed $377,100,000 shall remain available until September 30, 2002: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2003 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2003 through 2007, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $191,481,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2004: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs and of programs under section 40117; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for implementation of section 203 of Public Law 106–181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $1,800,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,300,000,000 in fiscal year 2002, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That of the funds limited under this heading for small airports due to returned entitlements, $10,000,000 shall be utilized only for the small community air service development pilot program authorized in section 203 of Public Law 106–181: *Provided further*, That notwithstanding any other provision of law, not more than $56,300,000 of funds limited under this heading shall be obligated for administration.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against the language found at page 13, beginning on line 24 which begins ''for administration of such programs'' and continuing to line 25 and ending with the words ''section 40117.''

The language would fund the cost of administering the Airport Improvement Program from contract authority

that, under chapter 471 and section 48103 of Title 49 U.S.C., is authorized only for grants, not administrative expenses. This is an unauthorized earmark of funds.

This language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the Rules of the House of Representatives.

Mr. Chairman, I also make a point of order against the language found on page 14, beginning on line 12 with the word ''Provided'' and continuing to end the end of line 20.

The language on lines 12 through 17 before the words ''Provided further'' would fund the cost of the Small Community Air Service Development Pilot Program from contract authority that is authorized only for AIP grants under chapter 471 and section 48103 of Title 49 U.S.C. Although I support this program, I must object to funding it with AIP grants as this would constitute an unauthorized earmark of funds.

This language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the Rules of the House of Representatives.

Mr. Chairman, the language found at page 14, beginning on line 17 with the words ''That notwithstanding'' and continuing through the end of line 20 would fund the cost of administering the Airport Improvement Program from contract authority under chapter 471 and section 48103 of Title 49 U.S.C., that is authorized only for grants, not administrative expenses. This supersedes existing law and clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the Rules of the House of Representatives.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) wish to be heard on the point of order?

Mr. ROGERS of Kentucky. Yes, I do.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) is recognized.

Mr. ROGERS of Kentucky. Mr. Chairman, I will concede the point of order in just a minute, but it is unfortunate that the point of order is made. It would defer the beginning of an important and authorized program. These funds would help promote development of smaller airports and promote competition where there is none.

As I indicated, the program is authorized, just not from this particular funding source. But we believe it is appropriate to use funds otherwise available to small airports for this new program, which only benefits small airports.

But, Mr. Chairman, I concede, technically, the point.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) concedes the point of order. The point of order is conceded and sustained. The provisions are stricken from the bill.

The Clerk will read.

The Clerk read as follows:

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $301,000,000 are rescinded.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO:

Page 2, line 8, after ''$67,726,000'' insert ''(increased by $720,000)''.

Page 9, line 14, after ''$6,870,000,000'' insert ''(reduced by $720,000)''.

Mr. DEFAZIO. Mr. Chairman, this amendment, which is coauthored by the gentleman from Connecticut (Mr. SHAYS) and myself, would enable American consumers to have a centralized place to go to file complaints on a toll-free number with the Department of Transportation.

An office already exists, but in lengthy hearings last year over the delays at the Detroit airport involving Northwest Airlines, one aggrieved consumer stood up and said, you know, I spent over $100 on toll bills before I found out there was anybody at the Department of Transportation in a subcategory of the General Counsel's Office who would listen to my complaint.

This office generally has labored in obscurity merely to compile statistics with a phone recording, people leave their complaints, and sometimes to advocate on the behalf of those with disabilities.

This amendment would increase the rescission of funds on line 25 by $720,000, and it would allocate those funds in the Secretary's office to the Office of General Counsel, to the people who handle it in the Aviation Consumer Protection Division. It would be funds that could establish a 1–800 number and would also provide for some funding for staff for that number.

I have consulted with the former general counsel a number of times over this over the years and have contacted the Department. They feel that, although this is a relatively modest amount of money, that given the existing number of complaints and the complaints they feel would warrant further action by the Department of Transportation and by that office, they believe it would be adequate funds to begin to better serve aviation consumers.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. Yes, I yield to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, do I understand the gentleman's amendment is intended to provide funds which the Secretary of the Department of Transportation would be able to use to establish a hotline for consumers to complain of airline delays, cancellations, problems and so forth associated with air travel?

Mr. DEFAZIO. Yes, Mr. Chairman, the gentleman from Kentucky, the able chairman, is absolutely correct.

Mr. ROGERS of Kentucky. Mr. Chairman, in that instance, I have no objection to the amendment.

Mr. DEFAZIO. I thank the gentleman.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I am happy to yield to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, do I understand also that the gentleman from Oregon has offset the cost of his amendment with a rescission that equals the cost of his amendment?

Mr. DEFAZIO. Yes, Mr. Chairman, the gentleman is correct.

Mr. SABO. Mr. Chairman, I think the gentleman has a good amendment.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I just want to clarify. I am sorry, I had a different number on mine. I want to make sure we all agreed on the same amendment. With that, I thank the chairman, and I thank the ranking member.

The CHAIRMAN. The Chair would note the wrong amendment was designated.

The Clerk will report the correct amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

Page 14, strike lines 24 and 25 and insert the following:

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $301,720,000 are rescinded.

The amount otherwise provided in this Act for ''OFFICE OF THE SECRETARY—Salaries and Expenses'' is hereby increased by $720,000.

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Alaska:

Page 14, after line 25, insert the following:

SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM

For necessary expenses to carry our section 41743 of title 49, United States Code, $10,000,000, to remain available until expended.

Mr. YOUNG of Alaska (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. YOUNG of Alaska. Mr. Chairman, my amendment restores funding for the Small Community Air Service Development Pilot Program that was stricken by my point of order.

This program will help small communities that do not have adequate, affordable commercial air service attract new service. Without reliable air service, small communities cannot sustain its economic growth.

The Small Community Air Service Development Pilot program authorized by section 203 of the Aviation Investment Reform Act for the 21st Century, AIR–21, will assist underserved airports obtain jet air service. It will also allow communities to market that service to increase passenger service.

The money provided by this program could also assist a small or midsized community by making money available to subsidize air carriers' operations for up to 3 years if the Secretary of Transportation determines that the community is not receiving sufficient air carrier service.

Mr. Chairman, this program is important to many small communities through our Nation, and I urge the adoption of the amendment.

Mr. Chairman, I also suggest, although I struck the money, I do support the program. This is an attempt to put the money back in without having tapped the sources that it originated.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. Yes, I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I supported this program as a pilot program in AIR–21 last year. In fact, Chairman Shuster and I worked together to fashion the language. I have long supported service to small communities and to initiatives of this kind.

We all know that deregulation has saved billions of dollars for air travelers, but we also know that, in the process, deregulation has cost communities air service.

What we have now is a phenomenon of the community in my district and elsewhere around the country where people are traveling by car as much as 100 miles to get adequate air service.

With the kind of initiative that we anticipated in this provision, this pilot program, we can both prevent communities from becoming essentially air service towns, where the Federal Government is coming in to support air service with direct dollar payments, and help them to advertise, undertake initiatives locally to encourage air travel from lesser-served communities and boost their air service. Such initiatives have worked in communities in my district to more than double air travel in those towns, saving their air service.

I think that this pilot program in the manner in which the chairman has proposed to fund it ought to be approved and will help increase demand in such markets to create adequate service without direct Federal assistance.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman from Minnesota for his comments. I hope to work with the ranking member and of course the gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, to see if we cannot get these monies somehow into this program. It is a good program.

Again, though, I think it should be coming from the general fund and not necessarily from the funds that were set aside for the improvements of these airports.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Kentucky have a point of order?

Mr. ROGERS of Kentucky. Yes.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) is recognized on his point of order.

Mr. ROGERS of Kentucky. Mr. Chairman, we are in an unfortunate situation here. We had monies in the bill, as has been noted, for the small airports, which was stricken on a point of order. Now the amendment would seek to add monies back in, but we have no monies to add back in. The budget authority that we were given does not permit it.

No one is a bigger advocate for smaller airports than I am because that is all I have in my district.

□ 1600

But I am forced to make a point of order against the amendment because it is in violation of 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations fields a suballocation of budget totals for fiscal year 2002 on June 13, 2001. This amendment would provide new budget authority in excess of the subcommittee's suballocation made under section 302(b) and is not permitted under section 302(f) of the Act. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Alaska (Mr. YOUNG) wish to be heard on the point of order?

Mr. YOUNG of Alaska. I do. Mr. Chairman, I agree with the gentleman that one of the most unfortunate things that occurred to the Subcommittee on Transportation is the fact they do not have the money. I do think the budgeteers did a bad thing. Four percent is not enough. I said this all along. So I will continue to try to seek funding of this program as we progress with this bill and other bills to see if we cannot accomplish what we are all seeking.

I have more small airports than any place in the United States and most of my people do not have highways, so I am very supportive of this program, but we also have to make sure it is funded adequately and appropriately and I concede the point of order at this time.

The CHAIRMAN. The gentleman from Alaska concedes the point of order. The point of order is conceded and sustained. The provision is stricken from the bill.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take all of the 5 minutes, but I wanted to bring a point of concern to the attention of my colleagues now that we have both the Chair of our appropriations subcommittee and the Chair of our substantive committee.

Every day, in some of the busiest airports in America, hundreds of aircraft, charter planes, private jets, commercial flights, and even helicopters ferrying oil platform workers, disappear from the radar screens of our air traffic controllers. These flights are not victims of any air disaster, but rather the fact that, for a wide area of airspace over the Gulf of Mexico, we have no effective radar coverage.

In this area, the air traffic controllers at Houston; Miami; and at Merida, Mexico; who share responsibilities for coverage in the Gulf, can neither see these flights nor communicate directly with the pilots who are flying them. For 3 years, the Federal Aviation Administration, the FAA, has worked with airline representatives, pilots, controllers, and other Federal entities, like the Department of Defense, to complete a Gulf of Mexico strategic plan. This plan sets out a detailed recommendation on how to resolve the Gulf of Mexico airspace issues.

I urge the FAA Administrator Jane Garvey to act quickly and approve the solutions laid out by this working group. These solutions are inexpensive and easy to implement and would have a very real impact on the traffic jam in our skies in the Gulf of Mexico.

It will increase safety in our skies and access to Houston's Bush Intercontinental Airport, an important travel hub, especially for the growing markets in Central and South America.

Where previously controllers have had to employ oceanic nonradar separation standards, this enhanced coverage will allow better utilization of empty airspace and more effective management of air traffic. This would reduce delays and save airlines and passengers time and money. I would hope the FAA would move forward with this much-needed project.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $311,837,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That of the funds available under section 104(a)(1)(A) of title 23, United States Code, $9,911,000 shall be available for Federal Motor Carrier Safety Administration (FMCSA) motor carrier safety enforcement at the United States/Mexico border, and $4,000,000 shall be available for FMCSA U.S./Mexico border safety audits.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against the language found at page 15, beginning on line 9 and continuing to line 14 which begins ''That of the funds available under section 104(a)(1)(A) of title 23, United States Code'' and ending on line 14 with the words ''border safety audits.''

The language is unauthorized earmark of $13.911 million of Federal Highway Administration administrative funds for Federal Motor Carrier Safety Administration in violation of clause 2 rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard on the point of order?

Mr. ROGERS. No, Mr. Chairman.

The CHAIRMAN. Does the gentleman concede the point of order?

Mr. ROGERS. We would concede the point of order.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order. The point of order is conceded and sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

LIMITATION ON TRANSPORTATION RESEARCH

Necessary expenses for transportation research of the Federal Highway Administration, not to exceed $447,500,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration: *Provided,* That this limitation shall not apply to any authority received under section 110 of title 23, U.S. Code; *Provided further,* That this limitation shall not apply to any authority previously made available for obligation.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

Mr. ROGERS. Mr. Chairman, on this amendment I reserve a point of order.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. JACKSON-LEE of Texas:

Page 15, line 24, before the period insert the following: '': *Provided further,* That the Secretary shall make available $5,000,000 of the amount made available in this paragraph for the operation of the control center that monitors traffic in Houston, Texas, known as 'Houston TransStar' ''.

The CHAIRMAN. The point of order is reserved on the amendment.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope that my colleagues will see the necessity and importance of waiving the point of order.

This amendment in particular deals with current events that are happening in Houston, Texas. It is an amendment to earmark $5 million in FHWA traffic research funding for the operation of Houston TranStar, a high-tech transportation traffic control and monitoring center operated by local Houston authorities and the State of Texas. The amendment is intended to enhance the ability of the facility to deal with disaster relief efforts being conducted in the wake of flooding caused by Tropical Storm Allison.

Let me say, Mr. Chairman, that it is unusual for a focus to be placed on a high-tech center that deals with transportation in the context of a tropical storm or a disaster. The impact of not funding the expansion of the transportation emergency center, also known as Houston TranStar, would be undermining Houston's transportation system. Mr. Chairman, we cannot afford to eliminate additional multimodal transportation management functions requested by the residents of Houston and to limit the transportation emergency management functions to those now existing at the center in inadequate space.

This is not an old unit, the Houston TranStar center, but it has proven itself to be old in wiseness and usefulness. It was very effective in moderating the congestion in Houston, all over the community, but more importantly, in these last couple of weeks, Houston TranStar, that center, became the anchor, the heart of the strategy to help us recover from Tropical Storm Allison. The governor met there, the FEMA director met there, the mayor met there, the judge of Harris County met there, Members of Congress, all support staff, fire department, police department, the health department, all of those individuals were able to gather and design a strategy to help us begin to pull ourselves up.

The establishment and implementation of a temporary command post was a real element of TranStar's viability. It directed people where not to go because of the flooding in different highways and freeways. The initial action to get pumping gear at the Texas Medical Center, Southwestern Bell's main switching station, and the Civic Center garage all were part of Houston TranStar.

The coordination of shelter identification, operation of the Salvation Army and the American Red Cross occurred there. The coordination of rescue efforts in unincorporated portions of Harris County, with the Harris County Sheriff's liaison and the Harris County Fire Marshall's liaison. The relocation operation of the 911 system in unincorporated portions of Harris County, and the direction, operation and control functions of the Harris County government were pretty much housed at Houston TranStar. The transfer and operation of the Harris County Sheriff's department and the coordination of the Harris County air search and recovery unit.

Two times I lifted off in a helicopter, one a Black Hawk, to be able to survey the area; and it was from the Houston TranStar. Houston TranStar represents a major element of transportation in Houston and the surrounding areas. This is a request for $5 million for a center that has proven not only to assist Houston but also the major surrounding counties as well.

These monies come from the pool of monies that are available for this particular usage, and I would ask that my colleagues consider waiving the point of order for this funding source that is basically very necessary to continue the work that we are already doing in expanding and expediting the recovery that is going on now in Houston, Texas.

Mr. Chairman, I rise to offer an amendment that would provide $5 million in funding for the Houston TranStar program, which has been so instrumental in the response to Tropical Storm Allison.

The impact of not funding the expansion of the transportation and emergency center—also known as Houston TranStar—would be destructive to Houston's transportation system. Mr. Chairman we cannot afford to eliminate additional multi-modal transportation management functions requested by the residents of Houston and to limit the transportation and emergency management functions to those now existing at the center in inadequate space.

As we all know, Tropical Storm Allison has already been dropped an unprecedented record amount of rainfall in Houston causing homes and businesses near bayous, freeways and even the world renowned Texas Medical Center to flood. Citizens from all walks of life: rich, poor, African-American, White, Hispanic, Asian, Baptist, Catholic, Muslim, and especially the vulnerable were all impacted by the Tropical Storm Allison.

Houston TranStar was one of success stories in helping the relief effort to recover from Tropical Storm Allison. Houston TranStar began operating in 1996 as the only such center of its kind in the nation. It has functioned quietly in the background for many years providing safe and efficient transportation management around the clock in the Houston community. However, during the recent tragedy inflicted by the recent flood, Houston TranStar, the Transportation and Emergency Management center for the greater Houston region, played a major role in identifying heavy flooded areas, marshelling resources, communicating with the citizens and assisting other local, state and national agencies addressing the devastation that was Tropical Storm Allison.

Much of the success Houston TranStar has and is enjoying can be attributed to in large part to its unique partnership compromised of the City of Houston, Harris County, the State of Texas and METRO. Together, these agencies have combined their agencies and expertise to provide a greater level of immediate services to the residents in entire Houston area.

The fact that Houston TranStar is a valuable resource has never been more evident to me than in the past few weeks. To see this unique center in action is truly a pleasure. It makes you feel positive that people can and are trying to make a difference in people's lives in a tangible way. For instance, during Tropical Storm Allison and all other weather-related events, Houston TranStar serves as a one-stop shop for all agencies charged with addressing the demands of the region while ensuring a minimal loss of life and or harm to property.

Some of the recent efforts to aid and assist Houston have included the establishment and implementation of temporary command posts by the Houston Fire Department to direct rescue efforts and dispatch evacuation and rescue boats that moved more than 10,000 people, the initiation action to get pumping gear to the Texas Medical, Southwestern's Main Switching Station and the Civic Center Garage, and the coordination of shelter identification and operations with Salvation Army and the American Red Cross.

In addition, Houston TranStar assisted with the coordination of rescue efforts in unincorporated portions of Harris County with the Harris County Sheriff's Liaison and the Harris County Fire Marshall's Liaison, the direction and control functions of Harris County Government were housed at Houston TranStar, the logistical support of representatives from FEMA, the Army Corp of Engineers and all agency partner personnel working extended hours, among other valued efforts.

Despite the valiant efforts by TranStar, Tropical Storm Allison cost the Houston community 23 lives and damage to the residential and commercial structures has been assessed at more than $4.8 billion. The mere fact that Houston TranStar was able to communicate with its citizens, marshal local, state, and national resources and minimize the impact on the region, is a true testament to how effective this unique partnership is for the greater Houston region.

Let us find a way to include the $5 million funding allocation in the bill to maintain these essential funds for the entire Houston. Mr. Chairman, we cannot squander this opportunity to preserve the TranStar program. I urge my colleagues to support the Jackson Lee amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program, therefore, violates clause 2 of rule XXI, which states in pertinent part, ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. I certainly would.

Mr. Chairman, I thank the chairman very much and the ranking member. As I noted, this comes from a large pool of funding of the Federal Highway Administration, some $447 million. My point is that because of the emergency nature of this request, I am asking that the point of order be waived so that this particular unit can carry forth its emergency efforts in helping Houston recover and remain as an emergency center coordinating all forms of government effectively and helping to continue the recovery process in finding resources dealing with heavy equipment, in hosting the Coast Guard and the Army Corps of Engineers.

Mr. Chairman, we researched the question to determine authorization. It is unclear whether such has been authorized. But in any event, I would ask the chairman of the subcommittee to consider the fact of the ongoing work of Houston TranStar, its importance and vitality in bringing the city back to its feet, and also its key involvement to the transportation modules in our community and coordinating transportation in a large metropolitan area.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The amendment proposes to earmark certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the proponent of the amendment.

Finding that this burden has not been carried, the point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $31,716,797,000 for Federal-aid highways and highway safety construction programs for fiscal year 2002.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $30,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

AMENDMENTS OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Chairman, I offer several amendments, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. ROGERS:

On page 16, line 12 of the bill, strike ''Notwithstanding any other provision of law,'';

On page 19, line 16 of the bill, strike ''Notwithstanding any other provision of law,'';

On page 25, line 4 of the bill, strike ''Notwithstanding any other provision of law,'';

On page 55, line 14 of the bill, strike ''Beginning in fiscal year 2002 and thereafter,'';

On page 55, line 18 and all that follows through page 56, line 2.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Without objection, the amendments will be considered en bloc.

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I shall not take the full 5 minutes time.

This is a manager's amendment and accommodates the concerns expressed by the Committee on Transportation and Infrastructure by removing in five cases authorizing language. It has been cleared with the minority as well as the authorizing committee. I believe it is noncontroversial, and I would ask for its adoption.

Mr. SABO. Mr. Chairman, I support the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Kentucky.

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STATE INFRASTRUCTURE BANKS

(RESCISSION)

Of the funds made available for State Infrastructure Banks in Public Law 104–205, $6,000,000 are rescinded.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $92,307,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106, and 31309, $205,896,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $205,896,000 for ''Motor Carrier Safety Grants'', and ''Information Systems''.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $122,420,000, of which $90,430,000 shall remain available until September 30, 2004: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2002, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411, to remain available until expended, $223,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2002, are in excess of $223,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411, of which $160,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $15,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $38,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, and $10,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $8,000,000 of the funds made available for section 402, not to exceed $750,000 of the funds made available for section 405, not to exceed $1,900,000 of the funds made available for section 410, and not to exceed $500,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $110,461,000, of which $6,159,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $27,375,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using federal funds for the credit risk premium during fiscal year 2002.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $25,100,000, to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $521,476,000, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $13,400,000: *Provided*, That no more than $67,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That not to exceed $2,600,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $718,400,000, to remain available until expended: *Provided*, That no more than $3,592,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this heading, $5,000,000 shall be available for grants for the costs of planning, delivery, and temporary use of transit vehicles for special transportation needs and construction of temporary transportation facilities for the XIX Winter Olympiad and the VIII Paralympiad for the Disabled, to be held in Salt Lake City, Utah: *Provided further*, That in allocating the funds designated in the preceding proviso, the Secretary shall make grants only to the Utah Department of Transportation, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act, as amended: *Provided further*, That notwithstanding section 3008 of Public Law 105–178, the $50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

□ 1615

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against the language found at page 23, beginning on line 20 and continuing to page 24, line 2, which begins ''Providing further, that notwithstanding section 3008 of Public Law 105–78'' and ending on page 25, line 2, with ''capital investment grants.''

This language violates the guarantees of TEA–21 to provide funds for the Clean Fuels Bus formula grant program to the other discretionary grant program. This language supersedes existing law and clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard on the point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, the point of order is conceded.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order. The point of order is conceded and sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $23,000,000, to remain available until expended: *Provided*, That no more than $116,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $55,422,400 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $11,577,600 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,397,800,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,873,600,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $93,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $53,600,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $100,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $2,272,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $568,200,000, to

remain available until expended: *Provided*, That no more than $2,841,000,000 of budget authority shall be available for these purposes: *Provided further*, That none of the funds provided under this heading shall be available for section 3015(b) of Public Law 105–178; *Provided further*, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $1,136,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $568,200,000 together with $50,000,000 transferred from ''Federal Transit Administration, Formula grants''; and there shall be available for new fixed guideway systems $1,136,400,000, together with $8,128,338 of the funds made available under ''Federal Transit Administration, Discretionary grants'' in Public law 105–66, and $22,023,391 of the funds made available under ''Federal Transit Administration, Capital investment grants'' in Public Law 105–277; to be available as follows:

$10,296,000 for Alaska or Hawaii ferry projects;

$25,000,000 for the Atlanta, Georgia, North line extension project;

$10,867,000 for the Baltimore, Maryland, central light rail transit double track project;

$11,203,169 for the Boston, Massachusetts, South Boston Piers transitway project;

$5,000,000 for the Charlotte, North Carolina, south corridor transitway project;

$35,000,000 for the Chicago, Illinois, Douglas branch reconstruction project;

$23,000,000 for the Chicago, Illinois, Metra North central corridor commuter rail project;

$19,118,735 for the Chicago, Illinois, Metra South West corridor commuter rail project;

$20,000,000 for the Chicago, Illinois, Metra Union Pacific West line extension project;

$2,000,000 for the Chicago, Illinois, Ravenswood reconstruction project;

$5,000,000 for the Cleveland, Ohio, Euclid corridor transportation project;

$70,000,000 for the Dallas, Texas, North central light rail transit extension project;

$60,000,000 for the Denver, Colorado, Southeast corridor light rail transit project;

$192,492 for the Denver, Colorado, Southwest light rail transit project;

$25,000,000 for the Dulles corridor, Virginia, bus rapid transit project;

$30,000,000 for the Fort Lauderdale, Florida, Tri-Rail commuter rail upgrades project;

$3,000,000 for the Johnson County, Kansas-Kansas City, Missouri, I–35 commuter rail project;

$60,000,000 for the Largo, Maryland, metrorail extension project;

$1,800,000 for the Little Rock, Arkansas, river rail project;

$10,000,000 for the Long Island Rail Road, New York, East Side access project;

$49,686,469 for the Los Angeles North Hollywood, California, extension project;

$5,500,000 for the Los Angeles, California, East Side corridor light rail transit project;

$3,000,000 for the Lowell, Massachusetts-Nashua, New Hampshire commuter rail extension project;

$12,000,000 for the Maryland (MARC) commuter rail improvements project;

$19,170,000 for the Memphis, Tennessee, Medical center rail extension project;

$5,000,000 for the Miami, Florida, South Miami-Dade busway extension project;

$10,000,000 for the Minneapolis-Rice, Minnesota, Northstar corridor commuter rail project;

$50,000,000 for the Minneapolis-St. Paul, Minnesota, Hiawatha corridor project;

$4,000,000 for the Nashville, Tennessee, East corridor commuter rail project;

$20,000,000 for the Newark-Elizabeth, New Jersey, rail link project;

$4,000,000 for the New Britain-Hartford, Connecticut, busway project;

$141,000,000 for the New Jersey Hudson Bergen light rail transit project;

$13,800,000 for the New Orleans, Louisiana, Canal Street car line project;

$3,100,000 for the New Orleans, Louisiana, Desire corridor streetcar project;

$13,000,000 for the Oceanside-Escondido, California, light rail extension project;

$16,000,000 for the Phoenix, Arizona, Central Phoenix/East valley corridor project;

$6,000,000 for the Pittsburgh, Pennsylvania, North Shore connector light rail transit project;

$20,000,000 for the Pittsburgh, Pennsylvania, stage II light rail, transit reconstruction project;

$70,000,000 for the Portland, Oregon, Interstate MAX light rail transit extension project;

$5,600,000 for the Puget Sound, Washington, RTA Sounder commuter rail project;

$14,000,000 for the Raleigh, North Carolina, Triangle transit project;

$328,810 for the Sacramento, California, light rail transit extension project;

$15,000,000 for the Salt Lake City, Utah, CBD to University light rail transit project;

$718,006 for the Salt Lake City, Utah, South light rail transit project;

$65,000,000 for the San Diego Mission Valley East, California, light rail transit extension project;

$2,000,000 for the San Diego, California, Mid Coast corridor project;

$80,605,331 for the San Francisco, California, BART extension to the airport project;

$113,336 for the San Jose Tasman West, California, transit light rail project;

$40,000,000 for the San Juan, Puerto Rico, Tren Urbano project;

$31,088,422 for the St. Louis, Missouri, MetroLink St. Clair extension project;

$8,000,000 for the Stamford, Connecticut, urban transitway project; and

$1,000,000 for the Washington County, Oregon, Wilsonville to Beaverton commuter rail project.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against the language found on page 26, beginning on line 9 and continuing to line 10 which states ''That notwithstanding any other provision of law'' and also against the language found on page 26, beginning on line 15 and continuing to line 16 which states ''together with $50 million transferred from ''Federal Transit Administration, Formula grants''; this clause ''notwithstanding any other provision of law'' explicitly supersedes existing law and clearly constitutes legislation on appropriations bill in violation of clause 2 of rule XXI of the rules of the House of Representatives.

This language on lines 15 and 16 transferring $50 million provided by TEA–21 for Clean Fuels Bus formula grants program to the transit bus discretionary capitol investment grant program affects the total transit program outlays for fiscal year 2002, which violates section 8101 of Public Law 105–178 and supersedes existing law.

This language clearly constitutes legislation on an appropriations bill in violation of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard on the point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order. The point of order is conceded and sustained. The provisions are stricken from the bill.

The Clerk will read.

The Clerk read as follows:

JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(1)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $25,000,000, to remain available until expended: *Provided*, That no more than $125,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to $250,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the job access and reverse commute grants program.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against the language found on page 31, beginning on line 9 and continuing to line 10 which begins ''Notwithstanding section 3037(1)(3) of Public Law 105–178, as amended.''

This language waives the statutory distribution of funds specified in TEA–21 for the Job Access and Reverse Commute Grants program and explicitly supersedes existing law. This language clearly constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard on the point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order. The point of order is conceded and sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $13,426,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $36,487,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $2,170,000 shall remain available until September 30, 2004: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $48,475,000, of which $7,472,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2004; and of which $41,003,000 shall be derived from the Pipeline Safety Fund, of which $20,707,000 shall remain available until September 30, 2004.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2004: *Provided*, That not more than $14,300,000 shall be made available for obligation in fiscal year 2002 from amounts made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $50,614,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $18,563,000: *Provided*, That notwithstanding any other provision of law, not to exceed $950,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2002, to result in a final appropriation from the general fund estimated at no more than $17,613,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,046,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $66,400,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2002 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 304. None of the funds in this Act shall be available for salaries and expenses of more than 105 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 305. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 306. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 307. The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

SEC. 308. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 309. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 38, line 22, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

Mr. YOUNG of Alaska. Mr. Chairman, I have a point of order on page 38, line 23.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 310. (a) For fiscal year 2002, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program for amounts provided under section 110 of title 23, United States Code, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such

fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highways and highway safety construction programs for future fiscal years.

(g) Notwithstanding Public Law 105–178, as amended, of the funds authorized under section 110 of title 23, United States Code, (other than the funds authorized for the motor carrier safety grant program) for fiscal year 2002, $56,300,000 shall be to carry out a program for state and Federal border infrastructure construction.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against all of section 310 beginning on page 38, line 23, and ending on page 44, line 2.

This language explicitly directs the Secretary of the Department of Transportation to alter the TEA–21 distribution of funds contrary to existing law. It directs the redistribution of $56.3 million of Federal Highway Revenue Aligned Budget Authority (RABA) to carry out a program for State and Federal border infrastructure construction. This is a clear violation of clause 2 of rule XXI of the Rules of the House of Representatives.

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard on the point of order?

Mr. ROGERS of Kentucky. The point of order is conceded.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order. The point of order is conceded and sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 314. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2004, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 315. Notwithstanding any other provision of law, any funds appropriated before October 1, 2001, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 316. None of the funds in this Act may be used to compensate in excess of 335 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2002.

SEC. 317. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 318. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 319. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 320. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content

associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 321. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of a State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 322. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 50, line 21, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. ANDREWS. Mr. Chairman, reserving the right to object, I have an amendment that comes in at page 52 and I wonder what effect that will have on the gentleman's request. I do not intend to object other than to preserve the right to offer my amendment.

The CHAIRMAN. The Chair understands the request is to advance the reading to page 50 line 21.

Mr. ANDREWS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I have a point of order beginning on line 22.

The CHAIRMAN. Before the Clerk reads into that section, are there any amendments to the portion of the bill now open?

The Clerk will read.

The Clerk read as follows:

SEC. 323. Notwithstanding any other provision of law, of the $23,896,000 provided under 23 U.S.C. 110 for the motor carrier safety grants program, the Secretary of Transportation may reserve up to $18,000,000 for grants to the States of Arizona, California, New Mexico, and Texas, to hire State motor carrier safety inspectors at the United States/Mexico border: *Provided*, That, such funding is only available to the extent the States submit requests for such funding to the Secretary and the Secretary evaluates such requests based on established criteria: *Provided further*, That, on March 31, 2002, the Secretary shall distribute to the States any undistributed amounts in excess of ½ of the amount originally reserved, consistent with section 110 of title 23, U.S.C., for the motor carrier safety grants program: *Provided further*, That on July 1, 2002, the Secretary shall distribute to the States any remaining undistributed amounts consistent with section 110 of title 23, U.S.C., for the motor carrier safety grants program.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against all of section 323 beginning on page 50, line 22, and ending on page 51, line 15.

This language authorizes the Secretary of Transportation to reserve up to $18 million of Federal Motor Carrier Safety Administration, RABA, for four States, Arizona, California, New Mexico and Texas, for the purpose of hiring State motor carrier safety inspectors at the U.S.-Mexican border. This explicitly waives existing law in violation of clause 2 of rule XXI of the Rules of the House of Representatives.

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard on the point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, the point is conceded.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order. The point of order is conceded and sustained. The provision is stricken from the bill. Section 323 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 324. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2002.

SEC. 325. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 326. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $785,000, to remain available until September 30, 2003: *Provided*, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: *Provided further*, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

AMENDMENT NO. 1 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ANDREWS:

In section 326 (relating to Amtrak Reform Council), after the dollar amount, insert the following: ''(reduced by $335,000)''.

Mr. ANDREWS. Mr. Chairman, the purpose of this amendment is twofold. It is to strongly support the continued operation of Amtrak as a national passenger railroad system, and it is to save the taxpayers of our country $335,000.

This amendment strikes the amount of $335,000 from the amount appropriated for the operations of the so-called Amtrak Reform Council. I believe there are two good arguments for this. The first is that the remaining fund for the Amtrak Reform Council, which is $450,000, are more than sufficient for the council to carry on its work. When the council was first created in 1997, it was projected by the Congressional Budget Office that its annual cost of operation would be approximately $500,000. This amendment would bring the cost of operating the council back to that general level.

The second reason for this is that the Amtrak Reform Council, in my judgment, has been less about reform and more about criticism of Amtrak. The place where Amtrak's future should be decided, with all due respect, is in the authorizing committee and on the floor

of this House and we can have a good debate about the future of the railroad. I do not believe that ceding our judgment to an unelected body of people, many of whom have expressed strong prejudices against the operation of Amtrak, is a wise course.

Mr. Chairman, in each of the last two Congresses, the House has approved a similar amendment, by a roll call vote in 1999 and by voice in the year 2000. I believe this is a reasonable balance. It permits the work of the Amtrak Reform Council to go on, despite the fact that many of us disagree with that work, while at the same time requiring the council to rely on the good offices already existing in the Department of Transportation, not expanding spending to outside consultants and other expenditures, which I believe the taxpayers should not be burdened with.

The amount of the cut is $335,000. I would point out that I believe this is an amendment which supports Amtrak. In turn it is supported by the transportation trades department of the AFL-CIO speaking for the men and women who are Amtrak employees.

Mr. Chairman, I would urge the adoption of the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, we accept this amendment. It would reduce funding for the Amtrak Reform Council by $335,000. This action would be consistent with the levels of funding provided by the House for the Amtrak Reform Council for the past 2 years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 327. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 328. Section 232 of H.R. 3425 of the 106th Congress, as enacted by section 1000(a)(5) of the Consolidated Appropriations Act, 2000 is repealed.

SEC. 329. None of the funds in this Act shall be available for planning, design, or construction of a light rail system in Houston, Texas.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas.

Page 53, lines 15 through 17, strike section 329.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am an eternal optimist. I believe that transportation is such a vital part of the quality of life of Americans and Houstonians and Texans, that I offer this amendment and hope my colleagues can work collaboratively with me to ultimately strike the language that removes the opportunity for planning and design and construction of light rail in Houston, Texas.

I say that because I was on the floor just previously talking about Houston TranStar which is a collaboration between city and local officials helping us move and moderate our traffic. Every major city, Houston now being known as the third largest city in the Nation, has traffic congestion. Polling in Houston suggests that not only the city of Houston, but small cities surrounding Houston are favorable toward this whole idea of light rail.

Mr. Chairman, I am hoping that I will be able to work with my colleagues, including the gentleman from Texas (Mr. DELAY), in his interest in the Houston TranStar, I hope we will be able to work together on securing that authorization and funding for TranStar.

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At the same time, I am hoping that we can strike this language or work collaboratively so that the City of Houston can fulfill the commitment it has made to its citizens and the citizens can have the commitment made to them by the City of Houston and the county judge and the metropolitan transit authority to have light rail in our community.

Conventional wisdom also suggests that the light rail project would be immensely useful to complement the Main Street connectivity which continues to enrich the lives of countless Houstonians. Another traffic center is the Texas Medical Center, one of the largest employers in our region. We have also heard of the devastation facing the Texas Medical Center. One of the contributing factors as they recover and also as they continue to grow is the ability to move those medical professionals, nurses, technicians, and doctors into one of the most important medical centers in our country. They need light rail.

I believe that we can do this together. Working with the administration of President George Bush; working with both Houses, the Senate and the House; working with our appropriations committee; and authorization committee. Never have we seen in the history of Houston the convergence of so many supporters, business community, local and regional communities, local cities that surround Houston, Houston and Harris County, all the local officials in large part. I cannot imagine why light rail is not in the destiny of Houston, Texas. Our sister city has it. What we are asking for as we go and do focus groups is the ability to be able to secure from our citizens the design of light rail. All have been eager to participate. In fact, in my 18th Congressional District they have said, ''When will it come into my neighborhood?''

I believe that there are good will people and there are people who will work with us, including members of my own delegation who will find that light rail will be able to answer many questions prospectively, today and in the future.

I would ask that my colleagues support this amendment. If we cannot have this amendment moved to a vote, I would certainly like to strike a collaborative chord with the members of the appropriations committee and the authorization committee so that we can work together to have light rail in the city of Houston.

Mr. Chairman, I rise to offer an amendment that ensures that light rail remains at least eligible from Federal funding for the City of Houston. Unfortunately, an unnecessary and destructive rider has been inserted within H.R. 2299, the transportation appropriation bill. We must strike that language in the appropriations measure in the interest of fundamental fairness, Mr. Chairman.

Last year, I joined my colleagues on the House floor to protest the lack of funding for the critical light rail project that is so important for Houston. I do not see why we should deprive the City of Houston of the light rail system. This is something that the Mayor of the City of Houston, the County Judge, the Metropolitan Transit Authority in Houston, residents and countless other interested have expressed a strong desire to see come to fruition. We need federal funding for light rail in the 18th Congressional District of Texas as we revitalize the transportation system for the 21st century.

Conventional wisdom also suggests that the light rail project would be an immensely useful compliment to the Main Street Connectivity, which continues to enrich the lives of countless Houstonians.

I have been supportive of light rail project for some years. From the outset of the planning stages of the project, it became clear to me that commuters in Houston needed to expand their options in making their days more efficient and enjoyable. The light rail project offered a formidable transportation solution that Houstonians had long awaited. It is my firm belief that light rail will significantly touch all parts of our community.

Earlier in March of this year, I was delighted to announce that a 7.5 mile METRORail line in Houston. Many individuals worked hard to make that happen. We must face the fact that the light rail project is of urgent need. Light rail will help alleviate Houston's traffic congestion problem and, among other things, significantly reduce the number of motorists that presently pollute the air with exhaust.

Like all Houstonians, I believe that nothing is more important than mobility for the region's future. For these reasons, I am part of our federal team dedicated to increasing funding for our infrastructure needs in the Houston area. Mr. Chairman, we all have the common goal

of making transportation more easily accessible in the Houston area. The goal of accessibility and faster modes of transportation will inevitably lead to an improved environment and a better quality of life for all Houstonians. We can do so much together when we make a commitment to work together.

Lastly, let me say that I recognize that I will continue to work with the Administration and Congress to bring Federal assistance to the light rail project in Houston. I look forward to working with METRO and city officials to match ingenuity being shown by other transportation mechanisms utilized by other major metropolitan cities. With a continued collective effort from local, regional, and Federal resources, I believe the light rail system will help transform Houston's transportation system into one of the premier systems in America.

I know that Congress needs to move forward on this bill, and we cannot debate local issues. But I hope the Congress realizes that this is not a local issue. This is a question of equality and parity when all of the other areas of the nation are able to get dollars for light rail. I think, if a community wants light rail and meets the requirement, then this Congress should give them consideration. The 18th Congressional District of Texas deserves fair treatment regarding these matters.

I urge my colleagues to support my amendment to strike the language prohibiting funding for the light rail program in Houston.

Mr. BENTSEN. Mr. Chairman, I rise in support of the gentlewoman's amendment.

This prohibition affects a rail project in the city of Houston, a large portion of which is in the gentlewoman's district and the other portion which runs into my district. It is one of the main traffic arteries in the city of Houston. The gentlewoman mentioned the Texas Medical Center, which is the largest medical center in the world, which is located in my district, which has approximately 60 to 70,000 people moving in and out of a very concentrated area every day of the week. This is an important project.

The gentlewoman also mentioned that this project enjoys the support of the locally elected political establishment of Houston and Harris County. The Houston Metro board is a metropolitan organization made up of appointees by the elected leadership. So it does have an indirect connection to the voters in that the directly elected officials appoint the members of this board and those members are approved by the elected members of the county commissioners court and the elected members of the Houston city council.

Finally, I would say there are some who have said that this should not go forward because there has been no direct election by the people. But the county attorney of Harris County and the attorney general of the State of Texas have ruled that there is no statute in Texas law that would grant the right for such an election. So that is sort of the basis of this. And where we stand now is because of this specific prohibition affecting the City of Houston, the City of Houston is the only metropolitan area, the only municipal area in the United States of which I am aware where the United States Congress has specifically banned the use of Federal funds for rail.

It comes down not to a question of whether you support rail or not, it comes down to a question of equity and whether or not we are going to allow locally elected officials to make the decisions or whether we are going to allow Washington to make the decisions. Unfortunately this provision in the bill has Washington telling the locally elected officials, both Republicans and Democrats and independents and nonpartisan candidates, that they cannot make the decision.

I hope that the House will adopt the gentlewoman's amendment and allow the elected officials, the locally elected officials of the City of Houston, of Harris County, to decide what they want to do with their share of the Federal funding just in the same way that locally elected officials throughout the United States are allowed to do so under this very bill without this prohibition that only affects one jurisdiction in the United States.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in opposition to the amendment. As a representative from the city of Houston and as a former member of the Texas House of Representatives, I can say that Texas law already provides for a mechanism for the voters to have their voice heard. If the metropolitan transit authority in Houston chooses to issue debt, there is a requirement that they have an election. Having just gone through a very extensive election campaign in Houston, I can tell Members firsthand the voters of Houston want an opportunity to speak on this issue; and I know we would all welcome a chance to debate it in the public arena in Houston.

The voters of Houston have the right to have their voices heard particularly because of the extraordinary cost of any rail proposal. The numbers that we have seen indicate that it could cost up to $300 million plus to build a rail system in Houston. I can tell Members that the highest transportation priority in Harris County in the opinion of the entire legislative delegation to Austin, I know with the support of many of my colleagues here, is the expansion of the Katy Freeway. The Katy Freeway still needs another $500 million to complete its expansion. That $300 million minimum that is proposed to finish out the cost to build a rail system in Houston would virtually finish the Katy Freeway project. $300 million would build 50 miles of freeway.

We in the city of Houston have a very different type of geography. The way the city has grown is different from other cities. Our city was laid out on a salt grass prairie and those wide open spaces have enabled us to grow very rapidly in many directions. Seventy-six percent of the jobs in our city are outside Loop 610, and the city of Houston is just simply not well situated for a rail plan.

All of these factors together, the fact that the rail plan would absorb so many transportation dollars, move so few riders, have to be subsidized so heavily, and the fact that State law already provides a mechanism for a vote lead me to the conclusion that it is entirely proper, in fact essential, that there be a vote in Houston before money is spent on rail.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CULBERSON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding. I appreciate his recounting the needs in the Houston and surrounding areas. I support the gentleman in helping to improve the Katy Freeway, I–10 West, which goes through a number of our districts, including mine. I think it is important; and, as I note, there is money in the bill for the Katy Freeway. I think it is only fair. It is important to note that Metro has committed to an election. They are now in the process of doing focus groups, if you will, and preparing that when there is a design ready for the next extension thereof or putting in the rail, that they would be more than happy to put that plan forward. The gentleman may well know that the county attorney ruled that they could not ask for a vote on this particular seven-mile run because it was not funded by Metro.

Mr. CULBERSON. If I could reclaim my time and in response say that the Metro has indicated they are willing to have an election, but we have not seen the election occur yet. Metro moved forward very rapidly to build this rail plan from downtown Houston out to the Astrodome without asking for voter approval. They could have asked for voter approval, a simple referendum had they chosen to but did not. There are also other mechanisms to allow for a vote and they chose not to do so.

The cost of the rail plan coupled with the immense amount of subsidy that is going to be required, when you compare the cost of rail systems in other cities, the cost per rider to taxpayers is about $3,000 a year, the subsidized cost per taxpayer in Los Angeles for each rider is about 9,000 tax dollars a year and in Dallas about $4,000. The geography, the growth patterns, the work patterns in the city of Houston are such that I am not sure that we could support it. In fact every town hall meeting I have held and where I have asked questions on this issue to my constituents, the overwhelming response of my constituents is that almost all of them need their cars in order to get to work.

Because of the unique nature of our city, because of where the job centers, the economic centers of Houston are spread out around the metropolitan area, the bottom line is there must be

an election and I strongly support the gentleman from Texas (Mr. DELAY) in his call for an election before any transportation dollars are spent on the construction of a rail system in Houston. I urge Members to vote against the amendment so that there can be a vote in the city of Houston.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose this amendment because the Houston Metro bureaucracy still has not resolved a primary shortcoming. They have not assembled the facts and they have not placed those facts before our community in Houston. Without the facts, how can Houstonians make an informed decision about light rail? The answer is they cannot, and I am not going to tolerate an end run around accountability.

Without a referendum on rail, Houstonians would be blindly committing billions of dollars to a vast project with an unknown price tag, unproven performance, and an undetermined impact on our most pressing problem in the Houston-Galveston area, and that is mobility. The decision to make a multi-billion-dollar transportation commitment cannot be made without the consent of the whole community. That is why I took action last year to suspend the diversion of Federal funds approved for transportation improvements from being used to fund light rail. And it is why I am asking my colleagues to continue supporting this restriction.

My constituents expect me to safeguard their tax dollars, not flit them away on an unproven concept. A light rail system is far from the most effective way for Houston to reduce congestion. In fact, Houston Metro has even admitted that the Main Street line does nothing to reduce congestion and is not even a transportation project. They themselves call it an economic development project.

The decision to build a light rail system would affect everyone in Houston. Supporters must document the ability of a rail system to reduce congestion and increase mobility. And they must take that case to the citizens of Houston to earn their support for a citywide light rail system. The people of Houston and the Houston metroplex deserve to be heard on this question and a referendum gives them that voice. But the community cannot make an informed choice without all the facts and Houston Metro is not giving them the information that they need.

The method used to build the Main Street line gives every appearance of an attempt to evade accountability. Metro is moving forward with a piecemeal construction plan much like they did in Dallas, Texas, and they are moving that piecemeal construction plan without explaining light rail's broader mobility impact on the region.

I trust the people of Houston. They can make the right choice if they have all the facts. Metro needs to prepare a comprehensive mobility plan that takes all of our needs into account. It should document all the challenges that contribute to congestion in the Houston region. It should describe all the different options to reduce congestion. And it should measure and compare the effectiveness of those options. Only then will people be able to make an informed decision about light rail.

An additional problem with the Main Street line is that it simply is not a mobility project. The Main Street line is an economic development project. We have a mobility crisis in Houston. We must spend the available transportation dollars on measures that actually target and reduce congestion.

□ 1645

In the last 2 years running, we have added over 500,000 new trips to our transportation system; and yet we are only able to come up with enough money, about $300 million, to add more capacity to our mobility plan. And guess what this little 7-mile economic development plan costs? $300 million. We could do a lot more for that $300 million in improving the mobility of Houston.

So contrary to what some people may think, the pool of Federal transportation dollars is not infinite. Spending billions on light rail will severely restrict the funds for highway improvements and other mobility improvements. Houston cannot afford to gamble on an unproven light rail system. So I ask Members to oppose this amendment and demand accountability in transportation spending.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment strikes a prohibition in this bill that was also carried in last year's bill, which prohibits the planning, design and construction of light rail in Houston. This prohibition is necessary as proponents of light rail in Houston seek to alter an existing full funding grant agreement for a bus program. Congress has fully funded that $500 million grant agreement.

The last Federal payment was made this year. However, implementation of the work is still going on. Some in Houston would like to forego elements of the approved Houston regional bus plan, which are explicit components of the existing full funding grant agreement and instead replace these elements will light rail. The sponsors would defer the planned bus elements into the future. The committee cannot support the impact of this amendment. Under current law, funds provided for the existing full funding grant agreement are only for those regional bus plans outlined in the existing agreement. The Committee on Appropriations, authorizing committees, and the Department of Transportation all must approve an amendment of this nature.

As we have heard here today, there is dissension among the community about this project. Members within the Houston delegation are on both sides of the issue, some supporting light rail, others opposing it in favor of buses. So until agreement can be reached, Mr. Chairman, at least locally, and some semblance of consensus occurs locally, it is premature to shift this funding, away from a completed full funding grant agreement; it is too early for that to take place.

Houston has a state-of-the-art transit program, largely bus-driven. The light rail project is just one component of this larger transit program. Keeping this provision in place in our bill will not adversely impact the overall transportation system in Houston, particularly as the community has local funds that it could use to build this light rail project.

Mr. Chairman, I strongly oppose this amendment.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member, the gentleman from Minnesota (Mr. SABO), for yielding.

Mr. Chairman, I appreciate the collegiate spirit on which we are debating this issue on the floor. For me, however, this is an intense issue that impacts an inner-city district.

It is interesting, as I look through the funding and I see Chicago, Illinois, and Cleveland, Ohio; Dallas, Texas; Denver, Colorado; the Dulles Corridor; Fort Lauderdale; Largo, Maryland; Little Rock, Arkansas; Long Island Railroad, New York; Los Angeles; Maryland; New Britain, Hartford, Connecticut; New Jersey; New Orleans; Phoenix, Arizona; Pittsburgh, Pennsylvania; Portland, Oregon; Puget Sound, Washington; Raleigh, North Carolina, and others that are engaged in securing transit dollars and in particular many of them light rail projects.

Can I say, what is wrong with Houston, Texas?

I appreciate the opposition, but I am certainly disturbed that I can rise to the floor of the House and support the expansion which is in this bill, and time after time after time I cannot get colleagues that would join us in recognizing the importance of light rail. I give credit where credit is due, and I appreciate that we have been able to work together in a bipartisan way. This is not personal, but it certainly begs the question about some of the representations that have been made.

First of all, Metro is seeking out the input of the community. They have a number of mayors surrounding the area that want light rail and have expressed it verbally and have expressed it openly and publicly. This is the first time that we have a county judge, a Republican, and the Mayor of the City of Houston joined together around light rail. We are seeking to earn the support of Houstonians. We would not do to overlook their input.

The only reason that we did not have an election is because the county attorney, a Republican, said that we could not have an election because we were not offering funding from Metro in the 7-mile experimental light rail system that is in place now.

The reason why we are using other funds is because it was suggested to us to use economic development funds. I can only say that I started out by saying I am an eternal optimist, but the Texas Southern University, University of Houston, downtown Houston and out into the suburbs have all come together suggesting that light rail is a people-mover and an effective transit vehicle.

Why are we standing here in the 21st century and having Houston denied? This is a viable amendment. I believe the delegation can sit down and have the issues resolved. Metro has been given the facts. They are seeking input from others. They are planning a comprehensive plan, and I do not know why an inner city has to be ignored and prevented from having the light rail system when all of us can come together on all kinds of large highways and byways and Members from the inner city can support it; but yet an inner-city district, economically in need, cannot have the light rail system that would then generate to all parts of our community, including the suburbs. For the first time, we have friends in the suburbs. We have friends in the inner city and surrounding areas all saying that they want light rail.

I am distressed that we on the floor, this Congress, would deny Houston, Texas, the fourth largest city in the Nation, along with this long litany of other cities, the opportunity to design and construct its plan with the input of the larger body of citizens in our area. We have tried over and over again. I am going to come back here, if I am reelected, every single year and beg this House for light rail because I am appalled that Houston, Texas, would be isolated and segregated as opposed to all the rest of the people that are getting light rail.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

Mr. MICA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be brief. I rise to engage the chairman of the committee in a colloquy regarding the Florida high speed rail project.

Mr. Chairman, last November 7, the voters of Florida passed a State referendum requiring the construction of a statewide high speed rail system, and that provision is now a part of our State constitution. Unfortunately, the legislature did not pass the enabling legislation in time for the subcommittee's funding deadline, which was April 6. In fact, the Florida Senate passed the High Speed Rail Authority Act on May 2 and the Florida house on May 3. Our Florida Governor signed this measure into law just a few weeks ago, on June 1.

The State of Florida has now taken action to authorize and commit $4.5 million in State funds for high speed rail, and we respectfully ask the subcommittee's support and assistance and consideration in the future.

Mr. Chairman, I hope that the gentleman from Kentucky (Mr. ROGERS) will be able to work with my colleagues in the Florida delegation and help us identify and secure funding for this project, which also has been authorized under one of the high speed rail corridors.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, let me thank the gentleman from Florida (Mr. MICA) for offering his comment. We would be pleased to work with the gentleman as this transportation bill moves through the appropriations process, especially as the gentleman is the chairman of a very important subcommittee over there on the Committee on Transportation and Infrastructure.

Mr. MICA. Mr. Chairman, I prepared an amendment to earmark funds for fiscal year 2002 funds for the Florida project, but I will not offer that amendment today. I want to thank the chairman for his intention to work with us on this project. It is most important to the people of Florida.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. EMERSON) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

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

Mr. YOUNG of Florida. Madam Speaker, I wanted to announce to the membership that it is my intention to file the fiscal year 2002 energy and water development appropriations bill this afternoon, which we will do following this colloquy; that the Committee on Rules has agreed to meet this afternoon at 5:00 to receive testimony to grant a rule on that bill. The House would then consider the energy and water appropriations bill sometime midday tomorrow; and I say midday because in the morning two subcommittees of the Committee on Appropriations will mark up their bills. It will be midday before we could get to the energy and water bill.

With respect to the agriculture bill, it is my intention not to file the fiscal year 2002 agriculture, rural development, Food and Drug Administration and related agencies appropriation bill until the apples issue is resolved. If an agreement can be reached on apples, I would expect to file the agriculture appropriations bill tomorrow.

The Committee on Rules would then meet tomorrow evening to report the rule, and the House could work into the evening on Thursday night, hoping to complete that bill before adjourning for the July 4 recess.

I share the Members' desire to finish the agriculture bill by midnight Thursday or earlier if possible. In order for us to meet this ambitious schedule, it will require the cooperation of all of our colleagues in the House, and, of course, the cooperation of the Committee on Rules, which is always cooperative.

In order for the House to complete action on the agriculture bill, I would expect that the gentleman from Wisconsin and his leadership would be prepared to enter into time agreements, as we have on previous appropriations bills, and limitations on amendments to be offered on the agriculture appropriations bill. Since we all would like to get home to our districts for the 4th of July holiday, we desire not to have a hard drive into the wee hours of the morning Friday to finish the work. Rather, if necessary, we could complete the work on the agriculture bill when we return in July.

Mr. OBEY. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I thank the gentleman from Florida (Mr. YOUNG) for his statement.

Madam Speaker, essentially for the benefit of the Members, what that means is that we would expect tomorrow after the committee is finished with its work in committee to finish action on the energy and water bill, which is being filed right now, and which will be in the Committee on Rules very shortly. On Thursday, if the agriculture bill is brought to the floor, we will work out time agreements and try to get as much done as possible, hope to finish. If we do not, it can be finished whenever the leadership decides it ought to be dealt with, and that would mean that Members would have notice that we would not be in session on Friday. Is that right?

Mr. YOUNG of Florida. The gentleman is correct. It is our intention if, in fact, we are able to take up the agriculture appropriations bill that we will do the best we can to complete it Thursday night; but we will not go into, as has been referred to so many times, the dark of night to try to finish it. We would try to finish it at an early time. We will not go into 2:00 or 3:00 or 4:00 in the morning.

The gentleman is correct, the majority leader has agreed that there would be no session on Friday; that we could complete the agriculture bill, if necessary, when we return.

□ 1700

Mr. OBEY. If the gentleman will yield further, it is also my understanding, frankly, that there will be not all that extended a discussion tomorrow on the energy and water bill. I think it is relatively uncontroversial. So I understand the majority party has an event tomorrow evening, and it would certainly be our understanding we would be finished well in time for that to occur.

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, the gentleman is correct. We do not anticipate a lengthy debate on the energy and water bill, which the gentleman from Alabama (Mr. CALLAHAN) will file here very shortly. In the full committee it was handled expeditiously, and I believe the same thing would happen on the floor tomorrow. But, understand, the Committee on Appropriations has two markups in the morning, so we cannot get to that bill on the floor until those two markups are completed.

Mr. OBEY. Madam Speaker, if the gentleman will yield further, I thank the gentleman. I think that the Members will appreciate the information.

REPORT ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. CALLAHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–112) on the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 178 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2299.

□ 1702

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment to page 53 line 12, through page 53 line 17.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word to engage the chairman of the Committee on Appropriations Subcommittee on Transportation in a colloquy.

Mr. Chairman, I note that the subcommittee's recommendation for the New Starts program does not include any funding for the Second Avenue Subway in New York City. This is an important transportation investment planned in the metropolitan area, and it is vitally necessary to ensure fluid transit in an already over-congested metropolitan area. The project received $3 million for continued analysis and design in fiscal year 2001.

I understand that the subcommittee's recommendation provides funding for only those projects that have full funding grant agreements in place, are likely to have full funding grant agreements in place in the very near future, or are in final design. While the Second Avenue Subway does not meet this criteria, it is important that the analysis and design continue on this important project. The MTA assures me that the project will be in preliminary design by the end of fiscal year 2001.

The State and the MTA have made a major commitment for the project and have included $1.05 billion in the MTA's capital budget.

I ask the chairman that if the Senate were to include an appropriation for the Second Avenue Subway in its fiscal year 2002 Department of Transportation and Related Agencies Appropriations bill, that the subcommittee be accommodating to the greatest extent possible to ensure that Federal funding for this project is continued in fiscal year 2002.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I appreciate the gentlewoman's commitment to this project, and her observations about the criteria the subcommittee used in developing its recommendations are accurate. The subcommittee had an enormous number of requests for new light rail transit systems that we simply could not accommodate. We did not have the money. Unfortunately, we had to say ''sorry'' quite a bit this year.

I can assure the gentlewoman that should the Senate include funding for the subway in its version of the bill, that we will give it every consideration.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 330. None of the funds made available in this Act may be used for engineering work related to an additional runway at New Orleans International Airport.

SEC. 331. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLVER:

Page 54, line 7, insert before the period at the end the following: '', except that this limitation does not apply to activities related to the Kyoto Protocol that are otherwise authorized by law (including those activities authorized by the United Nations Framework Convention on Climate Change with respect to which the Senate gave its advice and consent to ratification in October 1992)''.

Mr. OLVER. Mr. Chairman, I rise reluctantly, because this bill is an excellent bill, and I respect very much the work of the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS), as well as my ranking member on the subcommittee, the gentleman from Minnesota (Mr. SABO), but I do take exception to the language of section 331.

The language in section 331 is language which has been included several times over the last few years, at a time when it was legitimately believed by the majority that the President in charge of the executive departments would have conducted the very actions which are prescribed by section 331 in the present legislation.

On the other hand, President Bush has made it clear that he has no intention of implementing the Kyoto Protocol as it has been worked out, and has even used much stronger language, that the Kyoto protocol is ''dead.'' So, at the very least, the language is unnecessary and shows perhaps a disbelief in the President's intentions and the President's word, which I am sure the majority does not mean to show.

I would like to point out that just slightly more than 1 month ago, that this House adopted in the Foreign Relations Authorization Act, which was passed on May 16, a sense of the Congress section relating to global warming, and that sense of Congress pointed out that global climate change poses a significant threat to national security; that most of the observed warming over the last 50 years is attributable to human activities; that global average surface temperatures have risen since 1861; that in the last 40 years the global average sea level has risen, ocean heat content increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying Pacific Island nations and coastal regions throughout the world; and pointed out at that time that the United States has ratified the United Nations framework

on climate change, which framework, ratified in 1992 by the Senate, was proposed for ratification by then President George Herbert Walker Bush to be ratified and was ratified by the Senate and took full effect in 1994, that, quoting from that, ''the parties to the convention are to implement policies with the aim of returning to their 1990 levels of anthropogenic emissions of carbon dioxide and other greenhouse gasses,'' and, to continue, ''that developed country parties should take the lead in combatting climate change and the adverse effects thereof.''

So, in that sense, we already have adopted by this Congress the language that I have offered in the amendment, which is a clarifying amendment, the amendment merely saying that the limiting language should not relate, should not apply, to activities that are otherwise authorized by law, nor to those activities that are authorized by the United Nations Framework Convention on Climate Change with respect to which the Senate gave its advice and consent; and we have a full ratification of that treaty, the United Nations Framework Convention.

So my amendment suggests that the activities that are related to that framework convention as ratified in 1992 are in no way proscribed by the language of section 331. So it is additional language to limit the limitation or to explain that limitation.

By the way, Mr. Chairman, it is my intent at the appropriate time to withdraw this amendment. I just wanted to bring it to the attention of the House, that we have a series of activities that we should not be proscribing, that those which are formerly previously authorized by law and those that are part of the already ratified treaty of the United Nations Framework Convention on Climate Change should not be proscribed. So I intend to withdraw the amendment at the appropriate time.

Mr. GILCHREST. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would hope that as we move through the appropriations process, that those of us who have a different opinion about climate change, for whatever reason, and continue to put language in the appropriations bills that, however you want to describe it, ties agencies' hands to discussing the issue, implementing policy that might not be related to Kyoto, but something that the United States wants to do, I would hope that Members can sit down at a breakfast, at a dinner, those of us who have different opinions on this issue, and discuss that issue, so that we can come to a more friendly agreement on how to proceed and assume and accumulate more knowledge on this issue and understand each other's positions and why.

Mr. Chairman, this country has not prospered for over 200 years because of gagged restraint on the part of its citizens and its agencies; this country has prospered because of the accumulation of knowledge and wisdom and information and initiative.

What I would like to do for the Members present is to just discuss some of the undisputed facts about climate change. One is scientifically sound. Over the last 10,000 years, the planet has warmed 1 degree centigrade every 1,000 years, except in the last 100 years, especially the last 50 years, this country has warmed 1 degree Fahrenheit in less than 100 years. So there is a dramatic shift in the warming that corresponds to the amount of CO_2 and other greenhouse gasses as a result of human activity.

The polar ice caps, in about 50 years, if the present trend continues, will be gone. The North Pole, the polar ice caps, glaciers are receding around the globe. We are releasing into the atmosphere CO_2 in decades what took nature millions of years to lock up.

□ 1715

Mr. Chairman, CO_2 is a natural greenhouse gas that deals with the heat balance of the planet, and it took millions of years to lock up a lot of this CO_2 as a result of dying vegetation and so on and so forth. Now, we have been releasing that same amount of CO_2 in decades, so it has some impact. There is more CO_2 in the atmosphere now than there has been in the last 400,000 years.

Now, just one last fact, Mr. Chairman. CO_2 makes up about .035 percent of the atmosphere. That is a tiny fraction of our whole atmosphere. Yet that tiny amount has an extraordinary effect on the heat balance of the planet. We are warm in a tiny, thin sheen of atmosphere that covers the earth.

Now, any change in that, which is fairly dramatic that we are seeing, will have an effect on the change of the climate. So basically, human activity, because of what we are doing, is having an effect on the climate and 95 percent of the international scientists and 16 scientists from the U.S. just took up overview of this situation with an international panel on climate change, and 15 out of the 16 said there is no mistake that human activity is having an effect on the climate.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I love his theory, but one thing I would ask the gentleman. Two years ago I was in New Mexico standing and overlooking a huge ice action and the gentleman with me said, you know, think about it, Congressman, 12 million years ago there was 284 feet of ice where you are standing. I never will ask how the ice got there, but it was there, and that has scientifically been proven.

But I will ask the gentleman from Maryland, what melted that ice all the way back to the North Pole when our activity is less than 4,000 years? So I want to ask the gentleman, what melted it all the way back there? It always intrigues me about the idea of how arrogant we are thinking we are the real problem for all of the problems that occur on this earth.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. GILCHREST) has expired.

(On request of Mr. YOUNG of Alaska, and by unanimous consent, Mr. GILCHREST was allowed to proceed for 1 additional minute.)

Mr. GILCHREST. Mr. Chairman, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, the oil that we are going to drill and the gentleman from Maryland is going to help me drill in Alaska if he has any wisdom at all; in fact, when we drill, we do not drill through rock up there, we drill through ferns, tree trunks, elephants, all the way down to the bottom to get to the oil.

Now, if we are to follow the gentleman's theory and there is not going to be any change and we are the fault of all of it, then why did this always occur in the past? We take a great deal upon ourselves saying it is our fault because of this global warming when, in reality, if we look at the past history of this earth, it was warm at one time, it was very, very cold at one time; and that was before mankind had anything to do with it.

So before we jump off the cliff, let us understand one thing: we may not be as important as the gentleman thinks we are.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, if I could just respond to the chairman, I am going to go off that cliff in a very gentle way. I am not leaping off that cliff; I am looking to see what is at the bottom.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. GILCHREST) has again expired.

(By unanimous consent, Mr. GILCHREST was allowed to proceed for 1 additional minute.)

Mr. GILCHREST. Mr. Chairman, there has been change in the climate ever since we have been a planet and the cycle has run over many millions of years and a quick cycle would be 10,000 years. Human beings have a right to live on the planet and to improve the standard of living as best we can, but we also have a responsibility to understand the nature of our impact on the natural processes so that future generations, which will be our grandchildren and great grandchildren, will not deal with a situation that is more difficult than what we have.

In the last 10,000 years, as a natural consequence of nature, we have warmed about 1 degree centigrade every 1,000 years. But in correspondence to the internal combustion and burning fossil fuels, we have warmed almost that amount in 100 years. So simple observation, to me, says we ought to take a look at that acceleration of that warming rate.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Regrettably, I came in the middle of this debate and did not have the advantage of hearing the earlier comments. I did hear the remarks of our committee chairman, the gentleman from Alaska, and those very thoughtful remarks of the gentleman from Maryland.

There is incontrovertible scientific evidence that we are experiencing widespread climate change around the globe. The polar ice cap, the Arctic region, has shrunk by 40 percent, releasing enormous amounts of colder water into the great ocean circulating current, the great hyaline circulating current that starts in the Arctic with a volume equal to the discharge of all of the rivers of the world in a second. Mr. Chairman, 2 million cubic meters per second, moving cold water of the ocean from the Arctic all the way down the Atlantic coast of the United States, the south Atlantic, into the Pacific and then circulating back up to the Arctic. That great ocean circulating current from time to time disappears. The world enters an ice age, and it occurs on regular currents of about 100,000 years.

It also occurs with a tilt of the earth's axis a half a degree away further from the sun than it does now. That last occurrence made of the disappearance of the circulating current was followed by a warming period that ended with the great Ice Age, which itself ended over 10,000 years ago and was followed by the lesser Ice Age, the period of roughly 1,300 to 1,400 in the modern era. And then about 750 years ago we experienced another lesser ice age known as the Younger Dryas.

We are now in a period of extended warming. We are beyond those ice age periods and into a new cycle of climate. As the atmosphere has warmed and as the surface of the waters of the Pacific Ocean have warmed more than a centigrade degree since the beginning of this century, the ocean waters are expanding. As they warm, they expand, and so is it happening with the Atlantic waters. And as those waters expand and as the atmosphere is warmer, it holds for every degree of temperature 6 percent more moisture. And with more moisture in the atmosphere, more of a collision of warm and cold forces, we are seeing these violent storms. Fifteen years ago, we did not pay more than $1 billion a year in disaster assistance programs. Within the last 5 years, we have expended over $5 billion a year, and last year with the private insurance and the public funds, expended over $100 billion responding to natural disasters. It is incontrovertible that serious things are happening in our climate. And what has changed is not the forces of nature, but man's application to them.

The gentleman from Maryland said we have contributed the carbon into the atmosphere. There is more carbon in the atmosphere today than at any time in the last 420,000 years. That carbon causes warming. That is the conclusion of 500-plus scientists gathered in the U.N. in the year of the environment in a multi-volume report that was submitted.

Mr. Chairman, we cannot stick our heads in the sand and ignore these facts. We cannot ignore the relentless movement of forces in nature, the melting polar ice pack in the Arctic and the ice pack of Antarctica that are increasing the volume of the oceans by warming of the surface temperature of the Atlantic and the Pacific Oceans. They are causing warming in the atmosphere and more moisture in the atmosphere, more carbon in the atmosphere; and only we can change it, by slowing down the destruction of the tropical forests, increasing sustainable-yield forestry in the United States, and reducing our use of carbon. We ought to have that study, and we ought to have this debate. Five minutes is no serious time in which to do it.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to share with my colleagues a few facts about climate change that have not gotten much press. The main point is uncertainty. There is still a great deal that we do not know or do not well understand about our global climate. For every study that seems to tell us something, there is another that confounds the previous conclusions. Uncertainty is a normal and maybe important part of the scientific process, but it is a part that the media are not comfortable with and so rarely report on. To its credit, The New York Times ran a piece last week entitled, ''Both Sides Now: New Way That Clouds May Cool,'' which noted that science is uncertainty, and how that uncertainty can dramatically change climate models.

Clouds have long been a source of uncertainty in climate studies. Certain gases generated by the burning of fossil fuels, such as carbon dioxide, are widely held to play a role in warming the planet by trapping heat. However, aerosols, also produced from fossil fuels, have been found to contribute to the cooling of the planet by affecting the development of clouds that reflect sunlight, and thus it reflects heat away from the planet.

Now, before we pass legislation meant to curb global warming, we need to understand better which human activities affect those and other processes. It seems, and I would suggest, the most important point to take from the recent round of reports is that our climate is a very complex system that is not well understood. As chairman of our Subcommittee on Research of the Committee on Science, we have held several hearings on this subject; and it is almost universally agreed by those testifying before our committee that scientific evidence and knowledge is lacking.

Our best intentions can very easily produce the wrong outcome. Fredrick Seitz, former president of the National Academy of Sciences, did a piece for the Washington Times last week on this very point. Let me quote from that article entitled ''Beyond the Clouds of Fright.'' Quote: ''The science of climate change today does not call for rash action that could wreak havoc with economies worldwide and even cause worse damage to the environment over time.'' He also cautioned that ''researchers shouldn't be pressured by politics or encouraged by publicity to find a particular answer. They should be given the space, the time, the funding and the support to seek and find the truth.''

So in conclusion, I would like to urge my colleagues to resist the temptation to jump on the bandwagon of climate change before we better understand the science and better know the consequences of our actions. I understand the ranking member has a perfecting amendment that might help us, help guide us.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, modest uncertainty is not an excuse for major inaction. When the captain of the Titanic steamed out and just kept going straight at the same speed because he was not sure if there was an iceberg there, because he was uncertain if there was an iceberg there, that was a mistake. And this body, with the language in this bill, which now continues to ignore this problem of global climate change, is a major mistake.

I am just going to ask my friends across the aisle to look at two things that happened today within a quarter mile of this building. Number one, The Washington Post, headline this morning: ''Penguins In Major Decline. Fifty percent of these stocks are disappearing in the Antarctic.''

□ 1730

Why? Because they have had a reduction of ice in the Antarctic, a death of the crill population that penguins rely on and a potential huge collapse in a couple of their populations.

It happened today. I am just going to ask people across the aisle to not adopt the attitude of the ostrich and ignore these facts.

Number two, right now, 200 yards from now, are two fuel-cell-driven cars, one manufactured by the Ford Company, that run on fuel cells and emit water instead of carbon dioxide in their emissions.

We, and I mean we, have the potential if we get together to emphasize research in these new technologies, we are going to lead the world, instead of the laughingstock of the world, of the country that refuses to be anything but an ostrich on this issue.

Mr. Chairman, I am going to ask at some point that we work together to lead the world. We did not have to wait for the rest of the world to do a clean air bill. We did not have to wait for the

rest of the world to do a clean water bill. We ought to lead the world on global climate change. That is the right approach.

Mr. Chairman, I look forward to the time we can do that on a bipartisan basis.

Mr. OLVER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. OLVER. Mr. Chairman, I will be very brief this time. In section 331, it refers to a limitation in the use of funds in this legislation to implement in a broad way, in any kind of way, the Kyoto Protocol, which has never been ratified by the Senate of this Nation, nor by any of the other major signatories to the original Protocol for that matter.

My amendment merely says that the limitation which would remain does not include activities related to the Protocol which are otherwise authorized by law, nor activities that are authorized by the United Nations Framework Convention on Climate Change, which is the treaty that was negotiated back in 1991 and 1992, and sent to the Senate for ratification by former President George Herbert Walker Bush, and was ratified by the Senate and has the full force of law.

Mr. Chairman, it merely removes the limitation from otherwise-authorized-by-law activities in this area. It is my intent to withdraw the amendment.

Before I do withdraw my amendment, I know that we could probably generate a long discussion here, which none of us really want, but I would ask the gentleman from Kentucky (Chairman ROGERS) if the gentleman would be willing to work with the groups that are obviously showing their interest in this and come up with something that might address these concerns in the conference that will come forward.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I will be happy to consider it as time passes, but I was sort of hoping, can we have some more discussion of this?

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 332. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting: *Provided,* That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 333. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided,* That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages.

SEC. 334. Notwithstanding section 402 of the Department of Transportation and Related Agencies Appropriations Act, 1982 (49 U.S.C. 10903 nt), Mohall Railroad, Inc. may abandon track from milepost 5.25 near Granville, North Dakota, to milepost 35.0 at Lansford, North Dakota, and the track so abandoned shall not be counted against the 350-mile limitation contained in that section.

POINT OF ORDER

Mr. OTTER. Mr. Chairman, I make a point of order against all of section 334 beginning on page 55, line 6, and ending on line 13.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) wish to be heard on the point of order?

Mr. ROGERS. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order.

The point of order is conceded and sustained under clause 2, rule XXI. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 335. Beginning in fiscal year 2002 and thereafter, the Secretary of Transportation may use up to 1 percent of the amounts made available to carry out 49 U.S.C. 5309 for oversight activities under 49 U.S.C. 5327.

SEC. 336. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2002 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

SEC. 337. Item number 1348 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 269) is amended by striking ''Extend West Douglas Road'' and inserting ''Construct Gastineau Channel Second Crossing to Douglas Island''.

SEC. 338. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 339. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the ''Grants-in-Aid for Airports'' program, for the FAA to hire additional staff or obtain the services of consultants: *Provided,* That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

POINT OF ORDER

Mr. OTTER. Mr. Chairman, I make a point of order against all of section 339 beginning on page 56, line 16, and ending on page 57, line 2.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. ROGERS) wish to be heard on the point of order?

Mr. ROGERS. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from Kentucky concedes the point of order.

The point of order is conceded and sustained under clause 2, rule XXI. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 340. Item 642 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298), relating to Washington, is amended by striking ''construct passenger ferry facility to serve Southworth, Seattle'' and inserting ''passenger only ferry to serve Kitsap County-Seattle''.

SEC. 341. Item 1793 in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298), relating to Washington, is amended by striking ''Southworth Seattle ferry'' and inserting ''passenger only ferry to serve Kitsap County-Seattle''.

SEC. 342. Item 576 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 278) is amended by striking ''Bull Shoals Lake Ferry in Taney County'' and inserting ''Construct the Missouri Center for Advanced Highway Safety (MOCAHS)''.

SEC. 343. The transit station operated by the Washington Metropolitan Area Transit Authority located at Ronald Reagan Washington National Airport, and known as the National Airport Station, shall be known and designated as the ''Ronald Reagan Washington National Airport Station''. The Washington Metropolitan Area Transit Authority shall modify the signs at the transit station, and all maps, directories, documents, and other records published by the Authority, to reflect the redesignation.

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment no. 5 offered by Mr. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Mr. TRAFICANT. Mr. Chairman, I would just like to say the worst thing about global warming would be a German transit system in the City of New York that focuses on the violations

that occur in the Buy American Act. The language is straightforward.

Mr. Chairman, I yield to the distinguished gentleman from Kentucky (Chairman ROGERS), who has produced a fine work product.

Mr. ROGERS of Kentucky. Mr. Chairman, the Traficant amendment is a good one. We accept it.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished gentleman from Minnesota (Mr. SABO), the ranking member.

Mr. SABO. Mr. Chairman, we accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I ask for a vote in the affirmative.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I want to thank the Committee on Transportation and Infrastructure for the $250,000 for the Long Island City Links project and acknowledge the importance of this project and also to express my appreciation.

Mr. Chairman, I include the following list for the RECORD of developments in this growing economy:

I am tremendously pleased that the House Transportation Appropriations bill includes $250 thousand dollars for the Long Island City Links project, to improve transit connections and pedestrian paths in an area of New York City that is experiencing tremendous economic growth.

These improvements are a vital part of our efforts to make Long Island City not only one of the best places to work in the region, but also a beautiful and livable residential neighborhood.

Long Island City Links will immeasurably improve the quality of life for residents in the area by reducing traffic and increasing air quality and providing public parks and walkways.

Long Island City, Mr. Chairman, is one of the fastest growing regions in New York City.

Here are just a few of the recent developments in this growing economy:

BUSINESS MOVES TO LIC

MetLife brings almost 1,000 jobs to northwest Queens—MetLife recently decided to relocate almost 1000 employees in about six months to the renovated, six-story Bridge Plaza North. This move is expected to attract more businesses to this area by drawing attention to the convenient 15-minute commute to midtown Manhattan. MetLife plans to add another 550 jobs in the city during the 20-year term of its lease.

The FAA has plans to develop a new Regional Headquarters in the area.

Construction is already underway for a new FDA laboratory.

International Firms such as Citicorp and British Airways already have major operations in the borough as well as Chubb who opened a backup facility in the area for Wall Street brokerage and financial firms.

Established Companies in the area, such as Eagle Electric, Continental Bakeries, and Schick Technologies, are continually growing and expanding.

Recently welcomed retail chains include Home Depot, Tops Appliance City, Costco, Caldor, Kmart, Sears, the Disney Store, Barnes & Noble, Marshall's, Conway, Ethan Allan, Staples, Circuit City, and Bed, Bath & Beyond with a CompUSA already being planned for the near future.

With this growth in business and the economy in Long Island City it is absolutely vital that we move forward with community enhancements like public parks, transportation enhancements, and quality of life improvements for all residents in the neighborhood.

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHIFF:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds in this Act may be used for the planning, design, development, or construction of the California State Route 710 freeway extension project through El Sereno, South Pasadena, and Pasadena, California.

Mr. SCHIFF (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

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

Mr. SCHIFF. Mr. Chairman, this amendment precludes funding for a highway project in my district.

Mr. Chairman, I want to thank the gentleman from Kentucky (Chairman ROGERS) and the gentleman from Minnesota (Mr. SABO) and their staff for help on this amendment.

Mr. Chairman, I urge a yes vote on the amendment which passed in prior years on a bipartisan voice vote.

Mr. Chairman, I have an amendment at the desk.

For the last 2 years, the Transportation appropriations bill has included a provision to prohibit the expenditure of Federal funds on the California State Route 710 freeway extension project in Southern California.

My amendment would extend that ban for one additional year.

The 4.5 mile freeway extension would cost more than $1.5 billion—with 80 percent of the cost federally funded.

In lieu of the 710 freeway extension, which would deliver speculative traffic benefits at a cost far too high to the communities I represent, I encourage the support of local surface traffic mitigation measures proposed by experts in the communities of Pasadena, South Pasadena and El Sereno.

In addition to $10.3 million in state funds I secured from Caltrans for local congestion relief, Congress has set aside $46 million in federal funds for these measures that will significantly and expeditiously relieve congestion in the extension corridor in Pasadena, South Pasadena, El Sereno and Alhambra.

I am also pleased to note that the Transportation bill at my request and others, includes more than 7 million in funding for the Los Angeles to Pasadena Blue Line, a light rail project that will bring congestion relief and clean air benefits to the entire region.

I urge a ''yes'' vote on this amendment, and I thank the Chairman and Ranking Member for their support.

Mr. CHAIRMAN. Is there anyone seeking time on the amendment?

Mr. ROGERS. Mr. Chairman, we accept the amendment.

Mr. SABO. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SABO

Mr. SABO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SABO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds in this Act may be used to process applications by Mexico-domiciled motor carriers for conditional or permanent authority to operate beyond the United States municipalities and commercial zones adjacent to the United States-Mexico border.

Mr. SABO. Mr. Chairman, we had a long discussion on the rule today, and the amendment I had offered I requested be made in order. It was not made in order, and the rule was not changed, so we have to offer the amendment in a different form.

This is a very simple amendment. I wish it could be more complicated, but because of the action of the Committee on Rules and the action in the House, I cannot offer a more complicated amendment.

This one simply prohibits funding to process the applications of Mexico-domiciled motor carriers for either conditional or permanent authority to operate throughout the United States beyond the current 20-mile commercial zone.

Let me say that I thought the amendment that we had earlier clearly was NAFTA-compliant. This probably is not, because it is a total prohibition, but I know of no other way for us to deal with this issue on the floor. I think we should deal with it.

Let me review where we are at this point. The Committee on Rules did not make our amendment in order. We heard a great deal about the money that we were going to make available for facilities and inspectors in this bill. A significant part of that money has been struck. Today I think close to $90 million for inspectors and facilities have been struck by points of order.

Mr. Chairman, I was a strong supporter of the action of our Chair in putting that money in the bill. I thought it was the appropriate thing to do. I thought that was a significant step forward, but not far enough. I thought the best solution to a very troubling situation was both to do preinspection of

the carriers, plus add to our capacity to inspect individual trucks.

The reality is at this point in the bill, most of that money has disappeared, and I have no option to offer an amendment that calls for preinspection. I think the only way we can address this issue in the House, keep it alive for conference, indicate to the administration and to the Senate that we want to make sure that we do the utmost to protect safety, is to adopt this limitation which is strong and outright. It gives us the action from a point of strength of dealing with the issue of truck safety for all the trucks that are going to be coming here from Mexico as we move on in this process.

Let me say as it relates to some of the money that was struck, the administration plans to do 18 months review. Let me simply suggest that even if that money had stayed in the bill, particularly the money for building new facilities, probably very little of that would have been spent within the next 18 months, because it will take a significant period of time to build facilities. Clearly that money would not have been spent by January 1 of this year.

Mr. Chairman, I ask for support of this amendment. It is clear. It is straight to the point. It says that we are not going to permit these carriers to operate beyond the existing 20-mile commercial zone.

Mr. Chairman, I fully understand that as this moves through the process, this will need to be revised, but it is the only option we have to deal with this important safety question for the American people.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us understand where we are here. I did not vote for NAFTA. I opposed NAFTA, but it passed. It is now the law of the land. It is the treaty between our neighbors and us. This provision is in direct violation of a United States treaty with our neighbors.

I am referring to a letter of June 12 from the Secretary of Transportation, who in essence says that this is a clear violation of Mexico's rights under NAFTA; that it would subject the United States to possible trade sanctions estimated to be valued at over $1 billion annually that this would expose us to.

The majority of my colleagues in this body voted for NAFTA. It passed. NAFTA says we are going to open the borders up to Mexico and to Canada.

□ 1745

This President says January of next year is when we do it. This amendment would prohibit motor carriers from Mexico to enter the United States. Period. You cannot do that. You are in violation of a treaty; in violation of the law; in violation of the majority that passed the treaty through this body.

Now, is it worthwhile to do this type of thing? Look, the Motor Carrier Safety Administration, even as we speak, is taking public comments from anybody who wants to comment, including Members of Congress, about what kind of a procedure we should have to check Mexican trucks for safety as they come into the country. The experts are working on the rule even as we speak. Should we not let them finish their work before we, who are not experts on trucking or safety, tell the experts what they should or should not do?

Give them a chance. If we do not like what they have come up with this fall, we can change the rule and make it effective. But for goodness sakes, give the experts the chance to do their work. They are making the rule right now. Make comments to the rulemaking body, not to the Congress. We can deal with this at a later time.

The administration has a plan. The DOT will be going to Mexico. For those carriers in Mexico who want to run trucks into this country, those carriers will be audited for safety, for their record, for training, for all the things that go into whether or not a safe operation of the truck could be made in the United States by that Mexican carrier.

If they pass that test, they would be given a temporary permit to drive. In the meantime, we will be inspecting the dickens out of the trucks crossing the border.

If at the end of 18 months that carrier has no record problems, all has gone smoothly, then and only then would they be given, not a conditional permit, but a permanent permit. I think it is a responsible approach. There is money in the bill for that approach.

The administration is proceeding. The rulemaking is taking place. Let us not interrupt what they are doing. But please do not vote in this Congress an amendment on to this bill that would be a direct violation of a treaty of the United States of America. Please reject this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are being told that this amendment violates NAFTA. That is like the old song that we hear so many times about the person killing both of his parents and then throwing himself on the mercy of the court because he is an orphan.

What the gentleman from Minnesota (Mr. SABO) tried to do is to bring to this House an amendment that will prevent Americans from dying by seeing to it that we have an inspection process and a review process before, not after, dangerous trucks hit the highway.

I want to remind my colleagues NAFTA is a trade agreement. It is not a suicide pact. Let me repeat that: NAFTA is a trade agreement; it is not a suicide pact. We are not required to allow unsafe trucks on American highways in order to satisfy some pencil-happy bureaucrat dealing with NAFTA.

This amendment has no choice but to, for the moment, cut off all Mexican trucks on American highways because the majority party insisted that that was the only option that could be put before this body. So they blocked the effort that the gentleman from Minnesota (Mr. SABO) tried to bring to this House, and which would have been fully consistent with NAFTA. That effort would have said you cannot have those trucks running over American highways until we have the proper review process in place to make certain ahead of time that safety standards are being met.

If this amendment technically would become a violation of NAFTA, it is because the majority has forced the House into a position where it can consider no amendment except that kind of an amendment.

Everybody on this floor knows, if you want to cut through the bull gravy at the end of the day, this amendment can be fully tweaked in conference so that it is fully consistent with NAFTA and protects the American trucker.

The rationale against this amendment keeps changing. We were told earlier in the day, oh, you have to block the Sabo amendment under House rules because the Sabo amendment was not passed by the full Committee on Appropriations. Many a time, many a time the Committee on Appropriations has chosen not to follow that logic.

We are also told, oh, we do not have to do this. We do not have to protect American motorists this way because we have got all this money in the bill for these new inspectors.

Well, let me remind my colleagues that money is now gone. It was knocked out on a point of order. So the $56 million for infrastructure improvements at the border, the $14 million for added inspections at the border, the $18 million for the State supplements for States around the border, all that money is gone.

So your excuse is gone. You have no added protection for American drivers at this point. You know what the problems are. There is no effective oversight. There is no effective oversight on Mexican motor carriers today. There are no motor carrier hours-of-service regulations in effect in Mexico. There is no way to check the driving history of Mexican motor carrier drivers.

In testimony last year, the Department of Transportation Inspector General said this: ''I do not think there is any reasonable person who can say that the border is safe when you have an out-of-service rate for safety reasons in the neighborhood of 40 to 50 percent.''

Now, the majority blocked the Sabo amendment that would have allowed us to deal with this issue the way it needed to be dealt with. Now because they blocked us from offering the right amendment, they are blaming us because the language of this amendment is not pluperfect.

Well, the gentleman from Kentucky (Mr. ROGERS) is a very smart man. He can easily fix it in conference. We have heard this excuse time and time again. Can fix it in conference. Can fix it in conference. Well, this is one time we are going to say that. We have full confidence in the ability of the gentleman from Kentucky to fix this in conference.

But today, we have only one option if we want to protect American motorists.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, the only option we have is to adopt this amendment, because this is the only procedural alternative left to us by a rule that prevented us from offering the amendment that should have been offered on this subject. So do not blame us for the shortcomings which the majority itself has caused.

I would simply make one other point. We have a choice. We can either insist on having an inspection regimen and a review regimen in place before these trucks are put on the highways, or we can do what the gentleman from Kentucky (Mr. ROGERS) says and wait until they are on the highways and then see what happens.

Only one difference between the approaches. There are people who will die under the second approach who will not under the first. It is just that simple.

So you have got a very clear choice. If you want to do anything at all to protect the safety of American motorists on the highways on this issue, you will vote for the Sabo amendment; and you will give the committee the opportunity to do what it has done thousands of times before, which is to tweak the language in conference so that it can satisfy the procedural niceties of people in this House who eight times out of 10 run a railroad truck over legitimate procedure.

You hide behind procedure when it suits your purpose, and you trample fair procedure the rest of the time. We are not fooled by that. American drivers are not going to be fooled by that. The only people you might be fooling are yourselves.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I have listened with interest to this debate. I do rise in strong opposition to this amendment.

I think that sometimes the rules of the House work to help to show the real true intent of what is involved here. I have said all along in the debate in committee and before on this, in the years that it has been before, that this is really an issue about trying to block Mexican trucks from the United States highways, that there are interest groups here in the United States that do not want under any circumstances to have Mexican trucks driving on our highways.

Well, today we see that with this amendment. Granted, as the gentleman from Wisconsin (Mr. OBEY) said, it is the only amendment that can be offered or something like this amendment can be offered under the rules. With this amendment, it is very clear. Block all trucks from coming into the United States. The heck with an inspection procedure. The heck with anything else. Block all trucks.

I might add, somehow within only in his State, 20 miles in my State is okay under this amendment, but in other areas, it is not okay. So somehow it is okay for us not to have safe trucks since he is worried about safe trucks.

So I think it is very clear what we are talking about here. We are talking about blocking trucks from coming in the United States. Let us face it, there are interest groups in the United States that do not want those trucks here. They are joined by interest groups in Mexico. The Mexican Trucking Association does not want American trucks coming down into Mexico. So they join you in this. They want to make sure there are not trucks in the United States to have an opportunity to compete there.

If we get this, we get reciprocity; and we have an opportunity to have Mexican trucks to go down there. There are Mexican truck associations that do not want us. So there are joint interest groups on both sides that do not want this.

But let us review the facts here. We adopted NAFTA. It was adopted in this body at a time in fact when the other party controlled this House. It is the law of the land that took effect on January 1, 1994. It stipulated that, by January 1, 2000, that is 18 months ago, we would allow trucks to cross at all points of the border into the United States. Here we are at June 25, and it still has not occurred.

Mexico filed a complaint against us under the terms of NAFTA for not meeting the deadline; and in February of this year, the panel concluded that the U.S. was indeed in breach of its NAFTA obligations.

The sanctions that are being talked about could be as much as $1 billion a year. That is $1 billion on American industry. That is $1 billion for American consumers that they are going to pay more.

□ 1800

I say let us stop treating our Mexican neighbors as though they are some kind of people that we should not want to do business with.

This amendment has nothing to do, by the way, with trucks coming from Canada, our other NAFTA partner. Oh no, just the trucks from Mexico somehow are suspect. So I think we should be building bridges, not barriers to our neighbors from the south.

Let us be clear about this. This issue is not about the safety of the truck, it is about paperwork. The issue as was presented earlier by the gentleman from Minnesota was about paperwork. Of course we want to be sure that all trucks traveling on our highways are safe, but the States along the border, for several years now, have said they are prepared to do that. How come the States that have the responsibility for enforcing this, along with the Department of Transportation, are prepared to do this? We have the regimen in place to check the paperwork as they come across the border, to look at the logs, to look at all these things, to make sure the bonds are there, the licenses are there, the insurance is there, and to do the actual physical inspection of the truck. Because that is after all what we are about, is it not? We want to make sure these trucks are actually safe. So the most important aspect of truck safety is the observation of the driver and the actual inspection of the truck at the border and along the highway.

The gentleman from Wisconsin said people will die. Yes, people have died in my district. Not very long ago there was a truck driver who was using amphetamines, had not slept for 18 hours, crashed into a car parked along the side of the road and destroyed all the occupants of an entire family because he was violating rules and the law in the United States. We need to inspect for that. We need to have adequate inspection to make sure it is safe in this country.

The trucks coming across the border are all going to be subject to inspection, and the percentage of them that are actually going to be physically inspected is going to be much much higher than currently are inspected traveling on our highways, American trucks traveling on our highways. So the paperwork is not the issue. If all my colleague wants to do is check the paperwork, the paperwork can be checked when the truck is down in Guadalajara, but that does not tell us whether the truck is safe.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. KOLBE) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. KOLBE was allowed to proceed for 5 additional minutes.)

Mr. KOLBE. Mr. Chairman, let me just say this, and then I really will yield to the gentleman. This really is not about paperwork, in my opinion. It is really about whether or not trucks are going to be allowed to travel on our highways from Mexico.

I say we should treat people equally. In a study, by the way, in California, of trucks coming across the border into that border zone, shows they meet the standards on an equal basis with U.S. trucks. So there is no real difference that is there. So I say we need to treat our neighbors to the south as partners.

Those of us who live along the border understand what this partnership is all about and how important it is economically and politically to the United

States, and I believe that we can make this work. It is clear the Department of Transportation is prepared to do it, the States are prepared to do it, and I would urge that we defeat this amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding, and let me say he is my good friend, but I would like to read something to him and then ask him a question.

The gentleman indicated that he thought that in this case the rules had been used to bring out the true intent of the amendment before this body, implying that the true intent was to have a flat shutoff of Mexican trucks. I flatly dispute that, and I want to read something then ask the gentleman a question.

This is the text of the original Sabo amendment which the majority blocked from consideration in the House today. It reads as follows: ''No funding limited in this Act for the review or processing of applications by Mexican motor carriers for conditional authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border may be obligated unless the Federal Motor Carrier Safety Administration has adopted and implemented as part of its review procedures under 49 U.S.C. 13902 a requirement that each Mexican motor carrier seeking authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border undergo a new entrant safety compliance review consistent with the safety fitness evaluation procedures set forth in 49 CFR Part 385 and receive a minimum rating of satisfactory thereunder before being granted such conditional operating authority.''

Now, that language is pretty clear. It does not try to shut off Mexican trucks. It says they cannot operate here until they have met these standards. Does not the language of the original amendment in fact indicate what the intention of the original amendment was?

Mr. KOLBE. Mr. Chairman, reclaiming my time, I appreciate the gentleman asking the question, and I understand what the amendment did do and that this amendment now, as it is offered, is somewhat different. But I believe that the amendment that was crafted before and as offered has the effect of actually stopping any trucks from coming into the United States. That is the intent of it, I believe, to make sure they do not get into the United States.

So now that amendment not having been made in order under the rules, I would say to my good friend from Wisconsin, I think we are seeing the true intent here. It is interest groups. Look at the people that are supporting this amendment. Look at the people asking for this. It is groups that do not want trucks coming into the United States, period.

Mr. OBEY. Mr. Chairman, if the gentleman will again yield. Let me simply say that the gentleman is forgetting one thing. What the Sabo amendment attempted to do is to say that there would be no Mexican trucks on these roads until the safety requirements were met as outlined in the amendment.

I think it is blatantly ridiculous for anyone to assert that the intention of a proposal is something other than that which is quite clearly stated in the proposal. It was the majority that blocked us from being able to vote on this proposal.

Mr. KOLBE. Again reclaiming my time, Mr. Chairman, more than 2 years ago, down at the border, I went over the whole procedures with the Arizona Department of Transportation and the U.S. Department of Transportation. Everybody was prepared at that time to begin implementing this. So there is no question. We are prepared to inspect. We are prepared to look at these trucks. We are prepared to make sure they are safe. We are prepared to make sure they have their license, their insurance, the bonding that is required, and to do the physical inspection of the truck.

As I pointed out, a far greater percentage of them will be inspected than any of the trucks traveling on our highways. The gentleman must acknowledge that there are accidents occurring on our highways because of trucks not properly inspected or, more likely, because the drivers are not following the rules. In fact, there is a very interesting study I just saw the other day that states that 73 percent, I believe was the figure, of all accidents in trucks occur when there is a passenger in the vehicle as opposed to about 23 percent when there is not a passenger. So passengers' distractions have more to do with it apparently than anything else.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, the gentleman talks about who supports this amendment, or my earlier amendment.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. KOLBE) has expired.

(On request of Mr. SABO, and by unanimous consent, Mr. KOLBE was allowed to proceed for 1 additional minute.)

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. SABO. As I was saying, I have here a letter from the Commercial Vehicle Safety Alliance, which is an association of State, provincial, and Federal officials responsible for the administration and enforcement of motor carrier safety laws. They were writing to me to express their strong support for the amendment that I had before the Committee on Rules. They are hardly a self-interest group. Their interest is in enforcing the laws that we pass.

Mr. KOLBE. Mr. Chairman, I appreciate what the gentleman is saying, but I would say to the gentleman in response that it is very clear to me that we have the ability to do this, we have the wherewithal to do it, we have the desire on the part of both Federal and State authorities to do this checking, and they are capable of doing this.

Why is this amendment not including Canada? Why are we only including Mexico under this? Canada is a NAFTA partner. Why do we discriminate against the one? That is what makes this violative of NAFTA.

Mr. OBEY. Mr. Chairman, will the gentleman yield so we can answer that?

Mr. KOLBE. I yield to the gentleman from Wisconsin if I have time here.

Mr. OBEY. Mr. Chairman, it is very simple.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. KOLBE) has again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. KOLBE was allowed to proceed for 1 additional minute.)

Mr. KOLBE. I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. The record for Canadian carriers shows that their highway safety record is virtually every bit as good as ours. The record with respect to the Mexican drivers in question demonstrates quite the opposite.

Mr. KOLBE. And I would say to the gentleman that fair is fair. If we are going to treat people fairly, we need to treat both sides in exactly the same way. With the kind of inspection regimen we are talking about installing here, we should have the same kinds of inspections for trucks coming from Mexico as we are talking about trucks that travel from Canada. Fair is fair. Treat all sides fairly here. That is all that I am saying that we should do.

Why are we singling out our neighbors to the south? Why are we singling out Mexico to say we do not trust you, we do not think your trucks are safe, we do not think you can comply with NAFTA? I think that is wrong and it sends the wrong signal to our partner, the wrong signal to NAFTA and the rest of the world, that we are going to single out this Latin American country, this neighbor to the south of us, to say that we do not believe your trucks can travel here in the United States. I think it is just plain wrong.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BONILLA. Mr. Chairman, I stand in strong opposition to this amendment.

Here we go again, attacking Mexico, singling out Mexico for some reason that I cannot understand. What a farce,

for anyone to argue that these trucks coming in from Mexico would not be forced to comply with the same standards as American trucks on our highways. This is simply a ploy, a naked ploy now, because it is not masked as an earlier amendment was trying to be masked as some kind of effort that is actually behind a safety issue. This is just a clear effort to try to stop these trucks from coming in all together.

Let me also say to many of my colleagues who are supporting this amendment, this is an attack on many border communities who have seen an incredible economic boom as a result of free trade over the last 20 years. To support this amendment stops the progress, stops the jobs from being created in many of the communities close to the border. I do represent almost 800 miles of the Texas-Mexico border and have seen incredible opportunities come to these neighborhoods because of free trade. These people want more opportunity that would come with allowing these trucks to drive through these communities. And we know that they would not be held to any less a standard than an American truck driving through the community.

So let us look at this for what it is, it is a discriminatory attack against Mexico. It has already been pointed out that no one else is being forced to comply with this standard. No one else would fall under this amendment. Our friends from Canada would not fall under this amendment. This is simply another effort to discriminate against our friends in Mexico who have been good trading partners and have helped create thousands of new jobs in this country. I urge defeat of this amendment for those reasons.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to attempt to bring some rationality to this debate and historical perspective. The issue is not, as previous speakers have tried to make it, no Mexican trucks in the U.S. or sinister special interest forces trying to keep Mexican trucks from entering the United States. That is not the issue. The issue is safe trucks, safe U.S. trucks, safe trucks from Canada, and safe trucks from Mexico.

In 1982, the then Committee on Public Works and Transportation brought to the House legislation to prohibit trucks from Canada and Mexico entering the United States unless the President of the United States would issue a finding lifting that legislatively imposed moratorium on truck entry into the United States. That was 1982. In 1984, President Reagan lifted the moratorium with respect to trucks from Canada but did not lift it with respect to trucks from Mexico. In 1986, 1988 the President again lifted the moratorium on Canadian trucks but not on Mexican trucks because of a finding by the Federal Motor Carrier Safety Office that those trucks did not meet U.S. safety standards.

President Bush, the first, in 1990 and again in 1992 lifted the moratorium on Canadian trucks but not on Mexican trucks simply because Canadian trucks met U.S. safety standards and Mexican trucks did not. In fact, as the gentleman from Wisconsin cited a moment ago, the out-of-service rate for Canadian trucks is lower than that of trucks in the United States. Seventeen percent of Canadian trucks are found by their and our inspection service to be out of compliance with safety standards, while 24 percent of U.S. trucks are found to be out of compliance and 36 percent of Mexican trucks. Mexican trucks, therefore, have a 50 percent higher out of service rating than do trucks in the United States, and more than twice as much as Canadians.

Well, my colleagues cannot make a rational argument that this is an anti-Mexico provision that we are offering on the floor. It is simply a safety issue, not a cross-border issue. And what we are asking for is not, as one speaker indicated, a lot of paperwork. No, no. I know safety from the aviation standpoint, from the rail standpoint, and I have looked at it for many, many years from the surface transportation standpoint, trucking issues as well. We do not just look for this or that truck that is out of compliance, we are looking for a system of safety, for a system, a structure of compliance.

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That is why we want to have an overall review of the Mexican safety system. Canada clearly complies; Mexico does not.

The dispute resolution mechanism, the arbitration panel that reviewed this issue found ''it may not be unreasonable for a NAFTA party to conclude that to ensure compliance with its own local standards by service providers from another NAFTA country, it may be necessary to implement different procedures with respect to such service providers. Thus, to the extent that the inspection and licensing requirements for Mexican trucks and drivers wishing to operate in the United States may not be like those in place in the United States, different methods of ensuring compliance with U.S. regulatory regime may be justified. In order to justify its own legitimate safety concerns, if the United States decides to impose requirements on Mexican carriers that differ from those imposed on United States or Canadian carriers, then any such decision must be made in good faith with respect to a legitimate safety concern and implement different requirements that fully conform with all relevant NAFTA provisions.''

The Sabo amendment, which would have been offered, had it not been struck, would have met those tests.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, deprived of an opportunity to offer that amendment, we are reduced to this rather stringent approach. As the gentleman from Wisconsin said earlier, it is an issue that can be tapered in conference and resolved perhaps even to meet the original Sabo-Ney language.

As for the dire warnings that ipso facto this language will put us in violation of NAFTA, there is a dispute resolution mechanism, an arbitration panel that can resolve such disputes and has shown its ability to do so. We ought to be in the mode of protecting life and addressing the life issues that are at stake.

Every year trucks kill 5,000 people in the United States. Our trucks. Trucks that are 50 percent less safe coming in from another country should not be allowed in the United States until a regime is in place to screen them out and to ensure that all those that do enter under the NAFTA will be in compliance with our safety rules. The Sabo amendment provides that opportunity.

Mr. BORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Sabo amendment. I, like my colleagues, regret that the Sabo-Ney amendment was not made in order. However, I do not regret being in strong support of this amendment, because I believe it is very important for this House to have a clear vote on this issue.

This issue in my view is not about NAFTA; it is about truck safety and whether we can properly inspect the trucks that are entering the United States. Not too long ago, the Subcommittee on Highways and Transit had a site visit to San Diego and Laredo. At San Diego, we found a very good permanent inspection station. That inspection station looks at all of the trucks and issues a permit that is good for 90 days. If any truck tries to enter the United States and does not have a certificate, it is pulled aside and inspected. We have found that their out-of-service rate is similar to the trucks in the whole of the United States of America, about 24 percent. Too high in my view, but similar to the rest of the country.

When we went to Laredo, Texas, we found a system that virtually does not exist. There is no permanent inspection station in Texas. I do not believe there is one outside of California. The results are pretty obvious. The gentleman from the Texas Department of Public Safety, Major Clayton, had suggested to us that a truck that is not inspected will be neglected. We were there on a Sunday, and we asked what the experience was that day. We were informed that they looked at seven or eight trucks, and took five of those trucks out of service.

I asked, What was the problem with those trucks? Were they minor little details like a light that does not work or turn signals or something of that sort?

He said, No, Congressman, these are brakes that are failing, leaking fuel lines, cracks in the undercarriage, bald tires.

Mr. Chairman, these are the vehicles that are going to be allowed come January 1 to enter the interior of the United States. This is not against NAFTA. If we want to continue allowing trucks to come into the border States, where they are traveling at presumably a very low mile-per-hour rate, if these trucks are allowed into the interior of the United States to travel anywhere in the United States of America with brakes that are failing, leaking fuel lines, cracks in undercarriage, bald tires, there are going to be major accidents in our country.

Mr. Chairman, what happens to NAFTA then? What will be the outcry in our country if a truck that was not inspected and had these kinds of violations causes a serious accident? I think that will cause a whole lot more harm to NAFTA than our insisting that Mexican trucks be inspected and inspected properly. California has done a pretty good job. They have set a model for us. They have put up the funds and have permanent inspection stations. There are no other permanent inspection stations along the border, and trucks that are unsafe will be entering our country. I strongly support the Sabo amendment.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words and see if we might inquire how many people want to speak on both sides.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. SABO. Mr. Chairman, we have two additional requests for time on our side. And how many on the gentleman's side?

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, we have one additional speaker.

Mr. SABO. Mr. Chairman, I ask unanimous consent that there be 30 minutes of debate, 15 minutes allocated to each side, controlled by the gentleman from Kentucky (Mr. ROGERS) and myself.

The CHAIRMAN. On this amendment and all amendments thereto?

Mr. SABO. Mr. Chairman, that is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, on behalf of my constituents, I thank the gentleman from Minnesota for his amendment.

Mr. Chairman, I represent the southern half of San Diego, California, a district which borders Mexico and which has all of the border crossings for California, at least the great majority. Thirty-five to 40 percent of all truck traffic between Mexico and the United States crosses my district, so I believe we have some sort of experience and expertise with regard to this matter.

The distinguished chairman of the subcommittee suggested that we ought to wait for experts to decide this question. Mr. Chairman, my constituents are experts. My constituents will tell the gentleman what it is like to be in an accident with a Mexican truck whose brakes have failed; in an accident where the driver did not have adequate insurance; in an accident where the truck driver was a teenager or who had just driven for 20 hours straight. My constituents are the experts on what happens when we do not have adequate inspection for the trucks to enter into the United States.

And it is clear we do not have an adequate inspection system. The gentleman from Arizona (Mr. KOLBE) talked about all of the States are ready to do this. I do not see any evidence that they are. If they are, why do they not do this? Twelve thousand trucks are crossing every day. We heard from the gentleman from Pennsylvania (Mr. BORSKI) talking about the state-of-the-art facility in San Diego where the California Highway Patrol inspects trucks. They are doing this, by the way, with their own funds, no Federal support. There is no Federal support for State inspections, and all States can do what they want. That does not strike me as a way to assure U.S. citizens of truck safety.

But the California Highway Patrol has taken on that responsibility, has paid for it, and does good inspections on the trucks they inspect. We think they inspect roughly 2 percent of the trucks that cross the border, and that inspection only deals with the safety of the chassis itself. Very little inspection is done or can be done about insurance. Papers are exchanged, but there is no standard system. There is no way to check those papers.

The driver's license may be asked for and the logs may be asked for, but there is no uniformity of those papers. There is no check or way to check on the accuracy of that data. The driver's license may or may not be a legitimate driver's license. Logs are not required to be kept by Mexican drivers, so we do not know how long the driver has driven. We do not know the safety record of that driver. There is no way to hook up the computer systems between our two nations. And even if there was, the Mexican systems do not yet meet the standards that we would expect in a DMV of any State in our union.

So even though the California Highway Patrol is state of the art, it is only inspecting a few percent of trucks, and it can only inspect for a few percent of what we would normally require to be inspected. And we are light years ahead of the other States that border Mexico. There is no such permanent facility in Arizona or Texas or New Mexico, and there are no Federal funds to set up these, and there are no standards by which they ought to operate, and there is no agreement on the kind of inspections that ought to be done in those States.

The gentleman from Pennsylvania (Mr. BORSKI) mentioned that the Subcommittee on Highways and Transit of the Committee on Transportation and the Infrastructure with our chairman was at various border crossings along the southern border. We were in Laredo, Texas, where there, and in the environs, most of the trucks apparently cross the border. They have not decided what kind of inspections ought to take place. The local border community and its mayor are very adamant about one way of doing it. The Texas Department of Transportation is equally adamant about another way of doing it.

Not only do they not have the money to do it either way, but it is going to be years before they decide how to do it. So we are years away from having an adequate inspection system. We need the Sabo amendment in order to protect our communities.

Mr. Chairman, I stand behind the Sabo amendment and truck safety.

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Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I rise in support of the amendment offered by my colleagues earlier that we were not allowed to have an opportunity to dialogue on.

I represent 13 counties in south Texas, two of which are along the Texas-Mexican border and part of the commercial zone already accessible to Mexican trucks. A number of the other counties contain I–35, a principal trade corridor for truck traffic from Mexico.

I recognize the importance and value of expanding trade with Mexico. We need to build upon the trade relationships with Mexico and Canada. I also recognize that the dramatic growth in truck traffic comes with a price. I know from my constituents that that price is often paid on the ground in those counties as we move forward.

The issue is not whether we should have more trade, rather, the challenge is how to protect the public while increasing trade. One should not be pitted against the other. We should just use our common sense. Road maintenance, border infrastructure improvements and border inspection in general have been the responsibility of the counties along the border, some of which are the poorest counties in the Nation. Increased truck traffic without increased inspections is a recipe for disaster.

Creating a special 18-month exemption for Mexican trucks in south Texas and San Antonio is not the appropriate way to go and is not the way that we should be doing business. It is a price we should not be asked to pay, it is a risk that we need not take, if we adopt

a sensible inspection policy and then pay for it. We need to make sure that those trucks are inspected just like any other truck.

Nearly 70 percent of Mexican truck freight traffic enters the United States through Texas, which experienced 2.8 million truck crossings last year. The volume of truck is expected to increase by 85 percent. As of now, we do not have the ability to inspect and regulate these trucks. A total of 1 percent of the trucks that are crossing into Texas are now being inspected. Of those inspected, the out-of-service rate is 40 percent, nearly twice the national average for U.S. trucks. We will make the problem worse if we do not insist on inspections for Mexican trucks.

We must insist that Mexican trucks and companies meet the same safety and inspection requirements as U.S. trucks. We are not asking for anything special. We want to make sure that they also be able to go through the same guidelines. We are not anti-competitive, and we are not anti-Mexican. What we want to make sure is that those trucks get treated in the same way. They should be inspected in the same manner.

All we are asking is that Mexican carriers be subject to on-site inspections prior to being granted operating authority and permitted to travel throughout the United States. Why should we have to wait 18 months for that? When it comes to public safety, should we not be more sure? Mexico, which has no standard apparatus in place, cannot now certify the safety of its trucks, especially its long-haul fleet, or enforce a border safety inspection program of its own.

We have made modest progress in harmonizing motor carrier safety processes between our two countries. Nevertheless, the Department of Transportation's inspector general recently confirmed that serious discrepancies persist. Mexican trucks tend to be older, heavier and more likely to transport unmarked toxic or hazardous material. Mexico has not yet developed hours of service requirements for commercial drivers. Mexico does not have a laboratory certified to U.S. standards to perform drug testing. Mexico does not have a roadside inspection program.

On our side, in Texas alone, I sent a letter to then Governor Bush when he was there almost 4 years ago. At that time we had 17 workers part time doing the inspections. Now we have 37 part-time people, yet we have 70 percent of the traffic. Texas was supposed to hire 171 new commercial vehicle inspectors. They did not. They did not get the resources. The bottom line is in the existing situation, the State of Texas has not put the resources where they should be. According to the State legislative officials that we just talked to a couple of days ago, they received no additional money for this purpose because of budgetary shortfalls that the past Governor put the whole State into.

I ask Members to really look at this seriously and to make sure that we treat Mexican trucks in the same way that we treat our U.S. trucks.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I hesitated to come running back, but when I started hearing many of the things that were offered up by the other side, I decided perhaps I should come back and plead for more trucks, more trucks to come here maybe and haul off an awful lot of stuff that has gathered in the well during this debate, because as I see it, Mr. Chairman, in Idaho we have got a saying, and the saying is basically this: If it walks like a duck, if it quacks like a duck, it is probably a duck.

This is the second duck that they have had here today. This is no different than their first effort to stop the free flow of traffic across our southern border. This is no different than the effort that was made much, much earlier.

But there are a few things that I would like to clear up. Earlier one of our side was questioned as to whether or not, did the majority not just block an effort, an amendment to change this, to make this right? The majority did not block that amendment. Strict adherence to the House rules that we have all agreed upon about amending appropriation bills is what killed that bill. We made you obey those rules, and in that process the amendment rightfully died.

Why, Mr. Chairman, is this here today? Why have we not since 1994 offered time after time after time similar amendments that could have begun the certification process, that could have perfected the safety on the highways and could have gotten this a long way toward accomplishment of what we are asking to do today? I suspect the reason for that is because from 1994 until last year, until this last January, we did not enjoy a trade representative and a USTR that was prepared to have equal trade on both sides of the border and equal treatment on both sides of the border as we do today and as we can expect today.

Perhaps I should have offered an amendment, too, to go along with this thinly veiled safety effort; that is, that only trucks that are made in Idaho can be run on the highways, so that I could have closed my market, so that I could have enjoyed a monopoly myself.

Mr. Chairman, in 1997, the State of Idaho petitioned the USTR to stop an unfair trade practice on our northern border, our border with Canada. We got no justification. We got no satisfaction. The result was finally our Governor said, all right, if we cannot get the United States Government to do something, perhaps we States ought to unite and do something. And so the northern tier of States did unite. We all put our police to work, our highway patrol to work and our port of entries to work.

The result was, and we heard from the ranking member the statistics about how many unsafe trucks there were. I can tell my colleagues that at that time we found 57 percent of the trucks that we put through our safety efforts on our border with Canada, almost 57 percent did not meet the standards in the State of Idaho, and so, therefore, we could halt them at the border and reject them because they did not meet our safety standards. I suspect, Mr. Chairman, that you can do just about anything that you want to with statistics.

But let me just say, this is not unusual for the United States to do this. We have airlines that cross borders. We have railroads that cross borders. We have no problem with the safety regulations and the equal treatment of both sides. The same thing with our water traffic. And so with all the foreign registry that we have, whether it is on airlines or boats or railroads, we still find that we can have that traffic, and I think that we could use that example, the same thing, on our highways.

Mr. Chairman, I think it is time that we recognize that we need to be good neighbors, we need to be fair neighbors and not be picking on those people which we assume are not prepared to meet the standards that we have in the United States. I think it is time to be fair to all sides. I certainly have sat in awe many times and listened to speeches from the other side about treating people equally and being fair. This is your chance to walk the walk instead of just talking the talk.

Mr. SABO. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

The CHAIRMAN. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

The previous speaker in the well talked about this being a thinly veiled safety amendment. It is not thinly veiled. This is all about safety. Plain and simple that is what we are talking about, the safety of the driving American public on U.S. highways paid for with taxpayer dollars, and they can expect a little bit of protection from their Federal Government. I think. I hope.

We do inspect U.S. trucks. We do pull them off the roads when they are unsafe. We do require drug and alcohol testing. I went through that debate here on the floor of the House, and I supported that. We do require log books. We do require restrictions on duty time. And we enforce those laws. For the most part those laws do not exist in Mexico, and where they do exist, they are not enforced.

Now, no one has contested that fact. They are saying, oh, that we just do not want to be good neighbors. We want to be good neighbors, but we do not want to be good neighbors with people who are endangering the lives of the traveling public.

My district has I–5 running right through the heart of it, and that is where those trucks are going. Now, the gentleman from Texas got up earlier and said, ''My people have done really well. I have such a long border with Mexico, and we have got so many jobs out of this, and you want to hurt that.'' No, actually he is arguing to hurt them, because if this amendment does not pass, those trucks are going to steam right through his district. Right now all those trucks have to stop in his district, and they have to reload onto safe American trucks. But when this goes into effect, those trucks are going right through his district and right up to mine. They are not going to stop. In fact, he is going to lose many jobs in his district.

I am a bit perplexed by the arguments on the other side of the aisle. For the most part they have been arguing our side, but in a knee-jerk way at the end they are going to come to a conclusion that we have just got to go ahead, that this is about NAFTA and about free trade.

We are having huge trade with Mexico, a huge and growing trade deficit with Mexico under NAFTA, although they promised us surpluses. That is not to be debated here today. That would not be impeded one wit by this amendment. But what would happen is these trucks that we know are heavier, with drivers who generally are not meeting U.S. standards for safety, for training, for drug testing, for log books, for records of offenses being kept in a central data file, perhaps for insurance, for labeling for hazardous materials, 25 percent of the trucks coming across the border carry hazardous materials; 1 in 14, 7 percent, are labeled. What is going to happen when one of those goes over somewhere on I–5 in California or in a heavily populated part of Oregon or Washington? We will not know what is in it. We will not know how to deal with it. We are going to not only put the traveling public at risk, we are going to put communities at risk. We are going to put the firefighters and the first responders at risk.

No, let us have the Mexicans adopt stringent laws for safety, then enforce those laws, and after they do that, then we will be great neighbors, and we will be happy to welcome their fully inspected, safely driven trucks into the United States of America. But until they meet those standards, no, no, no, no, no.

This will kill Americans. People will die for profit, and that is not right.

□ 1845

Mr. ROGERS of Kentucky. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. SABO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SABO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 143, not voting 5, as follows:

[Roll No. 193]

AYES—285

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gephardt
Gilman
Goode
Goodlatte
Gordon
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pombo
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Sessions
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—143

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bass
Bereuter
Biggert
Blunt
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burr
Callahan
Cannon
Cantor
Coble
Cooksey
Cox
Crane
Cubin
Culberson
Davis, Tom
DeLay
DeMint
Diaz-Balart
Dooley
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Everett
Flake
Fletcher
Forbes
Frelinghuysen
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goss
Graham
Granger
Graves
Greenwood
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hinojosa
Hobson
Hostettler
Houghton
Hulshof
Hutchinson
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
Kerns
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
McCrery
McInnis
McKeon
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Northup
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (PA)
Petri
Pitts
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryun (KS)
Schrock
Serrano
Shadegg
Shaw
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stenholm
Stump
Sununu
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Whitfield
Wicker
Wilson
Young (FL)

NOT VOTING—5

Burton
LaTourette
Platts
Putnam
Sweeney

□ 1909

Mrs. WILSON, Mrs. CUBIN, Ms. VELÁZQUEZ, Mr. GREENWOOD and Mr. BACHUS changed their vote from ''aye'' to ''no.''

Messrs. BAIRD, COMBEST, BUYER, JEFFERSON, FOSSELLA, PICKERING, HYDE, DUNCAN and MICA changed their vote from ''no'' to ''aye.''

Mr. HINOJOSA changed his vote from ''present'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would be remiss if I did not rise to thank the chairman of the committee, the gentleman from Florida (Mr. YOUNG); the ranking member, the gentleman from Wisconsin (Mr. OBEY); the subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS); and the ranking member, the gentleman from Minnesota (Mr. SABO); for acceding to the request

made by the gentleman from Connecticut (Mr. SHAYS) and myself to include funds in this bill for the environmental impact statement for the New York-New Jersey Cross Harbor Rail Freight Tunnel.

This project was first authorized in TEA–21 and received funds for a Major Investment Study, which was completed last year.

New York City, Long Island, and Westchester and Putnam Counties and the State of Connecticut are virtually cut off from the rest of the country's rail freight system for lack of any way for rail freight to cross the Hudson River, except at a bridge 140 miles north of New York City.

After examining numerous alternatives, the MIS recommended construction of a rail tunnel under New York Harbor. The benefit to the region will be about $420 million a year and the benefit to cost ratio is 2.3 to 1. The environmental impact will be profound as it would remove 1 million tractor trailers from off the region's roads a year. So I am gratified this was included in the bill. I am disappointed the Second Avenue Subway was not included in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2002''.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 178, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 1, not voting 6, as follows:

[Roll No. 194]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
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 (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
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
Holt
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, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
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
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—6

Burton
LaTourette
Platts
Putnam
Sweeney
Woolsey

□ 1930

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING REPRESENTATIVE PUTNAM AND MELISSA PUTNAM ON BIRTH OF DAUGHTER ABIGAIL ANNA PUTNAM

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

Mr. CRENSHAW. Mr. Speaker, I have some exciting news to share with my colleagues, and I think in a spirit of bipartisanship, we can all agree that this is, in fact, good news, because today the youngest Member of the House of Representatives, the gentleman from Florida (Mr. PUTNAM) and his wife Melissa became the proud parents of a baby girl.

Mr. Speaker, today Abigail Anna Putnam was born. She weighed 8 pounds and 4 ounces. She is 21½ inches long, and they are still looking for the first sighting of that fire-engine red hair that the gentleman carries around with him here.

Just as a word of history, I want my colleagues to know, first of all, that the mother and the daughter are doing

well. The gentleman from Florida is a little shaky, but I think he is going to make it.

Abigail is the sixth generation Putnam to be born in Polk County, Florida, and her great grandfather, who is 92 years old, is so excited that he said he is probably more excited about the gentleman from Florida becoming a father than he was when the gentleman got elected to Congress.

I know that all my colleagues want to join with me in wishing the gentleman from Florida and his wife Melissa and their new baby Abigail a wonderful life together.

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

Mr. CRENSHAW. I yield to the gentleman from Indiana.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding to me, and I want to add my congratulations to the growing congressional family, to Melissa Putnam for putting up with the gentleman from Florida (Mr. PUTNAM), and to the happiness. The knowledge that children are a reward from the Lord is something we are pleased to acknowledge, and we send prayers and best wishes, Mr. Speaker, to all of those who share that sentiment.

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

Mr. CRENSHAW. I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, I, too, rise to extend my congratulations from the Commonwealth of Virginia to the gentleman from Florida (Mr. PUTNAM) and Melissa Putnam on the birth of their baby and wish them much strength through the next couple of months of interrupted sleep.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–113) on the resolution (H. Res. 179) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–114) on the resolution (H. Res. 180) providing for consideration of the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER CERTAIN MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, JUNE 27, 2001

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, June 27, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

H. Res. 172, H.R. 2133 and H.R. 691.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken tomorrow.

RECOGNIZING AND HONORING YOUNG MEN'S CHRISTIAN ASSOCIATION ON ITS 150TH ANNIVERSARY IN THE UNITED STATES

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 172) recognizing and honoring the Young Men's Christian Association on the occasion of its 150th anniversary in the United States, as amended.

The Clerk read as follows:

H. CON. RES. 172

Whereas 2001 is the 150th anniversary of the Young Men's Christian Association (commonly referred to as the YMCA) in the United States;

Whereas YMCAs have touched the lives of virtually all people in the United States by pioneering various activities, including camping, public libraries, night schools, group swimming lessons and lifesaving, and teaching English as a second language;

Whereas YMCAs are dedicated to building strong youth, strong families, and strong communities;

Whereas YMCAs serve people of all ages, genders, incomes, and abilities through a wide variety of services designed to meet changing community and societal needs;

Whereas every day the more than 2,400 YMCAs in the United States live their mission through programs that build healthy spirit, mind, and body for all;

Whereas the YMCA invented the sport of volleyball;

Whereas YMCAs are collectively one of the largest providers of social services to the Nation's families and communities, and YMCA programs serve nearly 18,000,000 people, including 9,000,000 children, in the United States each year;

Whereas YMCAs are collectively the Nation's largest child care provider, and YMCA programs serve 1 in 10 teenagers in the United States and incorporate the values of caring, honesty, respect, and responsibility;

Whereas each YMCA is volunteer-founded, volunteer-based, and volunteer-led;

Whereas YMCAs have a long history of partnerships with other community organizations, including schools, hospitals, police departments, juvenile courts, and housing authorities;

Whereas YMCAs have provided war relief services since the Civil War, aiding millions of soldiers at home and abroad;

Whereas YMCA programs inspire a spirit of adventure and challenge individuals to learn new skills, try new activities, and explore other cultures, while being good citizens of their communities;

Whereas Father's Day in its present form was created at a YMCA;

Whereas many organizations began at YMCAs, including the Boy Scouts of America, the Camp Fire Girls, the Negro National Baseball League, the Gideons, and the Toastmasters;

Whereas YMCAs helped found the United Service Organization; and

Whereas the Peace Corps was patterned on a YMCA program: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the Young Men's Christian Association (commonly referred to as the YMCA) for 150 years of building strong youth, strong families, and strong communities in the United States; and

(2) expresses support for the continued good work of the YMCA during the next 150 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

GENERAL LEAVE

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 172, as amended.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring House Concurrent Resolution 172 to the floor. This concurrent resolution recognizes and honors the Young Men's Christian Association, commonly known as the YMCA, on the 150th anniversary of its founding in the United States.

YMCAs are very much a part of the American landscape and history. The organization began in London, England, in 1844. And in 1851, the first YMCA in America was established in Boston, Massachusetts. The YMCA's presence in America has grown steadily to serve nearly 18 million individuals, including 9 million children annually.

I imagine many of us have participated in or benefited from YMCA's services. Over time, the YMCA has been associated with programs, including youth camping and the creation of volleyball and racquetball. Additionally, by the late 1990s, YMCAs were providing daycare for half a million children annually. The YMCA has provided learn-to-swim programs and has been connected to pools and aquatics for many years.

Throughout all of these programs, the YMCA promotes the values of caring, honesty, respect and responsibility. Its commitment to these values can be seen in its history of wartime service dating back to the Civil War, its commitment to the physical and spiritual well-being of the poor and unemployed during the Depression, and its current efforts to teach and reinforce good character in youth through after-school sports and activities.

Mr. Speaker, I am pleased to congratulate the YMCA on the anniversary of their 150 years of existence in America. They have a long history of exemplary service, and I believe we all benefit from the YMCA's existence.

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

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

Mr. Speaker, I rise in celebration also of the 150th anniversary of the YMCA's founding in America. The organization has a special place in my heart, because I had the privilege to serve as the president of the National Council of YMCAs of the USA from 1970 to 1973 and have been involved with the organization most of my adult life, beginning with my teaching career in the late 1950s. Newark's combined YMCA and YWCA has become an integral part of all aspects of our community. In many ways, the history of the local YMCA is a perfect example of the support and stability that Ys around the globe have provided for 150 years to the world.

It seems appropriate tonight to reflect back on many years of successful involvement and rich history this organization has shared with individuals through all parts of the world.

Mr. Speaker, at this point I would like to highlight the route this institution has taken to reach this extraordinary anniversary. The YMCA was founded in London, England, on June 6, 1844, in response to unhealthy social conditions arising in big cities at the end of the Industrial Revolution, roughly 1750 to 1850. The Industrial Revolution took place in Europe.

Growth of the railroads and centralization of commerce and industry brought many rural young men who needed jobs into cities like London. By 1851, there were 24 Ys in Great Britain with a combined membership of 2,700. That same year, the Y arrived in North America. It was established in Montreal on November 25, and then in Boston on December 29 of that year.

The idea proved popular everywhere. In 1853, the first YMCA for African Americans was founded right here in Washington, D.C., by Anthony Bowen, a freed slave.

The next year, the First International Convention was held in Paris. At that time there were 397 separate YMCAs in 7 Nations with 30,369 members in total.

Then by 1866, the influential New York YMCA adopted a fourfold purpose: the improvement of the spiritual, mental, social and physical conditions of young men.

In those early days, the YMCAs were run almost entirely by volunteers. There were a handful of paid staff members before the Civil War who kept the place clean, ran the libraries and served as correspondent secretaries. But it was not until the 1880s, when the YMCA began putting up buildings in large numbers, that most associations thought they needed to have some full-time employees.

Today's YMCA movement is the largest not-for-profit provider of child care, and it is larger than any for-profit chain in the country. In the 1990s, about half a million children received care at a YMCA each year. In 1996, child care became the movement's second largest source of revenue after membership dues.

Tonight we celebrate the many years of positive change the YMCA has had on our neighborhoods, townships, States and countries. My local YMCA, in Newark, New Jersey, opened its doors in 1881. Since its inception in 1881, the Newark Y has been an integral part of the Newark community.

The programs offered by the YMCA and YMWCA assist Newark residents in their day-to-day lives. For example, the YMWCA has affordable and safe housing options, in addition to state-of-the-art fitness facilities and educational programs.

We must continue our commitment to the YMCA to make it continually strong. As my colleagues know, the triangle of the YMCA, the symbol of the Y stands for the mind, the body and the spirit. We talk about the whole person that must be developed in order for that person to take their rightful place in our society.

And so we would like to acknowledge that the YMCA of the USA in its 150 years of service has been a tremendous asset to this country, as they celebrate this 150-year anniversary this weekend in New Orleans, where people from all over the United States and the world will be celebrating in this great achievement and activities.

We have been very fortunate in our local Y, where many local leaders today in our city of Newark have come up through the YMCA's programs of youth and government and Model United Nations and trips abroad and work programs, and so it is with that spirit that I stand here proud to commend the YMCA on 150 years.

We wish them continued success in their work.

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

Mr. OSBORNE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Nebraska (Mr. OSBORNE) for yielding the time to me.

Mr. Speaker, I rise in strong support of H.Con.Res. 172, which I introduced with the gentleman from New Jersey (Mr. PAYNE), my colleague, to honor the YMCA.

For 150 years, YMCAs have touched the lives of communities across our Nation by pioneering so many activities that we value; camping, public libraries, night schools, swimming lessons, lifesaving courses and teaching English as a second language. Over 2,400 volunteer-based YMCA programs across this Nation dedicate themselves to building strong youth, strong families and strong communities.

In fact, YMCAs partner with local schools, hospitals, police departments, juvenile courts and housing authorities to incorporate the needs of their own communities into the programs that they offer.

In my district, Montgomery County, Maryland, the YMCAs are invaluable to parents through both after-school care and summer camp programs. My constituents can avail themselves of programs at the Bethesda-Chevy Chase YMCA, Silver Spring YMCA, the Upper Montgomery County YMCA, and Camplets, is an exemplary summer camp.

Horizons is a good example offered at the Bethesda-Chevy Chase YMCA of a program that really works. This coed program assists young people to develop more self-esteem, self-control and improved relationships with people their own age. Youth who take part in Horizons develop self-reliance skills and experience what it means to excel.

Today over a quarter of the Nation's families are headed by single parents.

□ 1945

YMCA is often a helping hand, providing athletic activities, substance abuse programs that also deal with prevention and volunteer programs to increase the involvement of youth in community service. As the country's largest provider of after-school programs, the kids see the YMCA as a safe home away from home.

In addition to providing a supportive and compassionate environment for children and adolescents, the YMCA cultivates innovation and new ideas. Our most recent holiday, Father's Day, was first commemorated by the YMCA. Quite frankly, the Boy Scouts of America, the Campfire Girls, and the Association for the Study of Negro Lives and History, those organizations began at the YMCA. Few organizations boast such creativity and responsiveness to the needs of communities around the Nation.

The YMCA not only charters new programs, but enters into the partnerships with other organizations. Schools, hospitals, and housing authorities work closely with YMCA programs to coordinate youth activities, and millions of soldiers at home and abroad have been aided by war relief services. Such innovations and partnerships make the YMCA the largest nonprofit community service network in the United States.

The YMCA currently makes a difference in the lives of all over 17 million people. Our support for the continued good work of the Young Men's Christian Association is vital as it has provided such a positive impact throughout the last 150 years.

I urge this House to join in honoring the YMCA for its unfailingly impressive service to the United States, and I wish the YMCA well in their next 150 years of public service.

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

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 172, as amended.

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

A motion to reconsider was laid on the table.

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 Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

(Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ANNOUNCING THE APPOINTMENT OF MEMBERS OF THE LANDS TITLE REPORT COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. OXLEY) is recognized for 5 minutes.

Mr. OXLEY. Mr. Speaker, pursuant to authority granted by section 501(b)(1)(c) of Public Law 106–569, I am announcing my appointment of the following four individuals to the Lands Title Report Commission, established by section 501(a) of that Act: Mr. Chester Carl of Window Rock, Arizona; Mr. Louie Sheridan of Lincoln, Nebraska; Mr. Bob Gauthier of Pablo, Montana; and Mr. Francis X. Carroll of Buffalo, New York.

These individuals were chosen for this appointment due to their demonstrated experience in and knowledge of land title matters relating to Indian trust lands. The Commission, and their appointment, will expire 1 year after the Commission's initial meeting.

The Commission is responsible for analyzing the system of the Bureau of Indian Affairs for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determining how best to improve or replace the system. The Commission is then required to report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its findings.

The other eight members of the Commission are appointed by the Senate and the President.

Mr. Speaker, I want to congratulate these fine individuals on their appointments, and look forward to their report.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ASKING CONGRESS TO HELP STOP JUVENILE DIABETES IN ITS TRACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SANDLIN) is recognized for 5 minutes.

Mr. SANDLIN. Mr. Speaker, I rise today to ask the Congress to help a young friend of mine, Anna Kate Gunn. I am also asking the Congress to help over 1 million other young children in this country who, like Anna Kate, suffer from the disease of juvenile diabetes.

I hold in my hand a book of children from all over this country, all races, all creeds, all colors, all languages, faces of hope, faces that are looking to us to try to do the right thing, faces of other children with juvenile diabetes. Our country is too strong, it is too great, it is too powerful, and it is too rich not to help our children by stopping juvenile diabetes in its tracks right now.

Mr. Speaker, the Juvenile Diabetes Research Foundation just concluded its 2001 Children's Congress here in Washington. This year, 200 delegates representing all 50 States gathered to meet with policymakers to ask our support as we make decisions about legislation that will impact funding for diabetes research. Diabetes is a chronic debilitating disease that affects every organ system in the body. Type 1 diabetes or juvenile diabetes lasts a lifetime.

Those who are stricken with this disease must take insulin just to live. However, insulin does not cure diabetes or prevent the possibility of its eventual devastating affects. Those affects include kidney failure, blindness, nerve damage, amputation, heart attack, stroke.

More than 1 million Americans have juvenile diabetes. A new case of juvenile diabetes is diagnosed every single hour in this country. Diabetes shortens the life expectancy of these children by 15 years. It is the single most costly chronic disease. It totals more than $105 billion of annual health care spending in the United States of America.

Anna Kate Gunn, my young friend from Texas, came by the office today with her parents and her grandfather, Gene Stallings, a well-known sports hero, former coach of the Texas Cowboys, of Texas A&M, of Alabama, of St. Louis.

Anna Kate was diagnosed with juvenile diabetes when she was 11 months old. Now, at age 3, she endures three insulin injections a day and 8 to 10 finger pricks a day to check her blood sugar level. Without a cure for juvenile diabetes, Anna Kate will have to live with these injections, with these finger pricks for the rest of her life.

One of the funding decisions we make in Congress will be a part that involves stem cell research, a critical part of research in this area. This breakthrough research holds great promise in the cure and treatment of many diseases afflicting Americans and many disabilities including juvenile diabetes.

There are three sources of stem cells, embryonic, fetal, and adult stem cells. Each of these types of cells is very different from the others and all are needed to advance research.

Specifically, embryonic stem cell research offers hope to the more than 1 million American children like Anna Kate who suffer from juvenile diabetes. These cells have the potential to become insulin producing cells because of their unique potential to differentiate into any human type of cell. It is necessary for researchers to understand how embryonic stem cells work before they can get the full affect of the adult stem cell research.

Federal support for embryonic stem cell research is essential to the work that scientists are doing to create therapies for a range of serious and currently intractable diseases. By impeding embryonic stem cell research, we risk unnecessary delay for millions of patients, millions of children across this country who may die or endure needless suffering while the effectiveness of adult stem cells is evaluated.

Certainly, there are legitimate ethical concerns and issues raised by this research. However, it is important to understand that the cells being used in this research were destined to be discarded. The cells used are destined to

be discarded. They are destined to be discarded. Under these circumstances, it would be tragic to waste this opportunity to pursue the work that could potentially alleviate human suffering especially in our children.

For the past 35 years, many of the common human virus vaccines have been produced in cells derived from the human fetus to the benefit of tens of millions of Americans. Clearly, there is a precedent for the use of fetal tissue that would otherwise be discarded. This is not a political issue. It is an issue of human responsibility. It is an issue of human decency. It is an issue of doing what is right by our children in this country.

Furthermore, the American public overwhelmingly supports this research. In a poll conducted earlier this year, 65 percent of those surveyed said they support Federal funding stem cell research. It is the right thing to do.

Stem cell research is still in the early stages. In order to receive the full benefits of the research, there must be additional study. Federal funding of this research ensures public oversight and accountability among researchers receiving Federal grants. These researchers will be required to adhere to strict guidelines that do not govern private research. Further, Federal funding will allow many scientists to expand the research in this critical area, thus hastening the discovery of therapies.

Mr. Speaker, we fund many worthwhile projects in the United States Congress. Surely, we can advance funds to save the lives of our children in this country.

Putting an end to public support of this research would have a devastating effect on the future of research in numerous diseases. Congress and the administration should allow this important research to continue, if not for the sake of science, for the sake of Anna Kate and children all across this country that are similarly situated.

Please remember those faces looking at us, faces looking at us in trust and in hope. We cannot let them down. Mr. Speaker, let us do the right thing by America's children.

REINTRODUCTION OF THE PRIVATE BILL FOR THE RELIEF OF ADELA AND DARRYL BAILOR

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, on May 8 of this year, I introduced H.R. 1709, legislation that would provide private relief for Adela and Darryl Bailor.

As my colleagues know, Mr. Speaker, private relief is available in only rare instances. I believe that the circumstances surrounding the Bailors' case qualifies under the rules of private legislation. I believe so firmly in the importance of this case that I have introduced this legislation the 105th, the 106th, and the 107th Congresses.

The facts surrounding this case are clear and undisputed. Adela Bailor, while working for Federal Prison Ministries in Fort Wayne, Indiana was raped on May 9, 1991 by a Federal prisoner who had escaped from the Salvation Army Freedom Center, a halfway house in Chicago, Illinois.

What makes the Bailor case special is that they were caught in a legal Catch-22. The Bailors filed suit against the Federal Bureau of Prisons and the Salvation Army which ran the halfway house to which Mr. Holly was assigned.

One of the requirements for all inmates at a halfway house is that they remain drugfree and take a periodic drug test. Mr. Holly had a history of violence and drug abuse, including convictions for possession of heroin.

On May 6, Mr. Holly was called into the Salvation Army office and was told that his drug test was positive for cocaine use. Salvation Army had the option of informing Mr. Holly of the failed drug test with a U.S. Marshal present, but chose not to. When advised of his GPO's PDF drug test failure, Holly simply announced that he was out of here and walked through the unlocked door.

In the lawsuit, the Bailors lost on a legal technicality. The 7th Circuit Court of Appeals recognized this technicality. The technicality was that, under the law, apparently no one had true custody of William Holly. The Federal Bureau of Prisons had legal custody of Holly, but not physical custody. Salvation Army had physical custody of Holly, but not legal custody.

Recognizing that this was legally untenable, the 7th Circuit Court recommended that Ms. Bailor apply to Congress for private relief.

I ask my colleagues to join in this effort to eliminate this gross injustice for Ms. Adela Bailor and Darryl Bailor. If we believe in victims' rights, then we must hold those who are responsible for the incarceration of violent criminals accountable for such conduct.

Interestingly and profoundly, Adela Bailor is an honorably discharged Marine Corps veteran. At the time of the attack, she was helping to make this country a better place. We cannot and should not turn our back on her because of a legal loophole.

The 7th Circuit has reviewed this case fully and has made the recommendation that they apply to the Congress. Although Congress is not bound by such recommendations, Congress should give a great deference to the legal analysis by the Circuit Court which has determined that Adela Bailor and Darryl Bailor fall into an unusual legal situation.

□ 2000

Mr. Speaker, I urge and encourage my colleagues to sign on to a letter to be sent to the gentleman from Pennsylvania (Mr. GEKAS), chairman of the Subcommittee on Immigration and Claims, urging him to hold a hearing on H.R. 1709. We will be in the process of sending that letter next week, Mr. Speaker.

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Vermont (Mr. SANDERS) is recognized for 20 minutes as the designee of the minority leader.

Mr. SANDERS. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. PALLONE) for making some of his time available to me.

Mr. Speaker, I want to tell a story tonight about what happens when an industry with unparalleled greed operates and spends huge sums of money, with the result that they are destroying the health and well-being of millions of Americans. And the industry that I am talking about, sadly enough, is the pharmaceutical industry.

Mr. Speaker, I think, as my colleagues know, millions of Americans today cannot afford the outrageously high cost of prescription drugs in this country. Some of these people will die because they are unable to purchase the prescription drugs that their physicians prescribe to them. Many of them will just continue to suffer, not being able to get the alleviation for their pain because they cannot afford those prescription drugs. Others will buy the prescription drugs by taking money out of their food budget or their heat budget and will do without other basic necessities of life in order to purchase prescription drugs.

Disgracefully, Mr. Speaker, tragically, the American people pay by far the highest prices in the world for prescription drugs. It is not even close. Several years ago, I took a number of Vermonters over the Canadian border into Montreal because they could not afford the very, very high prescription drug prices in our own country. And what we found when we went over the border to Montreal is that the same exact drugs, manufactured and sold in the United States, were sold for a fraction of the cost an hour away from where my constituents were living in northern Vermont.

Some of the women who went with me over the border were fighting for their lives against breast cancer, an affliction that affects large numbers of women in this country. And what they found when they went across the border with me is that tamoxifen, a widely prescribed breast cancer drug, was selling in Canada for one-tenth the price, 10 percent of the price, that it is sold in the United States. Imagine that, women who are struggling for their lives are forced to pay ten times more in the United States than our neighbors are paying in Canada for the same exact drug manufactured by the same exact company.

It is not just Canada and it is not just Mexico. In the southern part of

our country, California, Texas, and Arizona, Americans are going across our southern borders into Mexico for the same exact reason that Americans in the northern part of this country are going into Canada. But it is not just Mexico and Canada that have substantially lower prices for prescription drugs. It is every other major country on Earth.

Mr. Speaker, for every $1 spent in the United States for a prescription drug, those same drugs are purchased in Switzerland for 65 cents, the United Kingdom for 64 cents, France for 51 cents, and Italy for 49 cents. The same exact drugs. Meanwhile, while the pharmaceutical industry rips off the American people, causes death, causes suffering, that same industry year after year is at the top of the charts in terms of profits.

Last year, for example, the top 10 pharmaceutical companies earned $26 billion in profit. Twenty-six billion dollars. Why is it that prescription drug prices are higher in the United States than in any other industrialized country? Well, the answer is pretty obvious. The pharmaceutical industry is perhaps the most powerful political force in Washington and has spent over $200 million in the last 3 years on campaign contributions, lobbying, and political advertising. Twenty million dollars in the last 3 years in order to make sure that Congress does not lower the outrageously high cost of prescription drugs and affect their profits. Two hundred million dollars.

We see that money spent. We see it in the TV ads in our homes, on our home television stations. We see it in the full page ads in the Washington papers and in papers all over this country. Amazingly, not only are they spending money on advertising, not only do they spend money on campaign contributions, but the vast majority of Members of Congress receive money from the pharmaceutical industry. The political parties receive money from the pharmaceutical industry in soft money. But even more amazing, the pharmaceutical industry has on their payroll almost 300 paid lobbyists right here on Capitol Hill. Imagine that. There are 535 Members of Congress, 100 in the Senate, 435 in the House, and they have 300 paid lobbyists, including former Senators, former Members of the House, knocking on our doors every day, saying, hey, do not do anything to lower the cost of prescription drugs. Keep our profits high, and we will make sure you get your campaign contributions.

This is an absolute disgrace to democracy and it is an outrage being perpetrated against millions of Americans who want nothing more than to be able to purchase reasonably priced prescription drugs. Mr. Speaker, year after year senior citizens throughout this country and those with chronic illnesses cry out for prescription drug reform and lower prices, but their cries and their tears go unheeded as the pharmaceutical industry and their lobbyists defeat all efforts to lower prices. Year after year those poor people come up here, bla, bla, bla, bla, bla, and year after year every effort is defeated because the pharmaceutical industry and their money machine prevents any real reform.

Well, this year it is my hope that it will be different because Congress is going to build on our successes from the last session of Congress. Last year this Congress, in a bipartisan measure, overwhelmingly passed legislation which promised the American people that they would be able to buy prescription drugs at the same low prices as do consumers in other countries through a reimportation program. And that means that the United States, in the midst of a global economy, that our prescription drug distributors, our pharmacists, should be able to purchase FDA safety-inspected drugs from any country where they can get a better price. If drugs are sold in Canada for one-tenth the price, pharmacists in the United States should be able to reimport those drugs under strict FDA safety regulations.

In the House last year, the Crowley reimportation amendment, introduced by the gentleman from New York (Mr. CROWLEY), won by a 363 to 12 vote. Unfortunately, at the end of a long legislative process, loopholes were put into the overall bill last year that made it ineffective. While the law remains on the books, it has not been implemented by either the Clinton or the Bush administrations. In an increasingly globalized economy, where we import food and other products from all over the world, it is incomprehensible that pharmacists and prescription drug distributors are unable to import or reimport FDA safety-approved drugs that were manufactured in FDA approved facilities.

The pharmaceutical industry and their supporters in Congress are sending out letters right now saying, oh, this is a dangerous idea, we are going to be poisoning the American people. This is absolute nonsense. Let me briefly read from a letter that was sent to Senator BYRON DORGAN on September 13, 2000 last year. And as many people know, Dr. Kessler is the former FDA commissioner, I believe under both former Presidents Bush and Clinton, and this is what he stated in his support of reimportation last year, and I quote.

''I believe U.S. licensed pharmacists and wholesalers, who know how drugs need to be stored and handled, and who would be importing them under the strict oversight of the FDA, are well-positioned to safely import quality products rather than having American consumers do this on their own. Second, if the FDA is given the resources necessary to ensure that imported FDA approved prescription drugs are the authentic product, made in an FDA-approved manufacturing facility, I believe the importation of these products can be done without causing a greater health risk to American consumers than currently exists. Finally, as a Nation, we have the best medical armamentarium in the world. Over the years, FDA and the Congress have worked hard to assure the American public has access to important medicine as soon as possible. But developing lifesaving medications does not do any good unless Americans can afford to buy the drugs their doctors prescribe. The price of prescription drugs poses a major public health challenge. While we should do nothing that compromises the safety and quality of our medicine, it is important to take steps to make prescription drugs more affordable.''

That is Dr. David Kessler, in a letter to Senator BYRON DORGAN of September 13, 2000.

Mr. Speaker, when the agricultural appropriations bill comes up, perhaps on Thursday, perhaps next week, the gentleman from New York (Mr. CROWLEY), the gentlewoman from Connecticut (Ms. DELAURO), and others and I intend to introduce an amendment, the reimportation amendment, which is the same amendment as the gentleman from New York (Mr. CROWLEY) introduced last year that received, as I mentioned before, 363 votes.

We know right now that the pharmaceutical industry's cash register is clicking overtime. Their lobbyists are all over Washington trying to scare Members of Congress so that they will not pass this legislation. But I believe that when Members of Congress go into their hearts and when they listen to the seniors and the other people back home who are sick and tired of paying outrageously high prices for prescription drugs, who are sick and tired of having to go to Canada and Mexico to buy the drugs that they need, I believe that despite all of the scare tactics of the pharmaceutical industry and their representatives in the United States Congress, that Congress will have the guts to stand up to them and vote for the American people and pass the Sanders-Crowley-DeLauro reimportation amendment.

Mr. Speaker, when that amendment comes before the floor, it may be the only opportunity this year or next year that Members of Congress will have to vote to lower the outrageously high cost of prescription drugs. I hope and am confident that Members of Congress will ignore the scare tactics of the pharmaceutical industry and their representatives and join the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New York (Mr. CROWLEY), and myself, and many others from both parties, in demanding that finally, after years and years of talk, we lower the cost of prescription drugs in this country and we create a situation in which American consumers do not have to continue paying far more than people throughout the rest of the world for the same exact prescription drugs.

Mr. Speaker, I want to thank my friend, the gentleman from New Jersey (Mr. PALLONE), for having yielded me his time, and I yield back the balance of my time.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for the remainder of the minority leader's hour, approximately 47 minutes.

Mr. PALLONE. Mr. Speaker, I do not know whether I will use all of that time, but I do want to discuss tonight another health care issue. I appreciate my colleague, the gentleman from Vermont (Mr. SANDERS), talking about the prescription drug issue and the reimportation issue; and that is certainly one of the major health care issues that needs to be addressed in this Congress.

I talk all the time about three health care issues that I know that President Bush said during the course of his campaign he would address and that have not been addressed. Unfortunately, what we have here in the House, with the Republicans in control, the Republican leadership so far has been unwilling to address the three major areas that I hear about most in health care. One is prescription drugs, which my colleague from Vermont just mentioned; the other is the Patient's Bill of Rights, or HMO reform; and the third is the need to try to cover those 40 to 45 million Americans who have no health insurance.

□ 2015

Mr. Speaker, fortunately, the other body is now discussing HMO reform, the Patients' Bill of Rights. I would say that the reason that has happened is because of the switch in the majority from Republican to Democrat in the other body. The first order of business that the new Democratic majority took up was HMO reform, the Patients' Bill of Rights.

Tonight I would like to discuss briefly why I think it is important to pass the Patients' Bill of Rights, and not just any Patients' Bill of Rights, but the Patients' Bill of Rights, or HMO reform, that was introduced in the other body by Senator MCCAIN, Senator KENNEDY, and Senator EDWARDS, and that has been introduced in the House by the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL).

These are bipartisan bills, but I need to point out that the thrust of the bills is from the Democratic side, because the Republican leadership, even though there are some Republicans that are playing a key role on these bills, the Republican leadership has refused to bring them up in either House, or to support the Ganske-Dingell bill, the real Patients' Bill of Rights here in the House, or the McCain-Kennedy-Edwards, the real Patients' Bill of Rights in the other body.

I will not refer to them necessarily as the Democratic bills because we do have some Republican support, but they are Democratic bills in that the Democratic leadership supports them in both Houses and the Republican leadership does not support them in either House.

Why are we talk talking about the Patients' Bill of Rights and HMO reform. Two reasons. This comes from my constituents and from Americans from all walks of life. Increasingly, if a person is in a managed care situation, if you are in an HMO, the decision about what type of care you get, and that means whether you get a particular medical procedure, whether you can go to a particular hospital, whether you can stay in the particular hospital for a particular length of time, these types of decisions about your care unfortunately are made almost exclusively now by insurance companies, by the HMOs.

What the Democrats have been saying and what the real Patients' Bill of Rights says is that that needs to change. That needs to go back to medical decisions, what is medically necessary for you as a patient, that decision is made by your physician, your health care professional and you as a patient, not by the insurance company. That is the one major change, and the one need for reform with regard to HMOs that the Patients' Bill of Rights seeks to accomplish.

The other major issue and the other major change is the fact that today in HMOs, if a decision is made about what type of care you get, and you do not agree with that, in other words you have been denied the care that your doctor and you feel is medically necessary, you do not have any place to go. You can file a grievance with the HMO; and they will review it and say sorry, we made a decision, and we are not going to change it.

What the Democrats would like to see, what the Dingell-Ganske bill would do is turn that around and say if you want to seek a redress of grievances because you feel you have been improperly denied care, you can go to an external review board, an independent review board outside of the HMO, and they will review that decision by the HMO. They have the power to overrule it if they think that care was improperly denied and you need the care that your physician says is necessary.

Failing that, in certain circumstances you would be able to go to court and bring suit so you could have the decision of the HMO turned around, or you could even be granted damages if you were seriously injured and it was too late to correct your situation; or God forbid, you died, your estate could sue for damages.

Now, those two things, those two basic theories, the decision about what kind of care you get is made by a health care professional, not by the insurance company, and that you have some place to go to right that wrong and to turn that decision around are really at the heart of the Patients' Bill of Rights.

Mr. Speaker, I want to talk about some of the specific things that the Patients' Bill of Rights will do which I think are important. I will mention a few that apply to patients, and then I want to mention a few that apply to doctors, because I think as you know, the doctors now under HMOs feel that they cannot even practice medicine. There are a lot of restrictions on what they can do, so the decision is important for the doctors as well as for the patients.

One area is access to emergency room care. The Patients' Bill of Rights allows patients to go to any emergency room during a medical emergency without having to call a health plan first for permission. Emergency room physicians can stabilize patients and begin to plan for post-stabilization care without fear that health plans will later deny coverage.

This is a big concern that patients have. I get chest pains, I think I am having a heart attack. I cannot go to the hospital that is down the street. I have to go to one 150 miles away. I may suffer damage because I have to go to an emergency room so far away. That makes no sense. We reverse that and say if you feel, if the average person feels by having severe chest pains they need to go to the closest hospital, they have the right to go there and the insurance company has to pay for that emergency room care.

Access to needed specialists. Part of the problem now is many patients, many Americans in HMOs do not have access to a specialist. They may have access to a family physician, but if they want to go to a specialist in that particular area where they need help, they cannot obtain that through the HMO.

The Patients' Bill of Rights ensures that patients who suffer from a chronic condition or require care by a specialist will have access to a qualified specialist. If the HMO network does not include specialists qualified to treat a condition, such as a pediatric cardiologist, for example, to treat a child's heart defect, it would have to allow the patient to see a qualified doctor outside the network at no extra cost.

The Patients' Bill of Rights also allows patients with serious ongoing conditions to choose a specialist to coordinate care or to see their doctor without having to ask their HMO for permission before every visit. This is common sense.

The Patients' Bill of Rights also allows direct access to an OB–GYN. It allows the woman to have direct access to OB–GYN care without having to get a referral from her HMO. Women would also have the option to designate their OB–GYN as their primary care physician. This is very important to women.

Finally, and there are so many other patient protections, and I just want to

mention a few because I want everyone to understand how important these patient protections are, the Patients' Bill of Rights says that needed prescription drugs would be available to patients. Currently, many HMOs refuse to pay for prescription drugs that are not on their preapproved list of medications. As a result, patients may not get the most effective medication needed to treat their condition.

The Patients' Bill of Rights ensures that patients with drug coverage will be able to obtain needed medications even if they are not on the HMO's approved list. If your plan does not include drugs, we are not saying that you are going to get it. But if your plan includes drugs, they cannot limit you to the preapproved list of medications.

Let me talk about some of the ways in which the Patients' Bill of Rights, the Dingell-Ganske bill and the McCain-Kennedy-Edwards bill, frees up doctors to practice medicine, because many times they feel that their hands are tied. My point is what I originally said, is that accountants and insurance company executives and staff should not be making medical decisions. It is the doctor who should be able to make medical decisions.

What the Patients' Bill of Rights says is that it prohibits insurers from gagging doctors. Patients have a right to learn from their doctor all of their treatment options, not just the cheapest. The Patients' Bill of Rights prevents HMOs from interfering with doctors' communications with patients. Doctors cannot be penalized for referring patients to specialists or discussing costly medical procedures.

People do not understand that a lot of Americans are in HMOs where they say that the doctor cannot talk to you about a preferred method of treatment. If the insurance plan does not cover a particular procedure, then they can tell the doctor that he cannot talk to you about it even if he thinks that you need it. That is the gag rule. We have eliminated it.

The Patients' Bill of Rights allows doctors to make the medical decisions. It says that doctors rather than insurance company bureaucrats will basically decide what kind of medical care you get. HMOs are prevented from inappropriately interfering with doctors' judgments and cannot mandate drive-through procedures or set arbitrary limits on hospital lengths of stay.

In addition, doctors and nurses who advocate on behalf of their patients will be protected from retaliation by HMOs. There are many patient protections in the Patients' Bill of Rights. I am not going to go into all of them tonight, Mr. Speaker. Suffice it to say the main thing is the idea that doctors will make decisions, not the insurance company; and there is some way to appeal that decision outside of the HMO.

Mr. Speaker, I wanted to go into some other areas that relate to the Patients' Bill of Rights because we know that the other body is considering it. They have done so for about 10 days, and we are hoping that it will come here to the House of Representatives eventually. Some of the arguments that are being used now against the real Patients' Bill of Rights, the Democratic bill, are that a lot of States have already enacted legislation that would protect patients, and so it is not really necessary for the Federal Government to act. I hear this from time to time.

My State of New Jersey has actually passed a fairly strong patient protection act. Some people say we have it in New Jersey, or maybe we have some form of it in other States. Why do we need to do something on the Federal level? I think that is a very important point that needs to be responded to. I just want to talk a little bit about that tonight if I can, Mr. Speaker.

First of all, the real reason we need Federal legislation is that these protections that do exist today are sort of like a patchwork quilt, and there are a lot of holes in it and a lot of differences from State to State. There are a lot of differences in the protections that are afforded to people. There are enormous differences in the way that a person can redress their grievances, what kind of external review they would have, what kind of ability to sue that they would have. Also, let me just get into basically three areas, if I could, where we see the State laws different and I can explain why we need a Federal bill.

Of the 10 areas of consumer protections that are primarily the focus of the Patients' Bill of Rights, only one State has adopted most of those protections. In a lot of States maybe half of the protections are provided and half of them are not. But even in States that have adopted specific patient protections, those laws are not applicable to many of the States' residents. So you might have in a State with no patient protections, or in a State that has some; but you might not be in a group that is covered by those patient protections. The State laws differ in terms of who is covered.

For example, some States have the prudent-layperson standard for emergency room care. If I feel as an average person because I have chest pains I should go to the local emergency room, I can go there and it will be paid for. That varies. Some States have it, and some States do not. About 43 percent of all employees who get their health care coverage through their employer are not covered by protections even in the States that have something like a Patients' Bill of Rights.

Mr. Speaker, I do not want to dwell on this forever, but the point I am making is that it is a very hollow argument for somebody to say that we do not need the Federal law because some States have enacted this because some States have, and others have not. Some people are covered in those States, and others are not; and they may have some protections, but they may not necessarily have all of the protections.

In New Jersey, which has a pretty strong Patients' Bill of Rights, there was an article just a couple of months ago in one of my local papers, the Home News Tribune, an editorial, that advocated for a Federal Patients' Bill of Rights because it said that it is very difficult in New Jersey to sue if you have been denied care.

□ 2030

That is just another example, even in a State as strong as New Jersey, where we need some Federal action.

I wanted to talk about two other things tonight, Mr. Speaker, two other areas related to the Patients' Bill of Rights, before I yield back the balance of my time.

One is that I know that in the other body, efforts are being made to weaken the Democratic proposal, the McCain-Kennedy-Edwards bill, through amendment. Fortunately, those efforts have failed. I think it is significant because it shows that even though this is primarily a Democratic bill, that we clearly have enough Republicans now that are coming over with us on these key amendments that we are forging a bipartisan coalition to support the real Patients' Bill of Rights regardless of the fact that the Republican leadership opposes the bill.

The two amendments that came up within the last week, I think, are significant. One of the amendments which was rejected by a vote of 56 to 43 proposed to exempt employers from health care lawsuits in every situation. Now, this has been a major point of contention, because some people say, well, the problem with the Patients' Bill of Rights is that employers may be sued. What we have said is there is a very limited situation where employers can be sued and that is only if they have taken direct responsibility and have been directly involved in the decision of what type of care you should get. But the Republican leadership wanted to just say that they could not be sued under any circumstances. I think that is wrong. I was glad to see that that amendment was struck down. I think actually that took place today in the other body.

The other amendment which I believe was defeated last week related basically to tax breaks. This was a Republican proposal to add a provision speeding up tax breaks to cover costs of health insurance for the self-employed. I mention that one, although it may not be as obvious why that is a bad thing, because what we have seen in the past, and this is what happened in the House of Representatives last year when we took up the real Patients' Bill of Rights, is that there was an effort to try to add all kind of things to the bill, what I call poison pills, to load it up with all kinds of unrelated ideas, if you will, or proposals so that it would never pass.

What really happened last year is that the Republican leadership was fairly successful, in that even though we passed a good Patients' Bill of Rights in the House of Representatives,

they put in all these poison pills or extraneous provisions related to tax breaks, related to malpractice, related to medical savings accounts, and so that when the bill went to conference between the two Houses, it was virtually impossible to get a bill out of conference and to the President because of all these poison pills, added provisions, loading down the Patients' Bill of Rights so that it could not pass and was not a clean bill. We do not want that to happen again.

I have been very happy with what is happening in the other body because it is clear that we have a majority, albeit a slight one, between most of the Democrats and a few Republicans to try to have a bill that clearly will shift the burden so that decisions are made by doctors and there is a real way of redressing your grievances and, on the other hand, not loading this bill down with all kind of extraneous material so we can never get it out of conference and to the President's desk.

But the other development that occurred today that was disturbing, and I think I need to speak out on it because I need to expose again what the Republican leadership this time in the House is trying to do, is that the Republican leadership in the House, which so far has refused to bring up the real Patients' Bill of Rights, will not have it go through committee, will not bring it to the Committee on Rules, will not bring it to the floor, as the Republican leadership has unveiled their own HMO reform bill which, of course, you know, they are going to call the Patients' Bill of Rights, but it is not the real Patients' Bill of Rights. It is not the bill that has already passed the House, that is now being considered in the other body, that has the support of almost every Democrat and about a third of the Republicans.

I want to talk a little bit, if I can this evening, Mr. Speaker, about why this latest House Republican leadership proposal for HMO reform does not cut the mustard and is just a subterfuge to try to kill the real Patients' Bill of Rights, because what I think is going to happen is that the Republican leadership when we come back from the July 4th recess is going to try to bring up their version of HMO reform and ignore the real Patients' Bill of Rights and try to make it so that the real Patients' Bill of Rights never gets considered on the House floor.

Let me tell you a little bit about what this Republican plan that was introduced today, or they had a press conference today, is all about. I would characterize it as an HMO, an insurance company bill of rights rather than a Patients' Bill of Rights. Once again the Republican leadership is protecting managed care plans from simply being held accountable for their actions. Unlike the real Patients' Bill of rights, the Republican plan leaves the review of patient grievances in the hands of the insurance companies and still allows insurance companies the ability to dictate the services patients receive.

Now, I have said before why this is unacceptable. It is unacceptable because the core of the real Patients' Bill of Rights is the idea that the insurance companies do not make medical decisions; the doctors and the patients do. We want to see a real Patients' Bill of Rights, that is what our constituents tell us, not a phony one.

The legislation that the Republican leadership introduced today does not provide many of the assurances that I talked about tonight that the real Patients' Bill of Rights provides. It allows HMOs to choose the external appeals panel and then allows the panel to determine whether the patient can go to court without allowing the patient the right to appeal. In addition, the Republican bill provides only a narrow venue for State lawsuits which then forces all suits over improperly denied care to go to Federal court.

Now, some people may say, Well, what's the difference whether I sue in State court or Federal court? Let me tell you, it makes a big difference. What the Democratic bill says is that you can sue in State court. If the Republican bill forces you into Federal court, there are not that many Federal courts and their dockets are overcrowded and people have a much harder time suing in Federal court, and it costs you a lot more money to sue in Federal court. So there is a difference. I do not want to play it up in a major way, but I want to explain why there is a difference.

I think that what the Republican leadership did today in the House is that basically what they are trying to do is sort of outbest what the other body is doing. They know that the other body is likely to pass a real Patients' Bill of Rights, and they want to bring up a fake one here in the House that the majority of the Members, almost all the Democrats and even about a third of the Republicans are opposed to.

We will see what happens, but I think that we need to expose what is happening here and how this latest bill which was much heralded today by the Republican leadership really does not accomplish the major goal of the real Patients' Bill of Rights, which is to switch the decision about what kind of care you get to your doctor and you rather than the insurance company and that allows you to basically appeal a denial of care to an independent body outside of the HMO and ultimately to court if you do not have a fair shake.

Mr. Speaker, I just wanted to say, I know that every night this week the Democrats are using our time during Special Orders to draw attention to the Patients' Bill of Rights and why we need to pass the real bill here in the House and also in the other body. Last night we had Members of the Texas delegation get up, and I thought that was very significant because, as you know, President Bush said during the course of the campaign that he would sign a bill that was like the Texas law. Frankly, the Dingell-Ganske bill, the McCain-Kennedy-Edwards bill, the real Patients' Bill of Rights, is exactly like the Texas law. Yet now President Bush says he will veto that bill and he does not find that bill acceptable and is asking for something else. I think that is not the commitment he made during the campaign. It was not the commitment he made when he was Governor. And it certainly is a commitment that he should keep and hopefully if we send him the real bill, he will sign it even though he is now threatening to veto it.

The second thing I wanted to say is that tomorrow night, the Democrats will have some of our Members who are health care professionals, who are nurses and who are other types of health care professionals, taking to the floor.

The reason we are doing that is because I think that oftentimes it is the people that are in the health care profession, the doctors, the nurses, the technicians, these are the people that understand, I think, oftentimes even more than the patients, why it is important to have a real Patients' Bill of Rights, because they want to take care of their patients. They want to make sure they get the proper care and the care they deserve. They do not want monetary or other considerations, the bottom line, to dictate the quality of care for the average American. We will be here as Democrats every night this week and also when we return after the July 4th recess to bring up the point that the real Patients' Bill of Rights must pass. It is the highest priority of the Democrats in both Houses, and we are determined to see it through.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KERNS). The Chair would remind Members not to characterize Senators or Senate action.

ADDRESSING THE NATION'S ENERGY NEEDS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. RADANOVICH) is recognized for 60 minutes as the designee of the majority leader.

Mr. RADANOVICH. Mr. Speaker, I would like to take the time that I have that I have been most graciously given to begin to talk about our Nation's energy needs and the national energy policy that has been put forth by the new administration, by President Bush, and the information contained in the National Energy Policy Development Group's report on national energy policy.

I want to commend the administration for taking the leadership on what is a real challenging issue, and that is, providing energy for America's needs. Being from California, they are urgent

needs now and also for the energy needs in the Nation for the future. It is a daunting task and one that needs to make up for a lot of lost time because there has not been a lot of focus on our Nation's energy needs in the last 8 years. So although it may not be popular at times, I want to commend the President for the excellent job that he is doing by tackling such difficult issues.

Why do we need an energy policy? If I may take just a few minutes to outline, it is because America faces its most serious energy shortage since the oil embargoes of the 1970s. Our fundamental imbalance of supply and demand has led to this crisis. Our future energy needs far outstrip present levels of production. Right now, United States energy needs are 56 percent dependent on other countries supplying that need. With that need growing at an ever-increasing rate, we become far more dependent on rogue nations that do not have the best interests of the United States at heart and in many, many ways leave ourselves very vulnerable. I think that it is high time that this policy has been sought after, and I applaud the President for taking steps in this direction.

Last winter, heating bills for many families in the United States tripled. Average natural gas heating costs in the Midwest rose by 73 percent last winter. New Englanders' heating bills jumped by about 27 percent. Millions of Americans are dealing with rolling blackouts, including myself, and brownouts and grayouts and threatening their homes, businesses, families and their own personal safety. Low-income Americans and seniors have been the hardest hit. While energy costs typically represent only about 4 percent of a middle-class household budget, last winter costs for average low-income households were about 14 percent of the household budget.

Drivers across America are paying higher and higher gasoline prices. In 2000, fuel prices on average rose 30 to 40 cents per gallon from a year earlier. This summer in some parts of the Nation, gasoline prices may skyrocket to about $3 a gallon. High fuel costs also are destroying many, many jobs. For example, trucking company bankruptcies are at an all-time high. Farm production costs are spiking sharply because of higher energy prices while farm income remains low. Surging natural gas prices have increased the prices of fertilizer by 90 percent since 1998.

I can read a lot of the talking points on this about a national energy policy, but I think I can speak from the heart being from California and dealing with our energy crisis and the blackouts that we have. Many, many people say that California is an example of how not to deregulate and because of that they face rolling blackouts. Gratefully and thank God there was no direct loss of life attributed to the blackouts that we have had so far, but there is no guarantee that we will not face them in the future. In California's energy problems, it was as much mismanagement of the issue from the State level as it was an energy crisis that hit this year; but had there been good management, California would have hit sooner or later because of the dramatic increase in energy needs in California and the lack of California's ability to meet those needs through increased power generation.

□ 2045

There has not been a new generation plant in California in the last 10 years.

So many, many people buried their heads in the sand thinking that the increased population was not going to have an effect on the infrastructure of California, when indeed, of course, it did, and it caught up with us in the form of these blackouts.

So I do commend the President for his desire to want to piece this thing together and diversify our energy base so that we are not so reliant on natural gas.

I have with me today a dear friend. My mom was born in his district in Arizona. The gentleman from Arizona (Mr. HAYWORTH) is here also to speak on the President's national energy policy, and I would like to yield him some time.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from California (Mr. RADANOVICH), for scheduling this hour to discuss the challenges at hand, and whether one resides in Mariposa County, California, or Maricopa County, Arizona, or Mecklenburg County, North Carolina, or Mecklenburg County, Virginia, for that matter, from coast to coast and beyond, in our 50 States we are confronting a serious challenge. We need a comprehensive policy, the type drafted by this administration, because we have reached a point where we must realize that this challenge is multifaceted.

We cannot conserve our way out of it. We cannot drill our way out of it. Instead, we need a calm, confident reassessment of where we are headed.

Mr. Speaker, as I stand here in the well of the United States House of Representatives and I look just behind me here to this podium, I am acutely aware that 40 years ago Jack Kennedy stood there and challenged this Congress and challenged this Nation to put a man on the moon and bring him safely back to Earth before the decade of the 1960s was completed. We were able to do that; a triumph of technology, yes, but a triumph of will and the human spirit. It will take that type of commitment. Just as we brought together the best minds and the most innovative companies to put a man on the moon, so, too, we need a national, organized effort, a strategic and financial partnership between business and government to solve the energy problems.

Am I talking about a State plan, excessive regulation program? Of course not. We need to find a reasonable, rational way to put the best minds in this country to work on this program, to take what is valuable from business, to take the strategic planning that should be part and parcel of our constitutional Republic and form a good partnership to solve the energy challenges we face.

Quite simply stated, we need less dependence on foreign oil and more attention to developing our own energy supply.

My colleague, the gentleman from California (Mr. RADANOVICH), summed it up. It is worth noting and amplifying. Early in the 1990s, the oil and gas needed by the United States, the majority of that oil and gas was produced within the borders of the United States. Some 60 percent was produced here in this United States. Foreign suppliers accounted for a distinct minority, some 40 percent. Sadly now, at the dawn of a new century, with almost a decade devoid of any energy policy, with almost a decade of the sweet by and by and we will take our risks and we will not worry about this, the situation is completely reversed. We now depend on foreign sources for almost 60 percent of our oil and gas. Simply stated, a reasonable, rational environmentally sensitive policy of exploring for more American energy is something that forms the foundation of what we need to guarantee an uninterrupted supply of energy when we need it.

It goes beyond that, as important as those products are, because when one thinks of the challenge of energy, when one thinks of what my colleague pointed out, we are talking ultimately not only about the process of exploring and ultimately consuming energy, but there is an impact to the pocketbook. The most immediate effect we think about and associate with across the country is the price at the pump.

We need to have a situation where we are no longer dependent on the Organization of Petroleum Exporting Countries, otherwise known as OPEC.

Here is one of the ironies at the outset of the 21st century: Saddam Hussein's Iraq, a nation which threatened the stability of its neighbors, attempted to invade and occupy another oil-producing state, Saddam Hussein's Iraq, a country in the early days of this administration where American war planes carried out a raid in part to try and disrupt the fiberoptic sophisticated air defense systems now being installed, here is the irony, Mr. Speaker, because of the lack of a cohesive, coherent energy policy, we now import more oil from Iraq than we did prior to the Persian Gulf War.

Mr. RADANOVICH. Mr. Speaker, I want to take the example of the gentleman from Arizona (Mr. HAYWORTH) and put an environmental approach to it, because I am in the Congress continually amazed about the hypocrisy of the extreme environmentalist movement in this Nation. I really believe that the current style of

environmentalism in the United States will end when one cannot get water out of a faucet or one cannot get light out of a light switch. People tend in the United States to be very environmental everywhere else but their own backyard, and when emergencies hit like this, there is a change in perception about what we ought to be doing. It is that not-in-my-backyard approach, I think, that has led to a lot of this Nation's energy crises. It has been at the local levels of government, all across the country, but it has also been fueled a lot by the extreme environmental movement that basically puts the environment over human life, and the priorities thereof.

The reason why I wanted to bring that up, when the gentleman was mentioning this is, does the gentleman think that the environmental policies that regulate oil exploration in Iraq are much more stringent in the United States? I do not think so. Yet the United States uses 25 percent of the world's energy and only has 2 percent of the resources, and I do not know what the number is of that 2 percent that is locked up, but I guarantee it is a very, very high percentage.

We are such hypocrites in this country because we demand to use so much energy, and yet we refuse to use our own resources, where if we did that, energy demand would be much more environmentally responsible than in a Third World country.

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

Mr. RADANOVICH. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I wanted to add to that point that in Russia, and I was recently in Russia, their pipelines that transport the oil, they actually use it for oil transportation as much as trucks, but they spill the equivalent of an Exxon Valdez-type spill every week just in transporting their oil.

Here we are, we could help them through aid programs trying to get these pipelines improved, which would help the environment but also our energy supply, and the gentleman said we have the best, the strictest environmental regulations in the country, and yet our environmental policies, our radical environmental policies, want to continuously pick on America.

It is interesting that in 1976, in Louisiana, that is when the last oil refinery was built in the United States of America in 1976. I bet the gentleman was cranking up his eight-track player by the time they opened that one up. In fact, the gentleman's eight-track player was probably already getting dated. The gentleman's slide rule was gone, and he was not driving his Ford Maverick anymore. That is how long ago we are talking about.

Now, unfortunately, radical environmental politics, now there are 8,000 environmental groups in the country. They generate something like $3.5 billion a year in terms of checks and revenues to them. The Sierra Club out in the great State of California pays something like $57,000 a month just on rent in San Francisco. That is how big we are talking about. So we approach so many of these things emotionally to how can I best sell my membership rather than what are we going to do to have a good, balanced approach.

Our great friend Kelly Ann Fitzpatrick talks about a poll that says if the people in America are polled, 87 percent say they want clean air. Her question is, who in the heck are the other 13 percent? What is going on here?

We want a balance. We want clean air, clean water. We want energy-efficient cars. That is a given. It is extremely important.

At this point America is not ready to throw in the keys to their internal combustion engines and say, okay, we are all going to start riding bicycles. So as long as we have cars, let us keep the supply up for gasoline.

Mr. HAYWORTH. Mr. Speaker, I cannot help but think of the distinction here. It seems that to the cynic so much of what transpires politically is theatrical. We heard in the preceding hour, and I was especially struck by our colleague, the gentleman from New Jersey (Mr. PALLONE) on another matter, just dealing with disinformation and demonization rather than solutions. It seems to me especially on this topic, which touches every American, perhaps we should pledge ourselves not to an extremist environmentalism, but to an enlightened environmentalism; not to a radical environmentalism, but a rational environmentalism; not to the environmentalism of the elite, but to the environmentalism of the enlightened.

Our President has made sense of this because he says, Mr. Speaker, that one has to cease looking at this as an either/or. It is not, well, we will have a clean environment, or we will burn fossil fuels. It is not, we will have clean air, or we will commit to motor vehicles. Indeed, there is an enlightened approach that uses the latest scientific data for clean-burning energy; for environmentally-sound exploration. Though it may not be commensurate with the theatrical politics of demonization and disinformation that drives some of the eco campaigns my colleague talks about, it is what we should do because it is the right thing to do, to provide for our economy, but at the same time protect our precious environment.

Mr. RADANOVICH. Mr. Speaker, I would like to applaud the President for just the very reason that the gentleman just mentioned, because he is taking a leadership role on this issue. The polls came out the other day in the front page of the New York Times that he is slipping now down to 53 percent. Whether one agrees with that or not, I can see where a President like this has the leadership and the desire to want to improve America, to upset a few people and ruffle a few feathers just to make things different for our country and better. I think that is what real leadership is, and that is why I want to applaud the President for doing that.

The person who spoke recently was the gentleman from Georgia (Mr. KINGSTON), a wonderful representative of that State.

We are joined now by the gentlewoman from New Mexico (Mrs. WILSON), and I would yield to her at this point.

Mrs. WILSON. Mr. Speaker, I want to thank my colleague, the gentleman from California (Mr. RADANOVICH) for yielding me the time.

Mr. Speaker, I had the privilege of having supper tonight with two friends from Roswell, New Mexico, who are in the oil and gas business. They are second- and third-generation members of their families who are in the oil and gas business. I represent the State of New Mexico, which is one of the country's providers of oil and gas and uranium and coal. We provide the fuel that lights the lights across this country.

I think all of us understand that we have an energy problem in this country. It is toughest in the West, but it affects us all, whether it is the price of gasoline at the pumps or the rising price of the things that we buy in our stores that take energy to make.

I think there is a growing consensus in this country that we need a plan. We have not had an energy policy in this country for almost 20 years. We are more dependent on foreign oil today than we were at the height of the energy crisis. Fifty-five percent of the oil we consume in this country is imported from abroad, mostly from the Middle East, from OPEC. The sixth largest source of supply for oil in this country is now Saddam Hussein's Iraq. Most Americans do not know that, know how dependent we are for our energy security on countries abroad.

California also got itself into a real tough spot over the last decade. Their growing, robust economy required about 10,000 more megawatts of power, but they only built 800 megawatts of supply.

□ 2100

Only my mother can have it both ways. You have to be able to have the supply of energy to use.

Now, I do not think there are any quick fixes that are going to solve the energy problems in this country. I think we need a balanced, long-term approach that conserves the energy we have, and also gives us more supply; that will give us the stability in prices we all want and the energy that we need.

I think that this is much too important to do anything but the right thing. I am very pleased to join my colleagues here tonight to talk a little bit about it.

I spent Sunday afternoon in the East Mountains that are right up against the city of Albuquerque. One of the

reasons that my family and I love being New Mexicans is we love the great outdoors. We love taking our children there. We love the beauty of the land in New Mexico. I know my colleagues would disagree, but I happen to live in one of the richest energy States in the Nation, but I also live in the most beautiful State in the Nation.

Mr. KINGSTON. If the gentlewoman would yield, you have gone too far now.

Mrs. WILSON. My colleagues, I know my colleagues would disagree, but I think you understand my feeling for the place, and also my knowledge that this is not an either/or question; that if we are smart about it, we can provide the energy that we need to live life the way we want to live it, without damaging the country that we love. I think that is the kind of policy we want to promote, which means we start with conservation.

One of the things I thought was real interesting about the President's energy plan was some of the data that was in it. In fact, we do not take credit for how far we have come in the last 20 years in energy efficiency.

This top line in this chart shows energy use at constant energy per dollar of gross domestic product, for how much we are producing in this country. We have gotten so much more efficient since 1972, which is the baseline year. We are using less energy per dollar of GDP.

Now, part of that is we have a more information-based economy and so forth, but we are much more energy efficient now. A refrigerator, we had to buy a new one recently, thank goodness my husband was at home to get one, and the refrigerator we bought uses one-third less energy than the one that we bought in 1972 that it replaced.

Our cars are more efficient and hold the promise of being even more efficient with hybrid vehicles, which will not restrict our power and our range of those vehicles. So we do wonderful things. We have made tremendous progress with conservation.

But we cannot conserve our way out of an energy problem, any more than I can feed my family just with the leftovers. You have to have the supply too. So we need to increase and diversify our supply of energy and give a balanced mix of energy.

One of the things I am concerned about is the growing reliance on natural gas. I know that a lot of folks do not know that about half of our power plants in this country actually use coal, and we are making progress on clean coal technologies. But most of the power plants on the horizon are going to use natural gas; and within 20 years, we are going to be so reliant on natural gas that we are going to have to be importing natural gas as well. Yet we only have one port in this country that can take liquefied natural gas, which gets to the third problem we have.

We have to work on conservation, we have to increase and diversify our supply, but we do not have the infrastructure in this country that is reliable and safe and gets things they need to have in order to have a strong energy policy. We do not have the transmission grids that we need. We do not have the pipelines that are safe enough and plentiful enough.

We have not built a refinery in 20 years in America. Our refineries are working at 97 percent capacity, which means if you have a fire or safety shutdown at a gasoline refinery, you immediately create a shortage of supply. We only have one port that can accept liquefied natural gas.

So we must address conservation; increasing supply, with responsible development of domestic supply; the infrastructure needs of this country; and, finally, we have to do some government reform. It should not be possible that the Department of Interior, the Department of Agriculture, the Department of State, can make unilateral decisions that affect our energy security without having to take our energy needs into account, and the way our government is set up today they can do that. That is not right, and we need to change it.

I look forward to working with my colleagues this summer on a comprehensive energy bill that is long-term to address some of these problems.

Mr. KINGSTON. If the gentlewoman would yield, I think that you have really hit a great point. I do not want to say anything bad about the great State of California, where my mother lived and my sister lived and lots of my friends do, but I have to take on a little bit your Governor on politics, because here is a State that has grown economically, done real well, demand for electricity has gone up, and he will not increase the supply; would not permit some of the things that Mrs. Wilson has talked about that increase supply, the infrastructure.

If my hometown, Savannah, Georgia, grew, and it has been growing. As it grows we have added new schools, we have added new hospitals, we have built new roads, we have built new bridges. In fact, the State of Georgia has had about an 18 percent growth. California, I know, has had unprecedented growth. Yet as Governor Davis would do those things, he would not add on any power plants.

Now, I have to ask, common sense would say if you are going to have growth in population, certainly you have to have growth in the supply of energy. For the Governor of California to come East looking for energy, when he needs to be sitting back in Sacramento signing bills and legislation that streamlines and simplifies regulation, it is ridiculous. He is being negligent.

The Governor, I understand, is going now on David Letterman. Okay, let us be real serious about our energy policy. Going on David Letterman. It is time to put the politics aside and get back to Sacramento and do your legislation.

Mr. RADANOVICH. Being the gentleman from California, if I may, if the gentleman would yield, I think the gentleman is right on the mark. But there was a separate issue in California that brought, I think, the energy crisis in the United States to the fore.

What the problem was in California was really a crisis in leadership in an improper reaction to a flawed deregulation bill that was passed in 1995. We began to see signs of that with this ''deregulation'' plan, that froze the rates at which utilities could charge consumers but put 100 percent of the energy that they were able to purchase on the spot market, which fluctuated from day to day. That is half a deregulation bill, that is not a full one. If you do not go all the way with deregulation, you do not have deregulation. It caused problems beginning in May of last year.

Mr. KINGSTON. If the gentleman would yield, does Governor Gray Davis of California think he is going to get new energy ideas from David Letterman, or is he just making a charade out of this?

Mr. RADANOVICH. I will say again that the problem in California was a crisis of leadership, and I think blurred objectives; one being a blurred objective, one objective being staying in office and getting reelected, and the other being providing for the needs of California.

Mr. KINGSTON. Has not Governor Davis received over $1 million from utility companies?

Mr. RADANOVICH. The very ones he vilified, many times they have not been able to speak to him unless it was at his own fund raisers. This is the way the whole thing worked out.

But the problem could have been solved a year ago, and I will make this point: if the Governor would have allowed for a modest retail rate increase by the utilities of, say, 25 percent, it would have driven down future prices; and he could have encouraged the utilities to get into long-term contracts where the wholesale price was below the retail price. We would never have been in this situation.

It was his delay in imposing a modest increase of 25 percent that, by the time he had to impose it, grew to 48 percent, and on top of that, diverting his energies to State bio-energy, the transmission lines. I give him credit, he was working for ways to get the utilities creditworthy, but his decision was delayed and delayed for political expediency and the fear of doing something wrong that might hurt politically. That was the crisis in California.

Mr. HAYWORTH. If my friend from California would yield, because this points up the real challenge afoot. If just one-tenth of the energy that is being utilized to engage in name-calling or to go on late night television, and I do not know, do stupid gubernatorial tricks or whatever is going to be required, if that were utilized to help solve the problem, that is the

measure of a man or woman in public office. Not posturing and preening for the cameras and issuing attack memos and spin, but working to solve the problem.

Mr. Speaker, I have to ask my colleague from California, I heard other reports where temporary energy stations could have been placed into commission on an emergency basis, where some regulations had been streamlined, but what I find amazing is that, apparently, Mr. Speaker, the Governor of California said if the folks employed there do not belong to a union, why, then it was not worth opening the power plant.

Now, Mr. Speaker, whatever your feeling on the right to work or collective bargaining, it seems to me the collective need for energy outweighs the political chits called in by the union bosses.

Let me address, Mr. Speaker, my colleague from California. Are those reports true? Did the Governor say he would not allow these temporary plants to come on line, these regulations to be streamlined, unless the folks were union employees at the controls?

Mr. RADANOVICH. I have no doubt that that happened during the time from a year ago beginning last May to now. I think the real crime has been the hesitancy to provide leadership on the issue. Because of that, it led to a situation that could have cost the State maybe $2 billion to one that has cost the State of California $50 billion and has eaten up about a $12 billion surplus that we had last year. It really was a hesitancy to act, and an allegiance to labor and the environment.

Mr. KINGSTON. Let me ask the gentleman, why is it that the Governor of California has enough time to come on major comedian shows like David Letterman and come out in Washington for Democratic fund raisers and come back East to raise cane about George Bush, but he does not have the time to stay at home and solve the problem? Is the problem not better solved in California, rather than blaming it on George Bush, who just unpacked his bags when the crisis began?

Mr. RADANOVICH. The solution to California's problem was within the leadership of California, in the State legislature and the Governor's office. It was clear that that is where this problem was going to be called.

After a series of mistakes, refusing to impose modest rate increases, gallivanting off, getting the State involved in energy purchasing, buying energy for seven times more than what the utilities were able to receive for that energy, led this thing into such a precarious position that the Governor could not afford then to solve the crisis, frankly, because, if he did, he then would be answering questions like what the heck did you do with our $12 billion surplus? So, unfortunately, the politics do not allow for the solution in California. Just know for a fact that there is no solution to this paying four to seven times more for the energy in California than what is being gathered up by the utilities.

The reason that that is happening is because it is not politically expedient to solve the problem in California. There is too much need to vilify the President, there is too much need to vilify Members of Congress, those of us on the Committee on Commerce, because then the issue becomes why did you wait so long to solve this, when it could have cost far less in money and in damage to the State?

Mrs. WILSON. If the gentleman would yield, I am a New Mexican. I have never met Gray Davis, I would not know him if he walked in the room, but I do know people want us to get down to solutions and stop the blame game and get some things done.

I think that this House over the next 6 weeks has got a strategy for dealing with the energy problem that really stresses four things, and they are the four important things for a long-term balanced approach to America's energy needs. Those include things like conservation, increasing supply, fixing our infrastructure and government reform.

When we talk about conservation, there are so many things that we can do. Sandia National Laboratory is in my district in New Mexico and has done some of the leading-edge research on energy conservation in areas that most folks do not think about.

About 40 percent of the electricity used in America is used to put the lights on. Yet we have made so few innovations in lighting in America, to reduce the use of energy in lighting.

□ 2115

Super conductivity. That is kind of a long word, but what it really means is that when electricity goes down the wires, whether it is the transmission wires that take electricity from New Mexico to Southern California, or even just the wiring in this building that keeps the lights on, we lose electrons as it is getting to where you want it to do the job.

In fact, one of the executives with a public service company in New Mexico told me that because California is so big and New Mexico is really kind of small in comparison as far as number of people, we actually lose more electricity. Of the amount that we send to California, we could light up the entire State of New Mexico for a year, just because of the loss in transmission. Well, if we could save that energy through superconducting materials, in other words, materials that do not lose those electrons along the way that heat up the wires in our walls or along the transmission grid, we can use that energy to actually do work and not waste it.

Mr. Speaker, we have wonderful plans for next-generation power plants that will conserve electricity and will make power plants much more efficient as they turn the raw materials, whether that is neutrons or nuclear materials or coal or natural gas, and turn that into electricity; and when we make those more efficient, we use less of that natural gas and less of that coal in order to make the electricity to light our homes. But we also have to increase supply.

I want to say something here about nuclear energy. Nuclear energy is one of the safest forms of energy. It has some of the fewest emissions of any kind of energy that we have, and it is time to take nuclear energy out of the ''too-hard column'' where it has languished for almost 20 years. We are going to have a hydro-licensing bill, and it will come out of the Committee on Commerce, I hope within the next month.

Hydropower is one of the cleanest powers we have, and yet there are dams in this country that have existed for 200 years and they are under State control. What most folks do not know is that as soon as you put a turbine on a dam, it comes under Federal regulators, not State law; and it is a nightmare because it takes almost 10 years to get that turbine licensed to provide power and, in the process, you can be ordered to breach your dam. So why would anyone in their right mind take the risk of putting a turbine on an existing dam that has been there for hundreds of years? And as a result, we have clean, safe energy that is going over spillways and dams in this country because we cannot get our licensing right for hydropower.

There are wonderful things we can do with clean coal technology, with natural gas, where we have natural gas on nonpark public lands that we cannot get access to because the Bureau of Land Management is no longer focused on how we steward our resources, but how to keep people off the land that we enjoy in the West.

So there are things that we will do in this House to lead the way, to stop the blame game, to give ourselves a long-term policy on energy, to conserve, to increase supply, to fix our infrastructure, and to reform our government. I am very glad that this House is focusing on those things and not on politics.

Mr. RADANOVICH. Mr. Speaker, I would like to say, continuing to defend California, it was an issue of supply I think that is at the heart of California's energy problems; but the way out of the energy crisis in California now is to, number one, get the governor out of the energy purchasing business; and, number two, work over time to get those utilities creditworthy again so that they can begin to get back into the energy purchasing business, and then get them off the spot market as much as possible. Really, that is the way out of California's energy crisis, in addition to aggressively working on new power supply in the State.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from California.

Those of us who hail from the West and in the western power grid, 11 States, including the gentlewoman from New Mexico and the great State of Arizona, along with our friends in California, understand that the implications of this are far, far-reaching, so there is more than a casual concern when it comes to flipping the light switch.

But listening to my colleague from New Mexico, I think it is important to amplify what has transpired. When she talked about clean-burning sources of energy, I could not help but think about the Palo Verde nuclear plant outside of Phoenix that has worked well and without incident for well on 2 decades, now serving and providing power for the Nation's sixth largest city. Even as we look across the ocean to Europe, while it is true that in Germany, there has been now a hostility, the hostility of the radical environmental movement to step away from nuclear power, we see that Germany's neighbor France has relied on nuclear power for the better part of 3 decades. If the French are able to do so, with safety measures intact, it would seem that American ingenuity, American technology and the ability to streamline regulation, to bring on line new technologies, should prevail.

I listened to the gentlewoman from New Mexico talking about the role of the Committee on Commerce, not to become prideful of different committee jurisdictions, but as the first Arizonan to serve on the House Committee on Ways and Means, the committee charged with tax policy, I think I would be remiss if I did not mention the fact that as we take a look at conservation and the promotion of new technologies, there is a role to be played in tax policy.

I have sponsored a bill that again champions residential use of solar power. The fact is, when that first came online, now almost 30 years ago, another broadcaster who had gone into public office, the late Jack Williams, Governor of Arizona, at that time there was this promise of nuclear energy, but the technology had not caught up with the vision. Now, we have made changes, to the point where residentially, for heating water, for cooling our homes, we have the opportunity to look to the sun, and solar power and solar energy on a residential basis. Just as so many Americans have their own garden in the backyard, we can look to a sound alternative form of energy with technological advancements and, in the long run, not only save on power bills, but save on taxation too.

Mr. Speaker, we should look to those types of commonsense policies. We should never forget that the term ''conservative'' and ''conservation'' share the same root, the same notion, that we preserve in a commonsense fashion and, in so doing, free up other sources for those who need them. That is something we need to remember. Conservation plays a key role; not the only role, but an important part to play, just as we look at tax policy and new exploration and streamlining regulation.

Mr. KINGSTON. Mr. Chairman, if the gentleman will yield, I wanted to touch base with what he is saying in terms of nuclear energy and what the gentlewoman from New Mexico was saying. In France, 76 percent of the homes and buildings are powered by nuclear energy; in Belgium, 56 percent; in America, most people do not know this, it is 20 to 25 percent already, and it is safe.

I represent Kings Bay Naval Base and all the subs down there are nuclear submarines; yet ironically, people in that county will say, well, I am against nuclear energy; it might be dangerous. So you have more nuclear power plants in your county than most of the States in the entire country.

But nuclear energy is safe. It is low cost, it has fewer disruptions of power. One out of every five homes in America are powered by a nuclear plant. It is the second single-largest source of energy already, and it provides almost 70 percent of all emission-free energy. This is something that we cannot ignore. There are 103 operational nuclear power plants in America today, and over 3,000 shipments of nuclear fuel that were spent were moved safely in the last 40 years.

So when we talk about nuclear energy, people need to understand that this is not some bold new frontier that we are talking about. I always hear people say, well, what about Three Mile Island? Mr. Speaker, there were no people killed at Three Mile Island. That does happen with other sources of energy; but the thing is, that was over 2 decades ago.

Again, going back to the days of the 8-track tape player, technology has moved. I think in terms of just the cellular telephones, my first cellular telephone was the size of a brick, it weighed about the same amount and could hardly transmit a message past a couple of oak trees. Technology has moved on. Technology has moved on in nuclear power. I think that we are just fooling ourselves by not being a little more bold and aggressive about it. Again, 76 percent of the houses and buildings in France are nuclear powered.

Mrs. WILSON. Mr. Speaker, if the gentleman will yield, it is interesting, on this issue of conservation, on Saturday afternoon I was on the west side of Albuquerque visiting a housing development that is full of first-time homes and the builder, Jerry Wade of Artistic Homes, specializes in energy-efficient houses and they build it into the house. I met a family there who were buying their first home. They were moving from a rental house, and one of the reasons they were moving is because their electricity bill had gotten so high. They were paying $160 a month for their electric bill. In the new home, which was larger, but the payment they were going to make, in a home that cost $110,000, and it was a really nice home, but Jerry Wade guarantees their electric bill will be no more than $20 a month, because they build the energy efficiency in.

One of the things that I hope to do in our conservation bill that we are going to be working on here is to make it possible for those savings to be taken into account when people apply for their mortgages, for their federally supported home mortgage loans, so that we can take into account that the electricity bill is going to be lower. The neat thing about what I saw on Saturday was, we are not talking here about something that costs more, we are talking about something that costs less, and that can be done in homes for first-time buyers, not just people who can put on solar panels on their homes.

Talking about where we are going with solar, it used to be that we thought about solar and, gosh, it takes 10 or 15 years to get back the cost of the solar panels. We are on the verge of innovations and technology that will be just as cheap to put on solar shingles on our houses as it is to put on tar paper shingles on our houses. The difference is we hook it up to the meter, and we can actually sell power back to the power company, if we live in a sunny place like my colleague from Arizona and I are privileged to do. We have solar-powered homes, and it does not power the electricity, but it helps preheat the water, it helps keep our electricity bills lower, it helps keep the gas bill lower by preheating the house and heating a bed of rocks under the House. We can do those kinds of things, and it is going to be in the very near future just as inexpensive to do that as it is to build a home the conventional way, and we should build those incentives in to the conservation bill we hope to pass here in the House.

Mr. HAYWORTH. Mr. Speaker and my colleagues, it has been very interesting to spend this hour, not engaged in disinformation or demonization, but looking for reasonable, rational solutions at the outset.

When the gentleman from California claimed this hour of time, I reminisced about the fact that 4 decades ago, President John F. Kennedy stood at the podium behind us and challenged us to go to the Moon. We harnessed not only a triumph of will and exploration, but a triumph of applying science to a national vision to deal with that challenge. Certainly this challenge cannot be as formidable. Certainly this Nation, with the best minds at the fore, working together with sound policies that streamline regulation, to make it reasonable that look for environmentally sensitive ways to explore for new energy options, that do the research to bring online the innovative new sources of energy and that realize that our destiny is within our grasp in terms of energy self-sufficiency. Certainly that can be the watchword, the vision for us. Certainly that is what the administration offers in its energy plan.

The challenge for us, Mr. Speaker, is to abandon the theater of politics where some have been so tempted to engage in name-calling and political posturing, to truly represent the American people to find sound solutions, to reject the environmentalism of the extremists and embrace the conservation and environmentalism of the enlightened. That is our challenge. I believe we are poised to meet that challenge, just as we put a man on the Moon in the 1960s.

Mr. RADANOVICH. Mr. Speaker, I agree with my friend from Arizona. I want also to state my admiration for this President for taking on this job. I do not envy him. I mean, I was born and raised right next to Yosemite National Park.

□ 2130

Mr. Speaker, I go up and I feel in many ways closer to God in the high country at 9,000 feet. I go to Yosemite, and I hug boulders, and I love them, and I love the environment.

This country has the reputation of holding the environment so sacred. It is wonderful, especially the States we represent and the beauty that comes from those States, those are treasures that we always want to cherish. But we also have people who have needs, who need water, who need electricity.

I am not willing to say that myself or my wife or my child have more of a right towards those needs than anybody else does. Everybody has a right to equal access to this infrastructure in this country, and so we have these resources, the desire to want to be environmentally responsible and, yet, the need to use energy and water and infrastructures.

So it is not an easy job, I think, but I want to applaud the President for taking this on, because it is not a real popular thing. It not something that will shoot him up in the polls for a while, but it will be something that he is providing leadership for in this country and that we so desperately need.

Mr. Speaker, before I wrap up this hour, I will yield to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I want to thank the gentleman from California (Mr. RADANOVICH) for inviting me down to join him here this evening. I think if there is one thing that I will take away from this is that it is time to end the blame game, and to pull together and to lead as a Nation and to give this country real answers to the energy problems that we face.

Mr. Speaker, I look forward to working with my colleagues to that end, and I thank the gentleman from California for yielding to me.

Mr. RADANOVICH. Mr. Speaker, I thank the gentlewoman from New Mexico for her comments.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from California, and I just want to say that I do believe we can work together for good, sound science of modern technology, of solutions, and we can get there.

We can improve our infrastructure for energy to get the power to the places that it is needed. We can promote conservation, a balanced environment. We can simplify government regulations so that we can make some progress.

I am a member of the Committee on Appropriations, and we will continue in this Congress and continue to fund research and development on alternative and renewable energy sources.

Mr. Speaker, I am very excited that Honda has on the drawing board right now a hybrid car that will get 75 miles a gallon. I am excited about these fuel cell cars that are out there that have these perpetual batteries. I believe that our government has a role in funding such research, such general research, and we are going to continue to do that.

Mr. Speaker, I also applaud the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from New Mexico (Mrs. WILSON) for your boldness in speaking out on nuclear energy, because I think it is something that Americans need to be comfortable with the dialogue.

Finally, I want to say that I think that we should continue to explore alternative uses and evaluate our own domestic resources to see what we can do to become more energy-independent and not risk our national security on the whims of Middle East dictators and kings and despots.

I thank the gentleman from California (Mr. RADANOVICH) for inviting me to be here tonight and look forward to working with the gentleman and the rest of the Congress on some very positive solutions.

Mr. HAYWORTH. Just one note in closing, Mr. Speaker. Very soon we will move past the rhetoric, and we will have to roll up our sleeves and make it happen. The administration has put out a plan.

I cannot help but think about the holiday we are about to celebrate and observe, the independence of this country. A new biography of our second President John Adams has been written. In the final year of his life and the final days, a committee of men from his home State of Massachusetts went to visit the second President, at that time his son was President of the United States, and they asked John Adams, Mr. President, would you like to propose a toast to the country you helped to found? And he stood up there, stiff-legged, still the strong voice, and he offered two words: ''Independence forever.'' They said, Mr. President, do you want to add anything else to that? And he said, no, not a word, that suffices.

Indeed, not only in the tradition of this constitutional Republic, but for the future of a sound energy policy with an enlightened environmentalism, let that again be our cry: Independence forever.

Mr. RADANOVICH. Mr. Speaker, I want to thank the gentlewoman from New Mexico and gentleman from Arizona and the gentleman from Georgia for participating in this special order.

OPEC OF MILK

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Wisconsin (Mr. GREEN) is recognized for 60 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, we will not take all that time this evening, but I wanted to talk about a subject that probably many people out there tonight have never heard of yet and, I would suggest, adversely affects millions of people.

It is something that was recently described by the Wall Street as the OPEC of Milk. It is a price-fixing cartel for milk that hurts families all over the country, especially those who are least able to pay for it.

The history of the OPEC of Milk, the Northeast Dairy Compact, is somewhat interesting. Back in 1996, a small group of New England Members of Congress formed something called the Northeast Dairy Compact. The way it was authorized was not to bring it to the floor of the House or to the floor of the Senate for a vote, but, instead, they were able to sneak it into a conference committee report under an appropriations bill.

Now, their intentions were sound. They believed back in 1996 that this cartel that they created, the Northeast Dairy Compact, would, in their words, help stop the loss of family farms in six New England States by guaranteeing a minimum price for milk. That sounds harmless enough. I was not here at the time, but had I been, those sentiments are certainly ones that we all could have supported.

I would suggest to you, Mr. Speaker, and to those who are listening tonight, that those good intentions went awry a long time ago, and that the OPEC of Milk has done tremendous damage not only to our dairy system and to dairy farmers in New England and all over the country, but also to so many families who are trying to afford the great nutrition that we have in our dairy products.

The reason that this is so timely is that the Northeast Dairy Compact is due to expire in September of this year. This compact clearly could not stand on its own merits, and so we have had some of its strongest supporters, particularly Senator JEFFORDS over in the Senate, saying that he understands how unpopular it is. He implicitly understands how bad it is, but he has said that he is bound and determined to get this reauthorized, passed in September no matter what it takes.

In fact, he told the Associated Press not 3 months ago that his goal would be to ''sneak it in through the stealth of the night. And to get it through when people are not looking.''

Mr. Speaker, the Northeast Dairy Compact should die a peaceful death in

September. First, it has not met its goal. It has not stopped the loss of family farms, not even in the New England States that are part of this compact.

Second, as we will talk about tonight, the Northeast Dairy Compact has raised the price of milk to consumers. It is what so many people have called a milk tax.

Third, the Northeast Dairy Compact has accelerated the loss of dairy farms in other States, States like mine, Wisconsin, States like Minnesota, those whose States together have the largest number of dairy farms in the Nation.

Finally, and perhaps, in my view, most damaging, the Northeast Dairy Compact has prevented us from dealing with our dairy problems on a national basis, and we do have tremendous problems in the dairy sector. We are losing dairy farms each and every day, and we must do something, but as long as we have a policy like the Northeast Dairy Compact, which pits State against State, region against region, farmer against farmer, we will not get that national policy.

Mr. Speaker, I think it is important to understand clearly I have an interest in this. I come from America's Dairyland of Wisconsin, but it is not just me, not just those in Minnesota and Wisconsin who believe that the Northeast Dairy Compact is an abomination. It is others, analysts, journalists.

Mr. Speaker, I will read from a few, the Wall Street Journal recently said not 2 weeks ago that compacts are ''basically a highly regressive tax on milk drinkers, starting with school-aged children, creating them is a tacit endorsement of the OPEC cartel.''

There is the Consumer Federation of America, hardly a biased group, hardly a Republican group or hardly a Midwestern group, the Consumer Federation of America, which represents over 50 million consumers nationwide said not a month ago that regional dairy compacts give too much money to farmers who do not need the help, too little money to farmers who do need the help, and they asked consumers, especially the low-income consumers, struggling to feed their families and pay the rent to pick up the tab.

There is Americans for Tax Reform, which refers to compacts as dairy cartels.

There is the New Republic Magazine, which said that the Northeast Dairy Compact was ''a system that can best be described as socialism.''

There are groups like the Council for Citizens Against Government's Waste, which says that this is a regressive milk tax on Americans; or the National Taxpayer Union, which said that the Northeast Dairy Compact is ''a cartel that only a robber baron could admire.''

So it is not just folks from States like mine, Wisconsin. It is consumer groups, journalists, people really across the country, across the spectrum, who realize that the Northeast Dairy Compact was a bad idea. It has not gotten any better, and it should die a peaceful death.

Mr. Speaker, the gentleman from Minnesota (Mr. KENNEDY) is my good friend, and in his brief time here in the House has become a wonderful voice for dairy farmers in Minnesota. He is a true leader who I think is going to be a tremendous asset to all of us as we try to reform this outdated dairy system.

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. GREEN) for yielding to me and thank the gentleman for his leadership on this very important issue.

People may ask, how did this ever come about? How did we get this dairy compact? The gentleman gave a little bit of the history, but the U.S. Constitution does allow States to enter into compacts upon passage of State laws and the consent of Congress. These consents have been granted in some cases to allow States to work together on parklands or transportation systems or waterways; however, there is no precedent for price-fixing compacts evidenced in this situation.

This is the only case where we have allowed a region of the country to set a price-fixing compact against other regions of the country, and how this affects us is if you have excess production of milk that you do not drink with cereal or otherwise, you generally turn that into cheese. So if there is excess production in the Northeast, they convert that into cheese.

For those major milk-producing States that include Minnesota and Wisconsin, but California, Idaho, Arizona, several others, that takes away from our cheese market. In fact, the Northeast Dairy Compact was fined $1.76 million in 1998 for the extra amount of money that the USDA had to consume in buying extra production coming out of the Northeast.

They have since instituted just recently some type of supply management in the Northeast, but if you think of how un-American this is, let us just say we decided that we do not think that Michigan should be disproportionately producing so many cars, so we are going to have, the rest of the country, a non-Michigan auto compact where we are going to produce the autos we need outside of Michigan and let Michigan only produce the cars that they can use in Michigan.

□ 2145

Orange juice. What if we decided that we are going to have an other than Florida oranges compact where we are going to produce our own orange juice and let Florida just produce the amount of orange juice that they can consume in Florida. Or movies in California. Or you can go on and on and on.

I mean, this is ridiculous. It is un-American. It undermines where we have been strong in the past and what has made America strong in the past; that we are one country, that we do not have divisions among States. Our Founding Fathers were very nervous about that happening.

Why we would let this happen and undermine our strong dairy industry in Minnesota, Wisconsin, the upper Midwest and other States around the country is something that is beyond me.

It is something that, if American people understood this issue, they would be against it. If they understood, not just that they were being taken advantage of as consumers, but that one area of the country is going and pitting against another area of the country's strength, they would be uprising and saying we want to end this. Certainly we do want to end this.

I appreciate the gentleman from Wisconsin (Mr. GREEN) reserving this hour to make sure that we can help educate the American people on this subject.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for his comments. I think that the gentleman has pointed out what may be really the greatest tragedy from the Northeast Dairy Compact. Nobody wants to help dairy farmers more than I or the gentleman from Minnesota (Mr. KENNEDY). I mean, we come from dairy States which had the largest number of dairy farmers.

It is interesting, when we were debating dairy policy last year in this House, some of my colleagues from the northeast States got up and talked about how many dairy farms that their home States, their home districts have lost. I remember a good friend of mine from the northeast exclaim that his State had lost some 200 dairy farms last year.

I would like to put things into context for a moment. In my home State of Wisconsin, by this time tomorrow, by a quarter to 10:00 tomorrow night, Wisconsin will have lost four more dairy farms. We are losing four dairy farms each and every day. Over the last 10 years, we have lost 13,000 dairy farms. In fact, we as a State have lost more dairy farms than any other State ever had save the State of the gentleman from Minnesota (Mr. KENNEDY).

So no one, no one wants to do more for dairy than those of us who represent States like Minnesota and Wisconsin. But we understand that to fix dairy problems, to meet the challenges, to be successful, to be compassionate, we have to have a national dairy policy, one that works all across America.

The Northeast Dairy Compact rewards some dairy farmers. In fact, it encourages them to overproduce and harms others. It pits farmer against farmer, State against State, region and region. That cannot be good.

As I talked to farmers in my home State and dairy farmers from all across America, they understand that one cannot have a policy that pits farmer against farmer. We cannot meet our challenges if we are divided and fighting amongst ourselves.

The system that the gentleman from Minnesota (Mr. KENNEDY) described is Stalinesque. I mean, I think the problem that we have had, so many of us who are so opposed to the Northeast Dairy Compact, is that, when we tell people how bad it is and we describe how it is set up, they do not believe us. They do not believe that, in America today, you could have such an absurd, illogical, irrational system. I am afraid, Mr. Speaker, it is true. Believe it or not, we do have such a system. It makes no sense. It does not work. It is, to put it kindly, a great distraction as we should be taking on so very many important issues.

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I would like to say that this dairy compact is kind of like salt in the wounds that are already being put in place by an underlying milk marketing system that, again, hurts the natural dairy producing States of this country.

When in the 1930s we implemented milk marketing orders, that was designed to make sure that fresh milk was available all over the country. It may have made sense back then; but right now, it divides milk into four classes, all of which receive a different price.

The class 1 milk which we drink out of our glass gets 33 percent or more higher price than what we make in the cheese. Since we are primarily exporters of dairy, we convert about two-thirds of our production in our region into cheese; and, therefore, our farmers receive more than a third less already, just setting the dairy compact aside, for our milk production than those like the northeast that are producing primarily for fluid, milk.

So we are already being penalized by an archaic system that we have not been able to overcome because of the resistance of people in the northeast. We are already being penalized.

Then when they have one down, the dairy compact is really piling on. It is piling on and saying, okay, you know, you are already only getting 60 percent of what we get, but that is not enough for us. We want more. We want to take more out of your income. We want to take more of your dairy farmers and put them out of business. We want to try to prop up what we have.

It really has not had that beneficial impact. They are still losing family farms in the northeast area. They are still not really having the benefits that they speak of at the same time that they are clearly penalizing us.

As the gentleman mentioned, Minnesota and Wisconsin. Many of the people I know, I live in a rural area of Minnesota called Watertown where there are many dairy farmers that go to our church. I could name off names of dairy farmers in the last year that I know that have gone out of business. The milk marketing orders and the Northeast Dairy Compact are to blame for that.

The gentleman's father, I know, is in the medical profession; and the first rule they learn is to do no harm. It would be good for us as legislators to know, to do no harm.

Well, this is clearly something that harms Americans, harms millions of Americans, favors a very small few, and it is something that we should stand up against. It is something that Americans should stand up against.

Write your Congressman wherever they may be and say this is something I do not believe in. This is something that undermines everything that I believe about America.

I ask my colleagues to oppose the dairy compact because this is just the northeast now, but I have a map here of those areas that want to go into dairy compacts. It includes just about every State in the country that is not a producer of dairy over and above their own needs. It includes everything other than just about Minnesota, Wisconsin, Idaho, California, other large dairy producing States.

Again, I go back to my examples of cars outside of Michigan, citrus outside of Florida, movies outside of California.

What if one decided that one cannot do financing, we put a wall around New York and say all of the financing outside of New York has to be self-sufficient, and, therefore, New York can only finance New York. Do my colleagues know what would happen to Manhattan Island that could only finance loans that were being used on Manhattan Island? That is what kind of an effect this is having on Minnesota and Wisconsin and our other natural dairy States.

As the new republic says, this is a situation where we are penalizing those areas that are most suited to dairy farming. They received the lowest payments for their milk; and those from the least efficient regions received the highest. The system, by design, punishes the efficient farmers and rewards inefficient ones. This is not the way that America becomes strong and stays strong.

I urge our Members to vote against the dairy compact. I urge voters to contact their legislators and express their views on this very important subject.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman; and he has made some great points. In our States of Minnesota and Wisconsin, we have a lot of dairy farmers though the numbers are obviously dwindling. But our dairy farmers, they know they are in a tough profession. They are in a tough way of life. The hours are long. They do not have vacations. One has got to milk every day.

All they are asking for is a chance to compete. The dairy farmers I talk to say, look, you know, we understand this is a tough business. Give us a level playing field. We will compete with any dairy farmers in the world.

The problem is that, with the Northeast Dairy Compact, we do not give them that fair chance to compete. We set them up to fail right off the bat; and that is wrong.

Can my colleagues think of any other commodity that we treat like that? The gentleman from Minnesota (Mr. KENNEDY) has just run through some of the examples of how crazy it would be. But not just the compact and the milk marketing orders. Think about our pricing system that we take milk, and we offer a different price to farmers based upon the use down the line of that product. That does not make any sense. I mean, it is the same cows. It is the same fluid. Yet, we treat it differently. In States like Minnesota and Wisconsin, because so much of our milk goes into manufactured dairy products, again, our farmers are losing.

As I began this evening, I said that, when this system was created, and it was, again, sort of slipped in in the dark of night in a conference committee report, it was done by some Members who really had the best of intentions. They wanted to reverse the decline of dairy farming in New England. But the sad news is it has not worked.

So I would appeal to my friends from the northeast to reexamine their support for the Northeast Dairy Compact, because if they believe that we need to take action to help dairy farmers, this is not it.

The Boston Globe last year did a really interesting study. They studied the States of Massachusetts and Vermont, and they looked at the effect of the Northeast Dairy Compact. Their study showed that, in the 2 years before the Northeast Dairy Compact was concluded, the State of Massachusetts lost 34 dairy farms and the State of Vermont lost 117.

Interestingly, though, in the 2 years after the compact went into effect, the State of Massachusetts lost 44 dairy farms, 10 more, and the State of Vermont lost 153. The compact is not working. In fact, the loss of dairy farms is accelerating.

It is interesting. If one goes beyond those two States to the entire New England region, one will see that 25 more dairy farms went out of business after the compact than in a comparable period before the compact.

What may be most painful of all and really distressing, since the most vulnerable dairy farms in America today are the smaller ones, 50 cows or less, the compact has actually accelerated decline in those farms, the small farms, those that are most vulnerable.

The Consumer Federation of America said recently that, because compacts pay farmers on a per-gallon basis, most of the benefits of this fixed price that they have go to the larger farmers who do not really need it.

I heard earlier this evening the gentleman from Vermont (Mr. SANDERS), who loves to talk about how we should be on the side of the little guy, he talks about how corporate interest dominate this Congress. Well, the gentleman

from Vermont (Mr. SANDERS), my good friend, if he wants to help the little guy in dairy farming, abolish the Northeast Dairy Compact. It punishes the family farm. It makes it worse. It makes it harder for them to get by, and it rewards the largest farmers.

So even if this started with noble intentions, the reality, the stark reality is it has not worked. It is time to end it. It is time to go to a nationwide policy that does not pit farmer against farmer. It is time for a national policy that works.

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I would just say that we are going to be debating foreign trade and giving our President trade promotion authority coming up here very soon. We know, many of us know the benefits that we receive from trade.

Classic economics would teach us that, if we can do something better than someone else, and we each do what we do best, we all benefit. We all benefit from having lower cost of goods. We all benefit from higher employment, higher income levels. The increased prosperity around the world has really sprung from countries opening up their markets and each focusing on what they do best.

□ 2200

If foreign trade is so beneficial to the world, if opening up markets with other countries is so beneficial to us, why should we have open markets with Europe, with Asia, if we cannot even have open markets with Vermont? Again, I have to go back to what you have said. When you tell people about this, they cannot believe it. We are used to being pitted against each other when the Packers play the Vikings, and we are used to having our rivalries; but we all come together when it comes to singing that national anthem at the beginning of our games. This does in a nonsportsman-like fashion pit one region of the country against the other in a very unfair way that undermines one region's strength and subsidizes another region that does not have those natural strengths when in fact they have natural strengths that are still benefiting them, but they are not letting us benefit from our natural strengths.

Again, this is something that I implore our colleagues to do everything they can to oppose and certainly we will continue to try to spread the message across the land, that this is something that is un-American and should not be supported.

Mr. GREEN of Wisconsin. The gentleman from Minnesota is right that our two States have football teams that are great rivals. I guess the Northeast Dairy Compact would be like giving the Packers an extra player. Maybe we deserve it, but that is another debate. I think, though, that my good friend and colleague brought up a very important point when he talks about free and fair trade and the great emphasis that we are placing as a Nation and a people on opening up markets and on trying to promote free and fair trade. I think we understand the importance of commerce and growing this economy. But does it not seem just a tad hypocritical as we send our trade representative, even our President, all around the world and we ask, we demand, that he works to lower trade barriers, at the very time when we are trying to demand that these countries drop their trade barriers, have no tariffs, allow for the free flow of our goods, we have barriers between our own States? We have tariffs between our States. How can we in all seriousness look our trading partners in the eye and tell them that they have to do more to open up their markets to our goods when it would be so easy for them to say, Mr. President, why is it that in dairy, you have barriers between your own States? It makes no sense. And at a time when we are trying to open up markets, how can we be restricting markets in our own country?

One other area I would like to touch upon briefly tonight, and I appreciate the indulgence of the listeners tonight, I come from a dairy State, the gentleman from Minnesota comes from a dairy State, this is a matter of great interest to him, of great interest to so many families who live and work in the dairy sector; but even if you are not part of the dairy sector, even if you are not from a dairy State or even an agricultural State, this will affect you.

A recent study suggested that consumers in the Northeast Dairy Compact States are overcharged for the price of milk by about $100 million each and every year. The price of milk is artificially high as a result. It is interesting. Many of our colleagues want to expand the New England compact, they want to expand it and create a southern compact. One study suggests that if a southern compact is created, it would raise the price of milk by at least 15 cents a gallon. It would cost consumers $500 million a year at the very least. That is a conservative, modest estimate.

The Northeast Dairy Compact is a tax on milk. It raises the price of milk. It takes one of our most nutritious products, one of the best things that you can possibly give to children to ensure that they have the nutrition to grow strong and fast, and it raises the price. It not only raises the price of milk, but it damages the very nutrition programs that we are struggling so hard to find money for. Families with low incomes who utilize food stamps, Meals on Wheels, the dollars that we spend for those terribly valuable programs do not go as far because of what we have done to the price of milk. We are discouraging people from consuming milk, and we are making milk more expensive for those low-income families. That is outrageous. Even if you are not from a dairy State, even if you are not from an ag State, you cannot support a tax on milk. You cannot support taking one of our most nutritious products and making it less affordable. It is just wrong. We cannot do it. We must not do it. It is the wrong thing to do, and it is something that must end.

I implore our colleagues from all around the country, we represent diverse districts, but whether you come from an ag district or not, end this outdated, foolish experiment. It has not worked. It has done so much damage. It has cost so many farmers their livelihoods. It has made milk so much more expensive. It is time to end it. It is time for it to expire. It is time for us to develop a national dairy policy. We can develop a policy that rewards farmers for what they produce, that creates competition, that raises the amount that they receive but keeps the price to consumers low and affordable. We can do it if we come together.

I appreciate the gentleman from Minnesota so much for joining me this evening. I offer him the opportunity if he has any final thoughts that he would like to share.

Mr. KENNEDY of Minnesota. I will just close by saying the gentleman has talked about the broader sense of consumers, how this is hurting consumers. But this is an example, an unprecedented example of the tyranny of a minority by the majority. Those who believe in our government, those who believe in civil liberties should not idly look aside and watch where one region of the country, just because we have fewer congressional votes here in the upper Midwest, can be penalized by another area of the country without really repute. Again I must emphasize as I began and leave as I began, when I talked about no other case is there where a State compact has been allowed to create the cartel, the OPEC that you opened with and have price-fixing and get away with it. This sets a very bad precedent for any number of other things that can come to a State near you and hurt your local economy, hurt your consumers and undermine the very freedoms and civil liberties upon which this country was based and is based.

Again, I thank my colleague from Wisconsin for the leadership that he has taken on this issue. I pledge to work with him and our other colleagues around the country that believe very strongly that this is wrong, that this ought to be opposed. We implore our listeners and our fellow colleagues to really dig in and understand this and really understand how this is undermining America.

Mr. GREEN of Wisconsin. I appreciate the great work of the gentleman from Minnesota in this area. Again, he may be a new Member; but he is already showing great leadership, particularly in agricultural issues, and I know the issues that are important to rural Wisconsin.

I guess to summarize, what we have started tonight, Mr. Speaker, we hope

is an important stride in an educational effort to help our colleagues here in this institution and the people around America to understand what this bizarre thing called the Northeast Dairy Compact really is, what has been called the OPEC of milk. It is bad because it raises the price of milk, it is bad because it does not work, it does not prop up the dairy farms of America. In fact, it accelerates their decline. Do not take our word for it. You can listen to groups like the Wall Street Journal or the Consumer Federation of America or Americans for Tax Reform, the New Republic Magazine, the National Review. How many times do you get the New Republic and the National Review to agree on something? Citizens Against Government Waste, the National Taxpayers Union. Group after group after group has said to us and we are saying to you, this is wrong, it is bad public policy, it is time for it to end so we can move forward.

PAYING HOMAGE TO A SPECIAL GROUP OF VETERANS, SURVIVORS OF BATAAN AND CORREGIDOR

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I rise tonight to pay homage to a special group of veterans. As all vets, all World War II survivors, they sacrificed for their country. But this is a very special group of veterans, a very special group of veterans from the Second World War. They are special in that their fight for justice continues to this day. They fought for us, but their struggle goes on and goes on. Instead of fighting the militarists of Japan, they today are forced to fight the lawyers of Japanese global business giants like Mitsubishi, Mitsui, and Nippon Steel. Instead of battling in the jungles, they are battling in the courtroom.

And the greatest irony is that instead of having the American government on their side, these heroic veterans find themselves arguing in legal battles against representatives of their own government. This is the story of the American survivors of Bataan and Corregidor, some of the most heroic of America's defenders in the Second World War. When they were captured, they were forced to serve as slave labor for private war profiteering Japanese companies. They were deprived of food, medicine, often even clean water. They were used as work animals and treated as animals. The Japanese companies that worked these Americans, they worked them often to death, violated the most basic standards of morality, decency and justice.

But most important, these Japanese corporations violated international law. They were accomplices to war crimes. Some of them even committed those war crimes. Instead of righting wrongs and admitting mistakes and putting the past behind them, like many German companies have done, these Japanese corporations have stonewalled efforts to bring justice to those they wronged. And why should they not stonewall these American heroes? The United States State Department has taken their side against that of Americans who fought and gave their lives and put their lives on the line for the United States of America in the Second World War. The State Department has taken the side of our former enemy rather than the side of our defenders.

Dr. Lester Tenney, a survivor of the death march in Bataan and of a slave labor camp says, and I quote, ''I feel as if I am once again being sacrificed by our government, abandoned not for the war effort as in the past but for the benefit of Japanese big business.''

I believe Dr. Tenney has a point that deserves to be heard. In the hours following the attack on Pearl Harbor, the Japanese attacked U.S. installations in the Philippines. The United States forces retreated to the Bataan Peninsula and made their historic stand. Holding off the Japanese for months, they gave America time to regroup and to rally and to come back. Our government at one point had to make the heart-tearing decision to sacrifice the brave heroes of the Philippines because they knew they could not come to save them without causing the death of many, many, many more Americans in the long run and perhaps a failure of that operation itself. So the decision was made, yes, to abandon those American heroes, tens of thousands of them there in the Philippines. MacArthur was pulled out, he was ordered by the President to pull out, and our troops were left there. They were left there, as the song of the day went, with the battling bastards of Bataan, no mama, no papa, no Uncle Sam.

□ 2215

After the fall of Bataan, American and Filipino troops were forced to walk more than 60 miles in the infamous Bataan Death March. These were men that were weakened already, without food, without water, and they were denied any type of help along the way. Some Filipino people risked their lives; not only risked their lives, but gave their lives in order to throw little bits of water or food to these men as they marched for those 3 days of the Bataan Death March.

They were beaten, and they were starved as they marched. Those who fell were bayonetted. Some of those who were not walking fast enough were beheaded by Japanese officers who were practicing with their samurai swords from horseback.

The Japanese culture at that time reflected the view that any warrior who surrendered had no honor; thus, was not fit to be treated like a human being. Thus, they were not committing these crimes against human beings. The Japanese soldiers at that time, as was mandated and dictated by their culture, felt they were dealing with subhumans and animals.

This is not a crime of the current Japanese generation. The Japanese for the past 50 years have had a strong democracy, at least for these last three or four decades have had a strong democracy, and the Japanese people are America's best friends. They have a civilized country, and none of them need ever to feel like any of the talk that is going to go on about these men receiving just compensation for what was done to them at Bataan and Corregidor and then later on in the Japanese Islands of Manchuria, the Japanese people themselves are not the target. We are not trying to make these people feel guilty. This was, after all, the culture of their day, and that culture has changed.

America had a racist culture for many years. We had slaves in the last century, and the fact is that Americans corrected that. We paid an awful price. In the Civil War, we paid a price of hundreds of thousands, of millions of our own people who died trying to correct this evil in our society.

The Japanese people of today who admit that their country in the past has done wrong need not hang their head in shame, but it will be a shame, and it will be a black spot on the Japanese people if these crimes are covered up and if wrongdoing is not admitted. That is the only accountability the Japanese people of today have.

Those people and those corporations that worked these men as slaves, they have a legal responsibility. It is through these men who were wronged and worked as slaves by these Japanese corporations that still exist, by giving justice to these men we can close this book, and we can bring this chapter to a close and close this book and move on. The Japanese people need not feel guilty after that compensation and that apology is made.

In the 3 days of the Death March, 650 to 700 Americans died. They died the worst possible death. Then after enduring this hell, many of the thousands of Americans that had survived that Death March, along with other American prisoners who had been taken prisoner in other areas of the Pacific theater, they were taken, thousands of them, in so-called hell ships to Japan and to Japanese-occupied territories. Packed into cargo holds, these POWs struggled for air, for simple air, in temperatures that reached 125 degrees. It is estimated that over 4,000 American soldiers died aboard these hell ships.

Again, the Japanese treated them like animals because at that time the Japanese were taught if anyone surrenders, they are no better than an animal because they have no honor.

Our POWs struggled to survive the harshest conditions imaginable. Toiling beyond human endurance in mines, in factories, in shipyards and steel mills, often under extremely dangerous

working conditions, they were worked like animals. Company employees beat them and harangued them. Of course, the Japanese work force was all off in the army. They used these slave laborers to make sure Japan could conduct its war effort. In doing so, they treated these men, our men, our heroes, like animals, and they starved these men. They denied them medical care. These brave heroes, Americans, suffered from dysentery, scurvy, malaria, diptheria, pneumonia and many, many other diseases, yet they were not treated, and they were permitted to die. With few rations, and many rations that were simply unfit for human consumption, they worked and they were beaten. POWs were reduced to skin and bones.

Today, many of those who survived this ordeal still suffer from health problems directly related and tied to that time when they were worked as slave laborers by the Japanese militarists. When one hears the survivors tell their stories, they will never forget how much we owe these heroic individuals.

Frank Bigelow, 78 years old, from Brooksville, Florida, was taken prisoner at Corregidor. Mr. Bigelow was shipped to Japan, where he performed forced labor in a coal mine owned and operated by Mitsui. ''We were told to work or die,'' Mr. Bigelow recalls. Injured in a mining accident, Mr. Bigelow had to have his infected broken leg amputated by a fellow POW. That leg was amputated without anesthetic. At war's end, though standing 6′4″, Mr. Bigelow weighed 95 pounds.

Lester Tenney, 80 years old, of La Jolla, California, became a prisoner of war with the fall of Bataan on April 9, 1942. He was a prisoner of the Japanese, and he survived the Bataan Death March but was then transported to Japan aboard a hell ship. In Japan, he was sold by the Japanese Government to Mitsui and forced to labor 12 hours a day, 28 days a month, in a Mitsui coal mine. ''The reward I received for this hard labor was beatings by the civilian workers at that mine,'' he said. They worked him, and they beat him, and they treated him like an animal.

These are just a couple of the stories. The horrors they suffered at the hands of profit-making Japanese corporations can fill the pages of a book and, in fact, have filled the pages of many books.

Their case is clear. The facts cannot be denied. Their claims should not be dismissed or explained away, and their cause should be the cause of all American patriots, and especially should be the cause of the American Government, which they defended with their lives.

What makes all of this more difficult to understand is why the State Department refuses to assist these heroic veterans. It is hard to fathom why the State Department was willing to help facilitate the claims of victims of Nazi Germany but not these victims of militarist Japan.

Certainly the Germans committed atrocities during the war. Nazi Germany was a place of horrors, and the German people have admitted it and tried to make good and tried to bring justice to these claims, and we have backed them up. We have backed them up because it is the right thing to do. We have backed up those people making the claims, and we have encouraged the Germans to move forward in this way.

There is no reason on God's Earth, there is no reason in the cause of patriotism and honor, that our government should not be assisting those Americans that were used as slave laborers by the Japanese corporations. These American heroes who survived the Bataan Death March, these heroes were worked nearly to death by these Japanese corporations. There is no reason that we should not be with them 100 percent.

Instead, they fight a lonely battle. The lawyers for the State Department are allying themselves with these war profiteers in Tokyo against the Americans they victimized. The best legalese they can muster is being used to undercut the claims of our American heroes. They are erroneously claiming that the peace treaty with Japan bars these veteran heroes from making these claims against these Japanese corporations that used them as slave labor.

It is wrong, and it is utter nonsense, for a number of reasons. First, as the State Department has elsewhere conceded, the waiver claims of U.S. private citizens against the private companies of another country is not merely unprecedented in the history of the United States, it is not recognized under international law and raises serious constitutional issues under the fifth amendment.

What that means is that it is unprecedented that the United States is claiming that our own citizens cannot sue another company in another country, especially when there are human rights violations involved and international violations of law. This is unprecedented that we are saying that our people cannot even make a suit.

So it might violate the very Constitution, the constitutional rights of these heroic Americans who defended our country, who gave the greatest sacrifice, nearly gave their own lives, but saw many of their friends and loved ones give their lives. It could well be, and I believe that it is true, that this is a violation of their constitutional rights to seek legal redress for acts and crimes against them by these very same Japanese corporations.

Let us again remember, these Japanese corporations are the very same corporations that existed in World War II. They are corporate entities. As long as they themselves exist, we are not asking for some type of legal right to sue the Japanese Government, but those corporations have legal responsibilities as corporations. They have the responsibilities, just as individuals do, to pay for their crimes.

Second, if we take a close look at the history of the 1951 treaty, it reveals that negotiators considered treaty language which would have permitted POW lawsuits against Japanese companies that had exploited them. That reference, I might add, was deleted from the final draft at the demand of other allied powers who had made that agreement with the U.S. delegation. So that was part of the original language that they were going to get the right to sue.

In the end, the bottom line is this: Our POWs do not have a right to sue the Japanese Government. That is true. And the Japanese people do not have a right to sue the American Government, but certainly these corporations are responsible. Just as the individual Japanese who committed war crimes, heinous war crimes, were responsible, and those war crimes, many of them were executed, these Japanese corporations have an obligation to those people who they wronged to compensate them, yet our government is taking the other side.

I think it is fascinating to note that many more German war criminals were executed and brought to justice than were their Japanese counterparts.

□ 2030

Yet, the Japanese were clearly involved with criminal activity, with war crimes, on a massive scale, and especially against the Chinese people and against the Americans and Brits who fought against the Japanese and were captured early in the war. Why is this? Obviously we felt that Japan might be in danger of instability after the war and during the Cold War might go communist. That is clearly the reason this happened.

The Cold War is over. It is time now for justice, at the very least justice for our own people. It is time that the Japanese corporations who committed these crimes at the very least offer an apology and compensation to those Americans who survived the Bataan Death March and were worked as slaves and saw their fellow countrymen gunned down and die of starvation. The very least these heroes deserve is some type of justice for their claims before they die of old age. We deserve to stand with them, and their government should stand with them. It is a shame for our government to be on the side of the enemy which these heroes fought.

The treaty we are talking about also includes a clause which automatically and unconditionally extends to the Allied powers many more favorable terms granted to Japan than any other claim settlements. Japan has entered into the war claims settlements with the Soviet Union, for example, and Burma, Spain, Switzerland, Sweden and the Netherlands and others.

Thus, what we have here by this treaty we are talking about are other Allied powers, other countries in the world, have a right to sue, and there have been settlements, claim settlements, with the Soviet Union, people from Russia, Burma, Spain, Switzerland, Sweden, the Netherlands and others. Yet these same rights to allow the

people from other countries to pursue their claims against the Japanese corporations are not being extended to the United States and our nationals.

What is that all about? Why is that? There should be no waiver provision that waives the rights of American citizens to use their constitutional rights in court to seek justice when they were treated in this way, when criminal acts were taken against them.

We side with other countries' rights, but not with the rights of the heroes of Bataan and the heroes who held the ground, who stood tall and gave us the chance to regroup and to organize and to come back and defeat the enemy that threatened the world.

The United States State Department has no answer to these legal questions. On the public record to date they simply ignore them or obfuscate the facts.

Two weeks ago, on Fox News Sunday, Colin Powell, our Secretary of State, promised to review the State Department's erroneous and unyielding stand against our heroes, our World War II heroes' right to sue their Japanese tormentors, their Japanese corporate tormentors. He provided hope to the survivors that justice will be served.

But I have yet to hear anything else from our Secretary of State. I would hope that Secretary of State Colin Powell, a man of deep feeling, a man of great honor who served in our military, but also served his country so well in so many capacities, I hope that the bureaucrats in the State Department do not get to him and have him analyze this situation with a bureaucratic approach that would just put off and put off and put off any type of action until all of these heroes die of old age and are taken by God.

This would be the gravest injustice of all. And those bureaucrats at the State Department, who never want to rock the boat, oh, we cannot rock the boat with Japan, well, the Cold War is over and we can rock the boat anywhere in the world. When Americans who have committed this type of heroism, Americans who are that solid and those people who gave so much for us, when they are being wronged, we can rock the boat anywhere in the world to see that they obtain justice.

I hope that Colin Powell, Secretary of State Powell, sees through this bureaucratic maze that has been constructed and been used to thwart justice for these survivors of the Bataan Death March. I hope he sees through that, and I hope he listens to his heart and his patriotism.

We have another opportunity. I hope Colin Powell acts, but we also have another opportunity. In a few days a new Japanese prime minister will be coming to the United States. Again, let me say that in no way do I hold the Japanese people of today guilty for the war crimes of their ancestors. However, those corporations that existed in that day, 60 years ago, those corporations that committed those crimes are legal entities that bear the legal burden of what their corporations did 60 years ago.

But when we talk to the new Japanese prime minister and we welcome him, we should be welcoming him as a friend, and we should be talking to the Japanese people as our friends. What I say tonight is not meant in any way to be a slap at the Japanese people.

For the last few decades, by the way, the only Japanese American in this body, I guess maybe there are two Japanese Americans in this body, but one of the two Japanese Americans in this body is the coauthor of this legislation that I have brought forth to try to bring justice to these American POWs. He is not about to insult the Japanese people, just as I mean no insult, and none of us involved in this do.

The Japanese people are good friends of ours. I have many good friends in Japan. I lived in Japan as a young boy. The Japanese people now are an honorable people. Some of them are trying to cover up the mistakes, but the most honorable way to go forward is admit mistakes have been made, bring justice about, make an apology, if necessary, and then just move on. That is the way to handle it.

But, instead, our government has been playing a game, playing a game with these very same Japanese corporations that committed these crimes. When the Japanese prime minister comes this week, many people are hoping that this issue does not come up. The diplomats are hoping that it is not to be an issue addressed at the summit. They believe that this issue should be swept under the rug, and we should keep just stirring the pot and trying to keep this situation confused until it goes away. And ''goes away,'' do you know what ''goes away'' means? It means those heroic men who gave their lives and sacrificed so much, those heroic men of the Bataan Death March, who served as POWs, our most heroic soldiers of World War II, that they are dead. That is when this ''goes away.'' That is what our State Department is waiting for.

Well, the rest of us perhaps have a greater and a higher standard than that, and a higher appreciation of what that generation, that World War II generation, did for us, and we are not about to stir the pot. We are working now to have justice for these men, and it should be an issue at the summit with a new Japanese prime minister.

And it will go away. It will go away when our heroes from the Bataan Death March and the Japanese slave labor camps and the mines and the Japanese war machines and the corporations that worked our people to death, when they compensate our heroes and apologize, it is over, and it will be done, and the book will be closed. But it will not be until then.

Of the more than 36,000 American soldiers who were captured by the Japanese, only 21,000 made it home. The death rate for American POWs was 30 times greater in Japanese prison camps than in German prison camps. Let me repeat that: The death rates for American POWs were 30 times greater in Japanese prison camps than in German prison camps.

Even though Japanese companies profited from slave labor, these companies have never offered an apology or repayment. Perhaps they were being counseled. Maybe they were being counseled by our State Department. Maybe they were being counseled by lobbyists in this city. Maybe they were being counseled by people whose advice they sought and paid for.

Just like with some of the things going on with China today, what we have unfortunately seen is that some Americans, many Americans, can be bought off. Can be bought off? Can you imagine this? Can you imagine someone taking a fee from a Japanese corporation and telling them how not to apologize and not to give compensation to a survivor of the Bataan Death March, to the greatest of America's heroes? Oh, yes, there are people like that in Washington, D.C. Yes, there are.

Today there are fewer than 5,400 surviving former Japanese POWs. These survivors are pushing for justice; not just for themselves, but also for their widows and the families of those POWs who died prematurely due to the horrible conditions that they lived under while they were enslaved by these Japanese corporations.

The POWs finally have a chance, however, to win justice, but they should not and they cannot be abandoned once again by their government. These men were abandoned in 1942 by a decision by our government that our government had to make, and there were many tears, I am sure by those commanders who had to make that decision and say that these tens of thousands of Americans will be permitted to be taken, captured by the Japanese, and they were abandoned.

We will not abandon them again. If we do, if we permit this to happen, shame on us. As I say, the gentleman from California (Mr. HONDA), a Japanese American, I might say that he himself was interned during World War II as a Japanese American, he is coauthor of this bill. It is called the Justice for United States POWs Act of 2001. The bill number is H.R. 1198. I will repeat that. The bill is ''The Justice for United States POWs act of 2001,'' and the number is H.R. 1198.

My name is DANA ROHRABACHER. I am a Republican from California. I am the author of that bill. The coauthor of that bill is a Democrat from California, the gentleman from California (Mr. HONDA). The gentleman from California (Mr. HONDA) and I have put a great deal of time and effort into this legislation, and I commend my over 100 colleagues who have signed on as cosponsors and supporters of this legislation. I would urge my fellow colleagues to do the same.

Mr. Speaker, I agree with those who say that Japan is a great strategic ally

of the United States; but a true friendship requires friends to speak out when there has been an insult or an injustice. And friends must join together to address that injustice. A true friendship can only exist when apologies have been made and wrongs have been righted, when the wrongs have been corrected and recognized.

We are asking the Japanese people to be our friends, and they are our friends. Nothing damages our relationship with Japan more than the cold-hearted and unjustified refusal of these multinational corporations, acting with the support of the Japanese government, to make sure that our American hero veterans do not receive the compensation and the apologies that they deserve.

□ 2245

These POWs have asked for back pay, back pay, for a time when they were used as slave labor, and they are asking for an apology. What American could be opposed to that? I would ask, what Japanese person could oppose that? This would be a sign of good faith, and I would hope that this administration would counsel to the new Japanese Prime Minister, I hope Secretary of State Powell and President Bush counsel the Japanese Prime Minister to take a look at this bill and to reach out to the American people and to close this sad chapter. This issue must be addressed, and our State Department should hang its head in shame if it continues to try to undermine the efforts of these American POWs.

Mr. Speaker, I have been asked often why I am personally involved in this issue? Why I, along with the gentleman from California (Mr. HONDA), worked and wrote the U.S. POW Act of 2001, H.R. 1198, and it really is a very personal issue with me, a very personal issue. Mr. Speaker, at this time in my life, I am a very happy person. I am serious about the work I do here, but I am a very, very happy person. Three and a half years ago I was married after about 15 years of being a single man, and I found the woman that I love, and it was a wonderful thing. And when we were married 3½ years ago, my wife's father had passed away, he died of cancer about 6 years ago; and of course, someone had to give her away at the wedding, and her own father had died of cancer. Giving her away at the wedding, my wife, Rhonda's, Uncle Lou, Great Uncle Lou gave her away. That is the first time I ever had a chance to get to meet Uncle Lou.

Uncle Lou is not this man's real name, but everyone calls him Uncle Lou. His friends call him Lou. Uncle Lou's real name is Arthur Campbell, Army Air Corps, 1941. Uncle Lou was unfortunate enough to have been stationed in the Philippines shortly before the war broke out and was captured by the Japanese and survived the Bataan Death March, the horrific death march. He was then taken on a hell ship to Mukden, which is a prison labor camp in Manchuria. Every day he would see his fellow prisoners murdered, beaten and tortured; scientific experimentation was conducted on these men and other prisoners. This was what Uncle Lou survived.

Uncle Lou was a strapping young man who, by the time he was freed at the end of the war, was under 100 pounds. As I say, we call him Uncle Lou because Uncle Lou was called by his Japanese guards as, this man must be Lucifer, because he is so defiant. He was lucky to have survived at all with a defiant attitude, and all of the rest of the prisoners kept calling him Lou at that point, and he adopted the name. Uncle Lou told me about what happened to him, and I met with some of the fellow prisoners that served with him in the prison camp at Mukden. The stories will just tear your heart out.

We cannot permit Uncle Lou and the Uncle Lous of this world to go without justice. Uncle Lou will not live forever. Uncle Lou is in his 80s right now, and he has had a pacemaker put in; and the fact is that when he breathes his last breath and he takes a look around him, I want him to know that his country has done justice by him. I think every American should make that a goal, that the Uncle Lous of this world, that we do right by them, whether they are the survivors of the Bataan Death March or the other people who fought for this country during the Second World War.

As Tom Brokaw says, this truly was the greatest generation; and we insult them, we do them a grave injustice, we trash their sacrifice by having our own government involved with legal wrangling to try to prevent their claims against these Japanese corporations that use them as slave labor. This is sinful. We cannot permit it to go on. We must do this before these people leave the scene. We must honor them.

My father was also a veteran, a combat veteran of World War II. My father was a Marine pilot. He passed away 3 years ago. I looked into his trunk after he died and out came the Japanese battle flags and the memorabilia from World War II, and it seems that my father too fought in the Philippines. He was one of the pilots, Marine pilots that flew up and down the Philippines during the effort to recapture the Philippines from the Japanese in 1944.

He passed away 3 years ago. I remember him telling me quite often about his experiences, and let me just say I am very proud of my father and I am proud of the things he did. But he harbored no grudges against the Japanese. He fought with the Japanese, he had Japanese battle flags in his trunk; but he had many Japanese friends, and I have many Japanese friends as well. Please, no one should take this as an attack on the Japanese people, and I repeat that again. The Japanese people have tried to leave that part of their culture behind that had them treat men and women as they did. They know that heinous crimes were committed against the Chinese people, and they know that men who gave up and surrendered and were treated like animals, they know that; and they have left that behind.

They are trying to build a civilized society, a society of technology, a society of tolerance in Japan. They are trying to do that. We should help them do that by getting this behind us. We have our own haunts, our own ghosts in our past; and we too have tried to leave them behind us. We too have tried to say that we are going to not treat people in an unjust way, as we have in our society in the past.

So let us not look at this as a condemnation of the Japanese. I am sure the Japanese people, the younger ones in particular, understand that there is no malice in our hearts. We wish nothing but success for the Japanese. Our economies are tied together. America cannot have a strong economy unless the Japanese economy begins to pick up and has a strong economy. We are tied together with the Japanese, and they were our enemies. Perhaps that is one of the greatest aspects of America, is our ability to forgive. But we have got to be asked for forgiveness. The people who have been wronged, the Japanese corporations that did this to our people, have to give some compensation to those men they wronged. This is not an unreasonable request.

Finally, let me say this about the Philippines. The Philippines and the Filipino people are perhaps the best friends of the United States in the Pacific, maybe the best friends of the United States in the whole world. They like us, and we should like them. They are in a bad situation right now too. They are in a very bad situation.

Just as the Japanese militarists sought to dominate Asia and the Pacific during the 1920s and 1930s, there is another power on the march, another militaristic power that threatens the stability of the world and is an enemy to all free governments. Its militarism and expansion are alarming. Just like the Japanese Government, this government has wiped out its democratic opposition. They are expanding, just like this government of the 1920s and 1930s, this current government that threatens the Philippines and threatens all democratic countries in that region, are trying to expand into island bases in which they will be used as power bases to assert their authority and power in given areas of the Pacific. We can see that now in the Spratley Islands, and we can see it in the Paracale Islands, we can see it throughout the South China Sea.

This power that seeks to dominate the world today, or dominate Asia today is as racist as the Japanese were racist back in the 1920s and 1930s. They felt they were racially superior. The Japanese people do not believe that anymore; they want to be part of the family of nations. They have discarded that, but they had to lose the war to discard that. We liberated the Japanese

people, just like we liberated the Philippines from Japanese militarism. We liberated the Japanese people the same, but today this other militaristic power is on the march. They too are racist, they are expansionary, they are militaristic, and they too understand that only the United States of America stands in their way, and that the Philippines is a friend of the United States of America.

I am talking about, of course, the Communist Chinese. I am talking about the People's Republic of China, which is now engaged today in military naval exercises off the coast of the Philippines. This is an alarming piece of news.

The security of the Pacific was won and the peace of the Pacific was won and the freedom of the Pacific was won by the blood and the sacrifice of American military personnel during the Second World War. People like Lou, my father and Uncle Lou. We cannot permit the Chinese Communists to expand their domain and to take over where the Japanese militarists left off.

During the 1930s, the Japanese sank a U.S. patrol boat, the *Panay*, U.S.S. *Panay*, killing several of the people on board. A Chinese jetfighter knocks one of our planes out of the air several months ago while it was on a routine mission in international waters, knocking it out of the air, and they took 24 American military personnel and held them as hostages for 11 days. Things are getting worse with China and in the Pacific. We must do justice to those people who fought in the Pacific by ensuring that the Pacific remains free, remains prosperous and at peace; and today, there are ominous clouds on the horizon. Yet as things get worse, as they were getting worse in Japan, corporate America still demands on doing business as usual with the Communist Chinese.

It is very similar, as we have heard so often quoted, where it is deja vu all over again; and I am afraid that this is a very frightening deja vu. The Japanese in the 1930s were insisting that America continue to sell them scrap metal and oil and aerospace, or I should say aeroplane, because there was not any ''space'' with it in that day, aeronautic technology. Many of the Japanese aircraft that fought against us in World War II actually were designed and were at least partially designed by American manufacturers. The scrap metal and the oil that was used to fuel their war mission can be traced back to the United States. Corporate America was willing to close its eyes to the threat that faced us in the Pacific back in the 1920s and 1930s, just as corporate America is trying to close our eyes today to the threat of Communist China.

Mr. Speaker, we do not, we do not do justice to those who defended us in the Second World War by going for short-term profit in the mainland of China, letting these big corporations make billions of dollars off their slave labor, while those Chinese Communists are using their profit from that company to build up their military, which some day will perhaps kill Americans. We have already had, we have already had a transfer of rocket technology to the Communist Chinese that makes our country so much more vulnerable to a possible nuclear attack.

It is frightening to think that American corporations, and the Cox Commission outlined how Lorell Corporation was selling technology that improved the accuracy and the capabilities of Chinese rockets.

□ 2300

There are American aerospace firms improving the capabilities and accuracy of Chinese rockets so that they could evaporate tens of millions of Americans if we get into a conflict with them.

I do not want to have any conflict with the Chinese people. I do not want to have any conflict with China at all. War is horrible. I know. My father had told me and Uncle Lou's tales are very vivid.

These people who we are trying to find justice for tonight, they certainly know how horrible war is. We do not want to have that. But the quickest way to have conflict is to seem to grovel before dictators and militarists, and that is what the Japanese knew of the United States before World War II and the Chinese Communists think the same thing of us today.

They think that we have no honor, because our own corporate leaders sell out the national security interests of our country for short-term profit. No wonder they are treating us as a degenerate culture.

We must stand firm. We must stand firm for the security of our country, and we must stand firm to keep our country a leader, a leader for world peace, yes, but also a leader for democracy throughout the world.

We must be the friend of the Japanese people, because they want democracy and we liberated them from their militarists, but we also must be the friend of the Chinese people. The Chinese people live in oppression, we must free them from the militarists that oppress them and are threatening the peace of the world.

If we do so, countries like the Philippines who are struggling now, they have no weapons that can deter the Chinese naval exercises that are violating their territorial waters right off their shore.

The Chinese grab of the Spratley Islands and the vast mineral resources, under those islands that should belong to the Philippines, but instead the Chinese are permitted to, through aggression and militarism, to steal that from the Philippine person, but they do not have the means to defend themself.

We should make sure, and I am very proud that I included in the State Department authorization this year a provision that permits us to provide obsolete weapons and the other type of gear that we would be mothballing from the American military that we can provide it to the Philippines, just as if we are providing it to any NATO ally.

So we increased the Philippines to their status in terms of receiving weapons from the United States up to a NATO ally status.

We must be strong and stand with the people who love freedom, whether it be the people of the Philippines or the people of Japan or the people of China against their own oppressors. We must insist on truth. There is an old saying, know the truth and it will make you free. It comes from the good book.

We must insist on the truth. Yes, if we have to make compromises, if we have to go at problems obliquely rather than straight on, that is what it has to be, but it should not be based on the fact that we are lying to ourselves and lying to the American people.

We need a regeneration, a rebirth of courageous leadership in this country of integrity. We had 8 years under the last administration where no one in this world, even our own people, could respect our own leaders. Many of our own leaders were just not respectable. Now we have a chance.

This new administration has a chance. I would ask people to call their congressmen and talk about this piece of legislation, helping the American POWs from World War II.

I would ask them also to contact the White House and see that the White House brings this issue up of American POWs from the Bataan Death March and to try to see what we can do to get President George W. Bush just to mention this to the Japanese prime minister when he arrives here within a few days.

These are the things that we can do and we can do this because by doing so, we honor those 3,000 or 4,000 surviving Death March survivors who are still here waiting for their day, waiting for their day in court and waiting for justice.

Tonight, I would hope all of those who are with these American POWs, I hope that they activate themselves, and I hope that our democratic process is working. I know that we are making them proud. My own father's watching down tonight and all of those who gave their lives in World War II and other all other American wars, they will be proud.

Let us make them proud of us as Americans and by doing so and having the courage to do what is right, especially for the survivors of the Bataan Death March, America's ultimate heroes.

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. SANDERS) to revise and extend their remarks and include extraneous material:

Mr. LANGEVIN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

(The following Members (at the request of Mr. OSBORNE) to revise and extend their remarks and include extraneous material:)

Mr. OXLEY, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. HERGER, for 5 minutes, June 28.

SENATE ENROLLED BILL SIGNED

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

S. 657. An act to authorize funding for the National 4–H Program Centennial Initiative.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 6 minutes p.m.), the House adjourned until Wednesday, June 27, 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:

2669. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—West Indian Fruit Fly; Removal of Quarantined Area [Docket No. 00–110–3] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2670. A communication from the President of the United States, transmitting a request to make funds available for the Disaster Relief program of the Federal Emergency Management Agency; (H. Doc. No. 107–90); to the Committee on Appropriations and ordered to be printed.

2671. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Voluntary Conversion of Developments From Public Housing Stock; Required Initial Assessments [Docket No. FR–4476–F–03] (RIN: 2577–AC02) received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2672. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Homeownership Program; Pilot Program for Homeownership Assistance for Disabled Families [Docket No. FR–4661–I–01] (RIN: 2577–AC24) received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2673. A letter from the Chairman, National Skill Standards Board, transmitting the Board's 2000 Report to Congress entitled, ''Accelerating Momentum,'' pursuant to 20 U.S.C. 5936; to the Committee on Education and the Workforce.

2674. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents [Docket No. 98N–0581] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2675. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—General Requirements for Blood, Blood Components, and Blood Derivatives; Donor Notification [Docket No. 98N–0607] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2676. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 01–17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2677. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 01–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2678. A letter from the 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 Taiwan [Transmittal No. DTC 052–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2679. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2680. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2681. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2682. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2683. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2684. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2685. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Change of Official EPA Mailing Address; Additional Technical Amendments and Corrections [FRL–6772–2] received June 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2686. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the Administration of the Foreign Agents Registration Act covering the six months ended December 31, 2000, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

2687. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Oil Pollution Prevention and Response; Non-Transportation-Related Facilities [FRL–7003–1] (RIN: 2050–AE64) received June 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2688. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Eligibility requirements after denial of the earned income credit [TD 8953] (RIN: 1545–AV61) received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. COMBEST: Committee on Agriculture. H.R. 2213. A bill to respond to the continuing economic crisis adversely affecting American agricultural producers; with an amendment (Rept. 107–111). Referred to the Committee of the Whole House on the State of the Union.

Mr. CALLAHAN: Committee on Appropriations. H.R. 2311. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–112). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 179. Resolution providing for consideration of motions to suspend the rules (Rept. 107–113). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 180. Resolution providing for consideration of the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–114). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CALVERT (for himself, Mr. LEWIS of California, Mr. BALDACCI, Mr. ROHRABACHER, and Mrs. BONO):

H.R. 2309. A bill to amend the Small Business Act to provide loans to eligible small business concerns for energy costs; to the Committee on Small Business.

By Mr. MURTHA:

H.R. 2310. A bill to increase the rates of military basic pay for members of the uniformed services by providing a percentage increase of between 7.3 percent and 10.5 percent based on the members' pay grade and years of service; to the Committee on Armed Services.

By Mr. CALLAHAN:

H.R. 2311. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

By Mr. BOUCHER (for himself, Mr. GILCHREST, Mr. FROST, Mr. HOLDEN, Mr. PETRI, Mr. WEINER, and Mr. SCHIFF):

H.R. 2312. A bill to provide for protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 2313. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10 percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, to provide amnesty for all tax liability for prior taxable years, and for other purposes; to the Committee on Ways and Means.

By Ms. GRANGER (for herself and Ms. PRYCE of Ohio):

H.R. 2314. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide to participants and beneficiaries of group health plans access to obstetric and gynecological care; to the Committee on Education and the Workforce.

By Mr. FLETCHER (for himself, Mr. PETERSON of Minnesota, Mrs. JOHNSON of Connecticut, Mr. BURR of North Carolina, Mr. THOMAS, Mr. TAUZIN, Mr. BOEHNER, Mr. BILIRAKIS, Mr. SAM JOHNSON of Texas, Mr. COOKSEY, Mr. WELDON of Florida, Mr. HAYES, Mr. PENCE, Mr. PLATTS, Ms. PRYCE of Ohio, Mr. GOSS, Mr. HOUGHTON, Mr. GREENWOOD, Mr. PORTMAN, Mr. HOBSON, Mr. HILLEARY, Mr. RADANOVICH, Mr. SIMMONS, Mr. CRENSHAW, Mr. BALLENGER, Mr. GIBBONS, Mr. BUYER, Mr. COLLINS, Mr. PITTS, Mr. ROGERS of Kentucky, Mr. SIMPSON, Mr. LINDER, Mr. SHAW, Mr. WATTS of Oklahoma, Mr. SKEEN, Mr. STEARNS, Mr. BACHUS, Mr. KIRK, Mr. BARTLETT of Maryland, Mr. ENGLISH, Mr. WELLER, Mr. RAMSTAD, Mr. OTTER, Mr. SUNUNU, Mr. LEWIS of Kentucky, Mrs. CUBIN, Mr. ISAKSON, Mr. SHAYS, Mr. WICKER, Mr. PICKERING, Mr. MCINNIS, Mr. MCCRERY, and Mr. CAMP):

H.R. 2315. A bill to protect consumers in managed care plans and in other health coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF:

H.R. 2316. A bill to make permanent the tax benefits enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD (for herself, Mr. KING, Mr. OBERSTAR, Mr. HOUGHTON, Ms. KAPTUR, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. BROWN of Florida, and Mr. CONYERS):

H.R. 2317. A bill to make permanent the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp in order to help provide funding for breast cancer research; to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 2318. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Resources.

By Mr. SANDERS:

H.R. 2319. A bill to amend the Food Stamp Act of 1977 to limit the collection from households of claims for nonfraudulent overissuance of food stamp benefits; to the Committee on Agriculture.

By Mr. TIERNEY (for himself, Mr. SERRANO, Mr. HINCHEY, Mr. FRANK, Mr. MCNULTY, Mr. KILDEE, Mr. HILLIARD, Mr. NADLER, Mr. MURTHA, Mr. PALLONE, Ms. BROWN of Florida, Mr. DEFAZIO, Ms. KAPTUR, Mr. BONIOR, Ms. PELOSI, Ms. NORTON, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mr. SANDERS, Mr. INSLEE, Ms. LEE, Mrs. MINK of Hawaii, Mr. EVANS, Mr. RUSH, Mr. MCGOVERN, Mr. STARK, Mr. FILNER, and Ms. CARSON of Indiana):

H.R. 2320. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Education and the Workforce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2321. A bill to require that the General Accounting Office study and report on possible connections between the recurring incidence of violence by postal employees and workplace-related frustrations experienced by postal workers generally; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma (for himself, Mr. WATKINS, and Mr. LUCAS of Oklahoma):

H.R. 2322. A bill to amend the Internal Revenue Code of 1986 to provide credits for individuals and businesses for the installation of certain wind energy property; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself, Mr. BOUCHER, Mr. SHIMKUS, Mr. MOLLOHAN, Mrs. CAPITO, Mr. COSTELLO, Mr. LEWIS of Kentucky, Mr. PHELPS, Ms. HART, Mr. STRICKLAND, Mr. DOYLE, Mr. TIBERI, and Mr. ROGERS of Kentucky):

H.R. 2323. A bill to authorize Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage new construction and the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commerical application of advanced clean coal technologies, so as to allow coal to help meet the growing need to the United States for the generation of reliable and afforable electricity; to the Committee on Ways and Means, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Mr. HALL of Texas, Ms. JACKSON-LEE of Texas, Mr. LAMPSON, Mr. MATHESON, Mr. WU, Mr. BACA, Mr. BAIRD, Mr. BARCIA, Mr. ETHERIDGE, Mr. GORDON, Mr. HOEFFEL, Mr. HONDA, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON of Connecticut, Ms. LOFGREN, Mr. MOORE, Ms. RIVERS, Mr. UDALL of Colorado, and Mr. WEINER):

H.R. 2324. A bill to establish a balanced energy program for the United States that unlocks the potential of renewable energy and energy efficiency, and for other purposes; to the Committee on Science.

By Mr. LANTOS (for himself, Mrs. MORELLA, Mr. SHAYS, Mr. WEXLER, Mr. MCGOVERN, Ms. LEE, Mr. SANDERS, Ms. BALDWIN, Mr. ALLEN, Mr. ENGEL, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. WYNN, Ms. RIVERS, Mr. WEINER, Mr. CROWLEY, Mr. MCNULTY, Mr. GONZALEZ, Mr. FRANK, Mr. LEWIS of Georgia, Mr. PALLONE, Ms. PELOSI, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. JEFFERSON, Mr. STARK, and Ms. WOOLSEY):

H. Con. Res. 173. Concurrent resolution expressing the concern of Congress regarding human rights violations against lesbians, gay men, bisexuals, and transgendered (LGBT) individuals around the world; to the Committee on International Relations.

By Mr. UDALL of New Mexico (for himself, Mr. LARGENT, Mr. SKEEN, Mr. HAYWORTH, Mr. FALEOMAVAEGA, Mr. GEPHARDT, Mr. ROHRABACHER, Mr. UDALL of Colorado, Mr. KENNEDY of Rhode Island, Mr. CANNON, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. RAHALL, Mr. WATTS of Oklahoma, Mr. BONIOR, and Mr. KILDEE):

H. Con. Res. 174. Concurrent resolution authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers; to the Committee on House Administration.

By Ms. PRYCE of Ohio:

H. Res. 179. A resolution providing for consideration of motions to suspend the rules.

By Mr. SESSIONS:

H. Res. 180. A resolution providing for consideration of the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

ADDITIONAL SPONSORS

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

H.R. 7: Mr. HALL of Texas.

H.R. 17: Mrs. LOWEY.

H.R. 24: Mr. ROYCE.

H.R. 98: Mr. HOUGHTON and Mr. HERGER.

H.R. 123: Mr. NEY and Mr. WICKER.

H.R. 162: Mr. MEEHAN.

H.R. 168: Mr. LEACH.

H.R. 175: Mr. BRADY of Texas, Mr. MANZULLO, Mr. SESSIONS, Mr. STEARNS. and Mr. DEAL of Georgia.

H.R. 179: Mr. MCDERMOTT.

H.R. 218: Mr. OSE, Mr. MCGOVERN, and Mr. LEACH.

H.R. 264: Mr. BAIRD.

H.R. 265: Mr. FRANK and Ms. JACKSON-LEE of Texas.

H.R. 267: Mrs. BONO and Ms. BERKLEY.

H.R. 280: Mr. RYUN of Kansas.

H.R. 293: Mr. WAXMAN.

H.R. 294: Mr. PETERSON of Pennsylvania.

H.R. 324: Mr. SUNUNU and Mr. KIRK.

H.R. 425: Mrs. NAPOLITANO and Ms. CARSON of Indiana.

H.R. 448: Mr. SAM JOHNSON of Texas.

H.R. 519: Mrs. NAPOLITANO.

H.R. 602: Mr. MILLER of Florida, Mr. SOUDER.

H.R. 612: Mr. CLYBURN, Mr. HOLT, and Mr. TAUZIN.

H.R. 631: Mr. HOSTETTLER.

H.R. 641: Ms. DELAURO.

H.R. 656: Mr. PENCE.

H.R. 664: Mr. HOBSON and Mr. THOMPSON of California.

H.R. 690: Ms. JACKSON-LEE of Texas.

H.R. 717: Mr. NADLER, Mr. DEAL of Georgia, Mr. FOSSELLA, Mr. GREEN of Texas, Mr. NORWOOD, Mr. DOYLER, Mr. AKIN, Mr. SHADEGG, Mr. FORBES, and Mr. RUSH,

H.R. 737: Mr. CLEMENT.
H.R. 739: Mr. LAFALCE.
H.R. 744: Mr. PICKERING.
H.R. 747: Mr. WU.
H.R. 760: Mr. DOOLITTLE and Mr. BONIOR.
H.R. 774: Mr. GRAHAM.
H.R. 777: Mr. GRAHAM.
H.R. 778: Mr. LEVIN.
H.R. 781: Mr. MARKEY and Mr. FATTAH.
H.R. 822: Mr. HALL of Ohio, Mr. LEWIS of Georgia, Mr. BALLENGER, Mr. WHITFIELD, Mr. JENKINS, Mrs. MORELLA, Mr. DICKS, Mr. SCHAFFER, Mr. BLUNT, Mr. GORDON, Mr. ISAKSON, Mr. PASTOR, Mr. PHELPS, Mr. RYUN of Kansas, and Mr. PETERSON of Minnesota.
H.R. 836: Mr. HASTINGS of Washington.
H.R. 840: Mr. CAPUANO, Mr. FILNER, Mr. FRANK, Mr. LATOURETTE, Mr. MANZULLO, and Mr. WATT of North Carolina.
H.R. 887: Ms. ROYBAL-ALLARD.
H.R. 978: Mr. SAXTON and Mr. MOORE.
H.R. 1010: Mrs. EMERSON, Mr. LATOURETTE, Mr. SKELTON, Mr. LARSEN of Washington, and Mr. BAIRD.
H.R. 1032: Mr. ROEMER and Ms. MCKINNEY.
H.R. 1034: Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. ROSS, Mr. CLEMENT, Mrs. MINK of Hawaii, and Ms. MILLENDER-MCDONALD.
H.R. 1078: Mr. HORN.
H.R. 1089: Mr. MCNULTY.
H.R. 1110: Mr. LEACH, Mr. PETERSON of Pennsylvania, and Mr. BARRETT.
H.R. 1136: Mr. JENKINS and Mr. DUNCAN.
H.R. 1143: Mr. SWEENEY and Mrs. NAPOLITANO.
H.R. 1170: Mr. PASTOR.
H.R. 1171: Mr. GUTKNECHT.
H.R. 1186: Ms. ESHOO.
H.R. 1198: Mr. CLAY, Mr. HINCHEY, Mrs. MORELLA, Mr. FERGUSON, Mr. SESSIONS, and Ms. SOLIS.
H.R. 1212: Mrs. NORTHUP.
H.R. 1247: Mr. COYNE, Mr. PAYNE, and Mr. LANGEVIN.
H.R. 1256: Ms. WATERS, Ms. LOFGREN, Mr. HONDA, Mr. RANGEL, Mr. FORD, and Mr. WATT of North Carolina.
H.R. 1296: Ms. BROWN of Florida, Mr. LARSON of Connecticut, Mr. MALONEY of Connecticut, Mr. ETHERIDGE, Mr. LUTHER, Mr. LOBIONDO, Mr. REHBERG, Mr. PASTOR, Mr. PRICE of North Carolina, and Mrs. CAPPS.
H.R. 1298: Mr. RAMSTAD.
H.R. 1304: Mr. GORDON.
H.R. 1305: Mr. LAMPSON.
H.R. 1307: Mr. TOWNS, Mr. DEUTSCH, Mr. FROST, Mr. HOLDEN, Mr. HALL of Ohio, and Mr. KLECZKA.
H.R. 1341: Mr. SESSIONS, Mr. SHOWS, Mr. CALLAHAN, and Mr. TURNER.
H.R. 1353: Mr. SHADEGG, Mr. MCNULTY, Mr. JOHNSON of Illinois, Mr. ISSA, Mr. FALEOMAVAEGA, Mr. LUCAS of Kentucky, Mr. HOLDEN, and Mr. JENKINS.
H.R. 1361: Mr. GUTIERREZ, Mr. FOSSELLA, Mr. PITTS, and Mr. HASTINGS of Washington.
H.R. 1367: Ms. CARSON of Indiana.
H.R. 1383: Ms. ROS-LEHTINEN, Mrs. JO ANN DAVIS of Virginia, Mr. SHADEGG, Mr. GORDON, Mr. MCDERMOTT, Mr. UDALL of Colorado, Ms. LEE, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mrs. LOWEY, Mr. CUMMINGS, and Mr. HINCHEY.
H.R. 1438: Mr. HERGER.
H.R. 1444: Mr. GOSS.
H.R. 1459: Mr. CARDIN and Mr. NUSSLE.
H.R. 1506: Mr. OXLEY.
H.R. 1544: Mr. CLYBURN.
H.R. 1556: Mr. BONIOR, Mr. ISRAEL, and Mr. LARSEN of Washington.
H.R. 1581: Mr. EVERETT.
H.R. 1587: Ms. SCHAKOWSKY and Mr. MEEKS of New York.
H.R. 1592: Mr. GOODE.
H.R. 1601: Mr. SHIMKUS.
H.R. 1609: Mr. WELLER and Mr. ISAKSON.
H.R. 1644: Mr. RYAN of Wisconsin, Mr. HUTCHINSON, and Mr. ENGLISH.
H.R. 1650: Mrs. MCCARTHY of New York and Ms. WATERS.
H.R. 1657: Mr. KELLER.
H.R. 1673: Mr. TIAHRT.
H.R. 1675: Mr. ISSA.
H.R. 1682: Mr. RANGEL, Ms. LOFGREN, Ms. NORTON, Mr. GUTIERREZ, Mr. ENGEL, and Mr. BONIOR.
H.R. 1694: Mr. DEAL of Georgia.
H.R. 1711: Mr. OTTER.
H.R. 1717: Mr. BONIOR.
H.R. 1723: Mr. GILMAN, Mr. STUPAK, and Mr. GEORGE MILLER of California.
H.R. 1746: Mrs. NORTHUP, Ms. WATERS, and Mr. MCKEON.
H.R. 1795: Ms. MCCARTHY of Missouri, Mr. DEUTSCH, and Mr. SOUDER.
H.R. 1798: Mr. KING.
H.R. 1811: Mr. UDALL of New Mexico.
H.R. 1862: Mr. BARRETT, Mr. DEUTSCH, Mr. RAHALL, and Ms. SLAUGHTER.
H.R. 1873: Mr. RANGEL and Mr. WATKINS.
H.R. 1930: Mr. HILLIARD.
H.R. 1943: Mr. RILEY, Ms. BALDWIN, and Mr. CLAY.
H.R. 1948: Mr. WELLER.
H.R. 1950: Mr. STEARNS.
H.R. 1956: Mr. HILLIARD, Mr. FARR of California, Mr. BAIRD, Mr. DICKS, and Mr. SHOWS.
H.R. 1962: Mr. WICKER.
H.R. 1975: Mr. CAMP. Mr. CLYBURN, Mr. BISHOP, Mr. SPRATT, Mr. BURTON of Indiana, and Mr. OTTER.
H.R. 1979: Mr. HOLDEN, Mr. PASTOR, and Mrs. CUBIN.
H.R. 1984: Mr. BALLENGER and Mr. BUYER.
H.R. 1988: Mr. GILLMOR.
H.R. 1990: Mr. NADLER.
H.R. 1996: Mr. TOOMEY and Mr. BONIOR.
H.R. 2001: Ms. HART and Mr. THOMPSON of California.
H.R. 2059: Mr. BOSWELL, Mr. STARK, and Mr. SANDLIN.
H.R. 2063: Mr. SIMMONS, Ms. MCKINNEY, Mr. ANDREWS, Mrs. DAVIS of California, and Mr. HOEFFEL.
H.R. 2074: Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Ms. NORTON, Mr. UNDERWOOD, Mr. WYNN, Mr. CLAY, Ms. BROWN of Florida, Mr. RUSH, Mr. OWENS, and Mr. NADLER.
H.R. 2076: Mr. REHBERG.
H.R. 2117: Mr. LEACH and Mr. GUTIERREZ.
H.R. 2123: Ms. WOOLSEY.
H.R. 2125: Mr. HOYER.
H.R. 2128: Mr. SANDERS and Mr. MCHUGH.
H.R. 2133: Mr. BRADY of Pennsylvania, Mr. HILLIARD, Mrs. CLAYTON, Mr. FATTAH, Mrs. MEEK of Florida, Mrs. JONES of Ohio, Mr. SOUDER, and Mr. DAVIS of Illinois.
H.R. 2134: Mr. SAWYER.
H.R. 2160: Mr. BONIOR and Mr. PLATTS.
H.R. 2161: Mr. BONIOR and Mr. LAMPSON.
H.R. 2167: Ms. MCKINNEY.
H.R. 2175: Mr. BOEHNER, Mr. GILLMOR, Mr. SPENCE, and Mr. BRYANT.
H.R. 2176: Mr. FROST.
H.R. 2177: Mr. LARGENT and Mr. PAUL.
H.R. 2181: Mr. OTTER and Mr. GOODE.
H.R. 2184: Mr. FILNER and Mr. LANTOS.
H.R. 2198: Ms. WATERS.
H.R. 2207: Mr. FROST.
H.R. 2233: Mr. KUCINICH, Mr. SANDERS, and Ms. MCKINNEY.
H.R. 2240: Mr. BOYD, Mr. MILLER of Florida, Mr. BILIRAKIS, Mr. GOSS, Mr. MICA, Mr. STEARNS, Mr. DIAZ-BALART, Mr. FOLEY, Mr. HASTINGS of Florida, and Mr. KELLER.
H.R. 2243: Mr. GUTIERREZ and Mrs. JONES of Ohio.
H.R. 2248: Mr. PETERSON of Pennsylvania.
H.R. 2249: Mr. PENCE, Mr. LATOURETTE, Mr. TIAHRT, and Mr. DAVIS of Illinois.
H.R. 2250: Mr. DEMINT and Mr. STUMP.
H.R. 2259: Mr. CUMMINGS.
H.R. 2269: Mr. SHAW, Mr. PAUL, Mr. CRANE, and Mr. FROST.
H.R. 2277: Ms. JACKSON-LEE of Texas.
H.R. 2286: Mr. FROST and Mr. BALDACCI.
H.J. Res. 36: Mr. FORBES, Mr. RODRIGUEZ, Mr. GIBBONS, Ms. GRANGER, and Mr. COBLE.
H.J. Res. 40: Mr. SAWYER.
H. Con. Res. 20: Mr. HASTINGS of Florida and Ms. CARSON of Indiana.
H. Con. Res. 25: Mr. BURTON of Indiana and Mr. WAMP.
H. Con. Res. 30: Mr. SHAYS.
H. Con. Res. 42: Mrs. MCCARTHY of New York and Mrs. MINK of Hawaii.
H. Con. Res. 61: Mr. STARK.
H. Con. Res. 116: Mr. ROYCE.
H. Con. Res. 168: Mr. PITTS, Mr. BALLENGER, Mrs. JO ANN DAVIS of Virginia, Mr. MCGOVERN, Mr. ABERCROMBIE, and Mr. MENENDEZ.
H. Con. Res. 170: Mr. CULBERSON.
H. Res. 72: Mr. GREEN of Texas and Mr. LANTOS.
H. Res. 75: Mrs. EMERSON.
H. Res. 172: Mr. PASTOR and Mr. HASTERT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2149: Mr. COMBEST.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2311

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 2: In title III, in the item relating to ''WEAPONS ACTIVITIES'', after the aggregate dollar amount, insert the following: ''(reduced by $122,500,000)''.

In title III, in the item relating to ''DEFENSE NUCLEAR NONPROLIFERATION'', after the aggregate dollar amount, insert the following: ''(increased by $66,000,000)''.

H.R. 2311

OFFERED BY MR. PETRI

AMENDMENT NO. 3: In title I of the bill, strike section 103. Redesignate subsequent sections of title I, accordingly.

H.R. 2311

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 4: In title I, strike section 105 (relating to shore protection projects cost sharing).

H.R. __

Agriculture Appropriations Bill, 2002

OFFERED BY: MRS. CLAYTON OF NORTH CAROLINA

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following new section:

SEC. 738. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''AGRICULTURAL PROGRAMS—AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS'', by reducing the amount made available for ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' (and the amount specified under such heading for competitive research grants (7 U.S.C. 450i(b)), by reducing the amount made available for ''AGRICULTURAL PROGRAMS—FARM SERVICE AGENCY—SALARIES AND EXPENSES'', and by increasing the amount made available for ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' (and the amount specified under such heading for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890

(7 U.S.C. 321–326 and 328), including Tuskegee University), by increasing the amount made available for ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' (and the amount specified under such heading for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222)), and by increasing the amount made available for ''AGRICULTURAL PROGRAMS—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', by $5,521,000, $10,000,000, and $7,007,000, respectively.

H.R. ____

Agriculture Appropriations Bill, 2002

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 3: At the end of title VII, insert after the last section (preceeding any short title) the following section:

SEC. 7____. None of the amounts made available in this Act for the Food and Drug Administration may be used under section 801 of the Federal Foods, Drug, and Cosmetic Act to prevent an individual who is not in the business of importing prescription drugs from importing a prescription drug that is FDA-approved, is not a controlled substance, and is offered for import from a country referred to in section 804(f) of such Act.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, JUNE 26, 2001 No. 90

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable EVAN BAYH, a Senator from the State of Indiana.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain, Canon Pastor Lawson Anderson, of Trinity Cathedral, Little Rock, AR.

It is my privilege to notify all those present that Reverend Anderson is the uncle of our colleague, Senator BLANCHE LINCOLN of Arkansas.

PRAYER

The guest Chaplain offered the following prayer:

Gracious God, as we prepare in the week ahead to celebrate the anniversary of the founding of this Republic, we commend this Nation to Your merciful care, and we pray that being guided by Your providence, we may live securely in Your peace.

Grant to the President of the United States, to the Members of this Congress, and to all in authority wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve this country in Your fear. Guide them as they shape the laws for maintaining a just and effective plan for our Government.

Give to all of us open minds and caring hearts and a firm commitment to the principles of freedom and tolerance established by our Nation's founders and defended by countless patriots throughout our history.

Help us to stamp out hatred and bigotry and to embrace the love and concern for others that You have clearly shown to be Your will for all mankind.

Bring peace in our time, O Lord, and give us the courage to help You do it.

We ask this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable EVAN BAYH led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

I shall take the privilege of the Chair and say that was an especially moving invocation this morning.

Mrs. LINCOLN. I thank the Chair.

I thank the Senator from Nevada and all of my colleagues for the opportunity to share with you all this morning a very special individual in my life. I have been very blessed to grow up in a very close-knit family of supportive and encouraging people. My uncle, the Reverend Lawson Anderson, is just one of those wonderful people. I grew up within walking distance of both sets of my grandparents, and on hot summer days I would walk over to his mother's home and in the cool of his house play the organ that she practiced as she was the organist for our church.

One of the most wonderful stories and I think lessons I have learned from my Uncle Lawson I would like to share with my colleagues. He did not get started in ministry. His degree is in forestry. He began as a forester. He then went into banking and figured out, in order to really make it through life, he needed the wisdom and the courage that came from the ministry, which he joined later in life. He did say, however, that one of the best lessons he learned was not necessarily from the ministry but from his time in the forest industry.

He talked about dealing with problems in life, and he said one of the best lessons he learned as a forester was when he was very young and was presented with a forest fire, a difficult problem. He was beating at that fire with a shovel, and one of the older members of the forestry team came up to him and said: What are you doing? He said: I am putting this fire out; I'm putting it out. And the wise forester, who was beyond I guess his years in wisdom, looked at Uncle Lawson and said: That is not how you conquer a problem. The way you conquer a problem and, more importantly, a forest fire is you walk around it; you approach it from the front; you evaluate the circumstances: Which way is the wind blowing? What kind of moisture is there in the area? And then you dig a hole all the way around so that you encircle your problem and you actually take care of the whole thing. You do not just beat at it, but you make sure you get in front of your problems, you assess the situation, and you face them head on.

I am honored and privileged to serve the people of our great State of Arkansas. It has been something that has certainly been incredible in my life. But when I am able to bring to the Senate and share with these individuals, these incredible individuals with whom I serve in this great body, someone who has been a major part of shaping my life and molding me into the person that I am, it is, indeed, my

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

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honor and privilege to do that and to have him with us today.

I thank the Chair.

RESERVATION OF LEADER TIME

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

BIPARTISAN PATIENTS PROTECTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1052 which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

Pending:

Frist (for Grassley) motion to commit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions with instructions to report back not later than that date that is 14 days after the date on which this motion is adopted.

Gramm amendment No. 810, to exempt employers from certain causes of action.

Edwards (for McCain/Edwards) amendment No. 812, to express the sense of the Senate with regard to the selection of independent review organizations.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 hours of debate in relation to the Grassley motion to commit and the Gramm amendment No. 810, the time to be equally divided in the usual form.

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

SCHEDULE

Mr. REID. Mr. President, I just want to make a brief statement on behalf of Majority Leader DASCHLE. As has been indicated, the resumption of the Patients' Bill of Rights will be the order at hand today. As has been announced, there will be approximately 2 hours of closing debate in relation to the Grassley motion to commit—and I understand he wants to modify his motion.

I ask Senator GRASSLEY, it is my understanding the Senator wants to modify his motion to commit; is that right?

Mr. GRASSLEY. Yes.

Mr. REID. We would not object—and with respect to the Gramm amendment regarding employers. That debate will be ended shortly. There will be two rollcall votes at 11:30 a.m.

I met with Senator DASCHLE early this morning, and he has indicated that without any question we are going to finish the Patients' Bill of Rights before the Fourth of July break.

Now, I would say to everyone within the sound of my voice, I believe we have been on this bill a week. I think we have fairly well defined what the issues are, and I think it would be in everyone's best interests if today we would decide what those issues are and have amendments offered. If people want time agreements, fine. If they do not, debate them, complete what they want to say, and move on. Everyone has many things to do during the Fourth of July break. But this is important. This bill has been around for 5 years, and we are going to complete consideration of this legislation.

There is also a need to complete the supplemental appropriations bill. As I have indicated before, I think Senator BYRD and Senator STEVENS have done an excellent job in moving that bill along and I think we can do that very quickly. But there are going to be late nights tonight, tomorrow, and Thursday. We are going to do our best to make sure everyone is heard, but also in consideration of other people's schedules, we will do our best to complete action on this legislation as quickly as possible.

I see Senator GREGG, the ranking manager of the bill, is here. I did not see him earlier.

Mr. GREGG. Mr. President, I would like to ask unanimous consent that Senator ENZI be added as a cosponsor of the Gramm amendment which is pending.

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

Mr. GREGG. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I hope you will call on the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that following the vote on the Grassley amendment, each side have a total of 3 minutes to summarize the arguments on the amendment excluding employers from liability.

Mr. REID. No objection.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Iowa.

MOTION TO COMMIT, AS MODIFIED

Mr. GRASSLEY. Mr. President, before I speak on my motion, I ask unanimous consent that the pending motion to commit be modified to reflect the referral of the bill jointly to the Committee on the Judiciary and the same 14-day timeframe that affects the Finance Committee and the HELP Committee also apply to the Judiciary Committee.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

The motion to commit, as modified, is as follows:

MOTION TO COMMIT

Mr. Grassley moves to commit the bill S. 1052, as amended, to the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary with instructions to report the same back to the Senate not later than that date that is 14 (fourteen) days after the date on which this motion is adopted.

Mr. GRASSLEY. Mr. President, I thank the majority for permission to modify my motion.

Mr. President, I rise to speak in favor of my motion to commit the Kennedy-McCain bill to the Health, Education, Labor, and Pensions, Judiciary, and Finance Committees with instructions that these committees report the bill out in 14 days.

On a preliminary note, I thank the good counsel of Senators THOMPSON and HATCH. Yesterday, they reminded me that the Kennedy-McCain bill also includes a series of provisions on liability that fall under Judiciary's jurisdiction and have never been reviewed by that committee either. Thus, I have modified my motion to include the Judiciary Committee along with the HELP and Finance Committees.

I am deeply troubled that the Kennedy-McCain bill has bypassed the relevant committees and has been brought directly to the floor—without one hearing, without one markup, and without public input into this particular bill.

As I made very clear on the floor yesterday, I strongly believe that patient protections are critical to every hard-working American who relies on the managed care system. We need a strong and reliable patients' rights bill and I'm supportive of this effort 100 percent. What we do not need is a bill, like Kennedy-McCain, that exposes employers to unlimited liability, drives up the cost of health insurance, and ultimately increases the number of Americans without health coverage.

Instead, I believe we should protect patients by ensuring access to needed treatments and specialists, by making sure each patient gets a review of any claim that may be denied, and above all by ensuring that Americans' who rely on their employers for health care can still get this coverage. I'm confident these goals can be reached.

However, the very fact that our new leadership brought the Kennedy-McCain legislation directly to the floor without proper committee action, violates the core of the Senate process.

I know my colleagues on the other side will waste no time accusing me of delaying this bill, but the truth is, had the relevant committees been given the opportunity to consider the Kennedy-McCain legislation in the first place, I would not be raising these objections.

By bringing this bill directly to the floor, the message seems to me to be loud and clear: that the new chairmen under the new Democratic leadership are merely speedbumps on the road to the floor.

I guess, as a former chairman who hopes to be chairman again in the near future, I do not particularly enjoy being a speedbump. But there's something much more important at stake—

process. A flawed process, more often than not, will lead to a flawed legislative product. We are seeing that point in spades on this legislation.

Does anyone really think that if we had followed regular order and gone through the committee process that the bill before us would be in worse shape? Would we still be sitting around wondering where this bill is going? Or would it be necessary to define the employer liability exception with Senator GRAMM's amendment?

I guess I have more confidence in the committees of jurisdiction than the new leadership and sponsors of this bill do. The HELP, Judiciary, and Finance Committees have the experience and expertise to deal with the important issues this bill presents. My motion simply provides these fine committees with an opportunity to do their jobs.

Now let me turn for a moment to my committee, the Finance Committee. The Kennedy-McCain legislation treads on the Finance Committee's jurisdiction in three ways that are by no means trivial—on trade, Medicare, and tax issues.

In fact, approximately one-third of the nearly $23 billion in revenue loss caused by this bill, is offset by changes in programs within the jurisdiction of the Finance Committee.

First, section 502 extends customs user fees, generating $7 billion in revenue over eight years. These fees were authorized by Congress to help finance the costs of Customs commercial operations.

Most of my colleagues know first hand the financial pressures put on the Customs Service. From Montana, to Delaware, Massachusetts, Texas, and California, there is a dire need for funds to modernize the Customs service. Yet, the Kennedy-McCain legislation diverts money intended for Customs and uses it to pay for this bill. This is not what Congress intended.

If these fees are to be extended—and I emphasize ''if''—they should be done so in the context of a Customs reauthorization bill in the Finance Committee. This gives the Finance Committee the opportunity to carefully review, analyze and debate the implications of any Customs changes on the future of the Customs service and Customs modernization.

Second, section 503 of the Kennedy-McCain bill delays payments to Medicare providers, which generates $235 million to help offset the losses in the bill.

It is ironic that while many of us are spending significant amounts of our time working to improve Medicare's effectiveness and efficiency—this bill actually takes steps to exacerbate the frustrations so many providers already experience today with delayed payments in Medicare.

Any changes to Medicare need thorough evaluation and consideration in the Finance Committee—where the expertise exists to determine the implications of any changes to the program. For those who think we can just tinker with this program, they're wrong. It is much too important to our Nation's 40 million seniors and disabled that rely on it. Any change, large or small, can have a sweeping impact on seniors, providers, and taxpayers.

Finally, let me turn to the third Finance Committee policy area implicated in this legislation. I'm talking about health care-related tax incentives.

Now I know there are no tax code changes in this particular bill. However, in years past, tax incentives have been an important part of this legislation. There's good reason for this. As Senator MCCAIN recognized, tax incentives provide balance to patients' rights legislation by making health care more affordable and therefore more accessible.

I am a strong believer in health tax policy and have proposed a number of changes in the tax treatment of health care—including ways to reduce long-term care insurance and expenses, promote better use of medical savings accounts, and improve the affordability of health insurance through refundable tax credits.

But while I might agree with these policies on a substantive level, I will continue to oppose health tax amendments to the Kennedy-McCain legislation simply because the Finance Committee has never been given the opportunity to analyze, review, or discuss the implications of these provisions on the internal revenue code—a code that is the responsibility of the Finance Committee.

My motion provides the Finance Committee with its rightful opportunity to add health tax cut provisions to this legislation. There is no doubt that the Hutchinson-Bond amendment, along with a number of other good health care-related tax cuts, would be included in a package before the Finance Committee.

On that point, I want to make clear that at my urging, Chairman BAUCUS has already agreed to consider a package of health care-related tax cuts in an upcoming Finance Committee markup. So I look forward to working through these very important issues in the committee.

It is my responsibility to Iowans, my Finance Committee members, and all Senators to be vigilant on committee business. I cannot let these things just slip by. That would be easy to do, but it would also be irresponsible.

During my tenure as Finance chairman, Senator after Senator urged that the committee process be upheld regarding tax legislation. I listened and I acted.

I resisted strong pressures to bypass the Finance Committee as we considered the greatest tax relief bill in a generation. I forged a bipartisan coalition and consensus which I believe made it a better bill. Ultimately we were able to craft a bill that benefited from the support of a dozen members from the other side.

So I stand before you as someone who has seen the importance of the committee process as well the success of this process.

The new leadership and this bill's sponsors have simply tossed aside the committees of jurisdiction. As justification for these actions, the new leadership says Republicans did the same thing on their patients' rights bill in 1999, but this is simply not the case.

In 1999, the patients' rights legislation underwent a series of hearings in the HELP committee, and ultimately there were 3 days of markup—let me repeat 3 days of markup—in that committee. And only after the bill was reported out of the committee was it then brought up for consideration by the full Senate.

So let us hear no more discussion on this point. There is no justification for the conduct on this bill. It is a fact that the Kennedy-McCain bill before us today has never undergone the committee processes that the 1999 patients' rights legislation did.

What our new leadership has done is violated the rights of the members of three important Senate committees from utilizing their expertise and experience to fully evaluate the Kennedy-McCain legislation—a job these committees were designed to do.

Any members of the three committees that support this faulty process should beware. Supporting this process means that they support disenfranchising their own rights as committee members.

What my motion does is correct this faulty process, a process that has ensnared a bill that could have otherwise moved through floor debate smoothly, if the committee process had been upheld.

A vote for my motion to commit puts this bill on the right track. It lets members of the HELP, Judiciary, and Finance Committees do the jobs they were sent here to do.

These committees have good track records in this Congress. They will continue to produce legislation that is important to our Nation. Taking this bill through the relevant committees will only improve this legislation and ultimately make it better law. That's what is in the best interests of the patients were trying to protect.

I believe we are at a critical juncture in history. Through a very close election, the American people have instructed those of us who represent them in this town of Washington, DC, to get serious about legislative business.

What the Iowans have told me, and Americans have told all of us, is to work together to produce results. They want less partisanship, more action, and more thoughtful debate.

People in Iowa expect Republicans and Democrats to work together, with President Bush, to get things done. They expect us to refrain from playing partisan politics and to be serious legislators.

We have a responsibility to our constituents who have given us the opportunity to represent them. That responsibility is to legislate in a thorough, fair, and constructive fashion. That is not the way the Kennedy-McCain bill has been handled thus far.

If we are to carry out the people's business in the manner the Senate set forth—through the committee process—then we must utilize this process to produce legislation that will help improve the lives of every American.

After all, is that not what the people really want? A good law that is produced in the proper way.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Montana desires.

Mr. BAUCUS. Mr. President, I commend my good friend from Iowa, Senator GRASSLEY, and particularly applaud his continued effort to work in cooperation and in a bipartisan and frank manner to get results. It is an approach he has taken when he was at the helm of the Finance Committee and an approach he knows works. I commend him for it.

I take this opportunity to address one of the amendments presently pending, the amendment offered by my colleague from Texas, Senator GRAMM.

While I will not vote for this amendment, I believe it is critical that we protect employers from unwarranted liability claims. But the Gramm amendment I believe goes too far. It protects employers from liability even when they are responsible for making medical decisions that result in injury or death.

Let me be clear. I do not believe employers should be held liable for medical decisions made by others, nor do I believe they should be exempt from responsibility if they are making medical decisions themselves.

This issue is very important to businesses in my State. It is very important to the people in my State. I must say it is very important to me. For that reason, I am working with my colleagues on a compromise. I have recently spoken with Senator EDWARDS. We are working together on a bipartisan compromise that will shield employers from liability when they are not involved in making decisions about medical care. It is a bipartisan compromise that will also protect patients. I believe there is a middle ground. I will be working with my colleagues to find it.

I yield the floor.

The PRESIDING OFFICER (Mr. CLELAND). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls 51 minutes on the motion and the amendment.

Mr. KENNEDY. Mr. President, I yield myself 15 minutes.

Mr. President, the Senate recently completed major education reform after six weeks of debate focused on accountability. We agreed that in order to persuade schools to live up to high standards, serious consequences were needed for schools that failed to improve. Republicans in particular emphasized the need for tough financial sanctions. The risk of losing funds, they argued, is an appropriate and necessary incentive to achieve high performance.

This emphasis on accountability is not new. It was also the hallmark of welfare reform, and the Senate has applied the same principle to many other programs as well. Over and over, our Republican friends have argued that increased accountability is the way to produce responsible behavior.

It is ironic that some of those who have called for accountability most vigorously in these other debates now oppose accountability for HMOs and health insurance companies when their misconduct seriously injures patients. It is irresponsible to suggest that HMOs and insurance companies should not face serious financial consequences when their misconduct causes serious injury or death. If ever there was a need for accountability, it is by those responsible for providing medical care.

The consequences can be extremely serious when an HMO or an insurer denies or indefinitely delays access to essential medical treatment. It can literally be a matter of life and death. Yet there is overwhelming evidence that access to care is being denied in many cases for financial, not medical, reasons.

And after five years of debating this issue, we've finally reached the point where very few Senators will come to the floor and openly claim that HMOs and health insurers should not be held accountable in court when they hurt people. These corporations desperately want to keep the immunity that they currently have, immunity that no other business in America enjoys. But the HMOs and insurers have behaved so irresponsibly and hurt so many people that they are finally in danger of losing it. Too many children have died, too many families have suffered, for even the HMOs' closest allies to stand here and say that they do not need to be held accountable.

So instead, the HMOs' multi-million dollar lobbyists and their allies in Congress have devised a strategy for killing this legislation without directly questioning the need to hold HMOs accountable. Indeed, some of those who repeatedly called for accountability in other areas are the very same members who are searching for ways to enable these companies to escape accountability when their misconduct seriously injures people.

The pending amendment by Senator GRAMM is a perfect example of this strategy of collateral attack—an attempt to kill this legislation by distorting what it would actually do, and by seeking to turn the focus away from HMO misconduct. Those supporting the Gramm amendment claim that all employers are endangered by this legislation. Such claims are wrong. The vast majority of employers who provide health care merely pay for the benefit. They do not make medical judgments, they do not decide individual requests for medical treatment. Thus, under our legislation, they have no liability. The only employers who would be liable are the very few who step into the shoes of the doctor or the health care provider and make final medical decisions. Our legislation only allows employers to be held liable in court when they assume the role of the HMO or the health insurance company.

By completely exempting employers from all liability no matter how closely tied the employer is to an HMO and no matter how severe the employer's misconduct, Senator GRAMM's proposal aims to break the link of accountability in this bill.

President Bush stated in the ''Principles'' for the Patients' Bill of Rights which he issued on February 7th: ''Only employers who retain responsibility for and make final medical decisions should be subject to suit.'' That is consistent with what our bill does. But Senator GRAMM's amendment is directly at odds with the President's principle. The Gramm amendment would mean that ''employers who retain responsibility for and make final medical decisions'' could not be sued.

I'm surprised that the Senators from Texas would propose such an extreme approach—eliminating all accountability for employers no matter what they do. Under their proposal, employers are never held accountable, period, even if an employer causes the death of a worker's child by interfering in medical decisions that should have been made by doctors.

The Gramm amendment is a poison pill designed to kill this legislation. Not only does it absolve employers of liability regardless of how egregious their conduct, it also creates a loophole so enormous that every health plan in America would look for a way to reorganize in order to qualify for the absolute immunity provided by the Gramm amendment. Senator GRAMM creates a safe harbor so broad that it will attract every boat in the fleet.

We all know what would happen if this amendment became law. HMO lawyers would craft contracts that enable them to be treated as employees of the companies they serve, so HMOs could take advantage of Senator GRAMM's absolute immunity. Other employers would turn to self insurance as an obvious way to avoid accountability for the actions of their health plans.

Health insurance companies would rework their contracts to give employers the final say on benefit determinations in order to take advantage of this shield from accountability.

Today fewer than 5 percent of employers assume direct responsibility for

medical decisions on behalf of their employees. But if the Gramm amendment became law, the share of employers taking on these decisions would grow enormously. By providing absolute immunity from accountability, the Gramm amendment creates a strong incentive for employers to intervene in medical decisions, despite the fact that most employers are not qualified to do so.

Employers and HMOs are free to negotiate any relationship they want, and that relationship can be detailed in writing, or it can be detailed in informal ''understandings'' that workers never get to see. What the Gramm amendment does is leave families completely vulnerable to the most unscrupulous HMOs and employers.

For example, an employer could demand that an HMO call it for approval before allowing any treatment that would cost over a certain amount, compromising the patient's privacy and enabling the employer to make medical decisions based on cost alone. The Gramm amendment would completely shield an employer who causes grave injury or death in this way, and the HMO might also escape liability because it could show that the employer alone made the final decision.

Subtler employers could instruct their HMOs to delay or complicate the treatment approval process for certain kinds of medical care or for certain employees. The Gramm amendment would allow an employer to require its HMO to send it all requests for mammograms, and the employer would not be accountable if it chose to delay or deny a request for a mammogram that would have timely detected breast cancer. The same employer practice can interfere with many diagnostic and treatment decisions.

As Judy Lerner discovered, there is no end to the irresponsible behavior of some unscrupulous employers. Ms. Lerner worked in Boston for over two decades as a consultant in a human resources firm that self insured, and she relied on the health benefits that the company provided. But when she broke her leg in several places and endured emergency surgery, the company simply stopped helping with her medical bills, agreeing only to pay for crutches. Despite her doctors' vigorous arguments for continued home medical care, the company abandoned her. The Gramm amendment would leave all employees like Ms. Lerner vulnerable after they have been told that their medical bills would be covered at the time they accepted employment and begin working hard. The Gramm amendment allows employers to deny necessary medical treatment any time it suddenly becomes too costly or inconvenient, regardless of how much the employee has relied on that coverage.

Most employers, of course, would not find it morally acceptable to intervene in medical decisions against their employees. But if I were a small business owner, I wouldn't want to compete in the environment created by the Gramm amendment because it gives the worst employers an economic incentive to cut corners on employee health care and frees them from all accountability when they do so. It would create an uneven playing field, allowing unscrupulous employers to gain a business advantage over their honorable competitors.

As the President says, ''employers who retain responsibility for and make final medical decisions should be subject to suit.'' That is what President Bush wants, and that is what we want to accomplish. I am confident that the McCain-Edwards language accomplishes this, but I remain open to other ideas for writing President Bush's principle into law.

Under our language, employers have no liability as long as they do not make decisions about whether a specific beneficiary receives necessary medical care. The only employers who can be brought into court are the very few who step into the shoes of the doctor or the health care provider and make final medical decisions.

Our bill does not authorize suit against an employer or other plan sponsor unless ''there was direct participation by the employer or other plan sponsor.'' ''Direct participation'' is defined as the ''actual making of such decision or the actual exercise of control'' over the individual patient's claim for necessary medical treatment.

Our bill directly protects employers from liability by stating: ''Participation . . . in the selection of the group health plan or health insurance coverage involved or the third party administration'' will not give rise to liability; ''Engagement . . . in any cost-benefit analyses undertaken in connection with the selection of, or continued maintenance of, the plan or coverage'' will not give rise to liability; ''Participation . . . in the design of any benefit under the plan, including the amount of co-payment and limits connected with such benefit'' will not give rise to liability. Our language is clear. As long as the employer does not become involved in individual cases it is immunized from suit.

Employers are very well protected by our legislation as it is written. We are pleased to consider other strategies for accomplishing President Bush's principle on this issue, but the loophole that the Texas Senators propose fundamentally contradicts the President's principle and ours.

Senator SNOWE and others are working on language to codify that principle, and I am looking forward to seeing their ideas.

The Gramm amendment is exactly the wrong medicine for America. It deserves to be soundly defeated for the sake of a level playing field for all employers, and for the good health of employees and their families.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BUNNING. Mr. President, I will take the time Senator GRAMM has and yield myself as much time as I may consume.

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

Mr. BUNNING. Mr. President, I rise in strong support of the Gramm amendment and ask unanimous consent to be listed as a cosponsor.

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

Mr. BUNNING. Today in the United States we do not mandate that any employer or business provide health insurance. We do not force them to buy it for themselves or their employees. We let the employer make this decision.

And employers all across the United States do provide health care insurance that covers over 160 million people. These employers do not have to provide that health care. They do this voluntarily for a number of reasons. Some actually do it because they care about their employees, but most do it because it is good business—it helps attract employees to come to work for them. But regardless of why these employers offer health benefits, the important factor is that they do this voluntarily.

There is no employer mandate in America. We had that debate in 1994 during the argument about the Clinton health bill, and it was clear that everyone—the American people and American business—wanted to keep our voluntary system. But if the bill before us today becomes law, that could all change.

In spite of what the Senator from Massachusetts said, businesses—big and small—all over America would stop offering health insurance benefits to their employees. And the reason they would stop can be summed up in one word—lawsuits.

The simple fact is that the Kennedy-McCain bill would expose employers who provide health care insurance coverage to their employees to lawsuits. I have heard some supporters of this bill claim that employers are protected from lawsuits in this bill. We just heard the good Senator from Massachusetts say that. They say that this bill protects our current system. They point out that on page 144 of the Kennedy-McCain bill that there is a section in bold headline that reads: ''Exclusion of Employers and Other Plan Sponsors.'' But what they don't tell you is that on the very next page the bill reads, as clear as day: ''. . . A Cause of Action May Rise Against an Employer . . . .'' After that there are four pages explaining when an employer can be sued.

That means that while this bill does exclude suits against doctors and hospitals and other providers, it does not exempt suits against employers who purchase health insurance. In fact, the bill exposes employers who provide health care insurance to both State and Federal lawsuits. It exposes them

to unlimited economic damages, unlimited noneconomic damages, unlimited punitive damages in State court, and $5 million in damages in Federal court.

Ladies and gentlemen, that is an awful lot of lawsuits.

I believe that this exposure to liability in the Kennedy-McCain bill will scare employers away from providing health insurance. Instead of providing coverage, one of two things is going to happen if this bill becomes law. Employers are either going to drop their coverage altogether or they will give their employees cash or some sort of voucher and wish them well in searching for the best deal for themselves and their families they can find in health care. This would turn our entire health system on its head and would lead to serious problems.

I don't believe anybody in this Chamber really wants that. Instead, I urge support for the Gramm amendment. This amendment would apply language from the current Texas State law to specifically protect employers that provide health benefits from facing lawsuits for doing so. It is clear cut. It is a simple solution, but it is very clear in its intent.

For weeks some of my colleagues have been eager to point out that Texas has a Patients' Bill of Rights, and some of them even talk about this is a model for the Federal legislation. Now we have the opportunity to do just this and to ensure that employers cannot be sued for doing the right thing—for helping their employees. It is simple.

We know the bill before us as written will not become law, and the expanded employer liability is one of the very tough sticking points. Now we have a chance to fix it, to improve the bill, and to make it signable.

I want to vote for a Patients' Bill of Rights, a bill of rights that is going to become law. A vote today for the Gramm amendment is a critical step in that direction. A vote against the amendment means that we will probably just talk about these problems without doing anything to change them. I urge my colleagues to vote to protect employers and employees alike and support the Gramm amendment.

We do not want single-payer health insurance in the United States. It was proposed in 1994 and soundly defeated. Even though the opponents of the Gramm amendment would like to think that this is the reason they are opposing it, that it prevents liability, the basic fact is that they may want no health care benefit at all and then force the United States to have a single-payer plan at the end. We will do anything in our power to defeat that.

I urge a vote on the Gramm amendment and yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I would like to speak on the Gramm amendment. I see that neither Senators GRAMM nor GRASSLEY are present. I understand there is time remaining for Senators GRASSLEY and GRAMM. I suppose the appropriate thing to do would be to ask for 10 minutes of the time on the Gramm amendment.

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

Mr. THOMPSON. Mr. President, we are proceeding to clear the air on this issue, and that is important. It is a very important issue. One of the things Senator GRASSLEY pointed out was that this did not go through the regular committee process. It is a very complicated bill, and we are just now seeing the complications of it; one of those being the extent to which employers are liable, employers can be sued.

Unfortunately, we didn't have a chance to work all that out in committee. So now we are here in this Chamber arguing about the exposure of employers.

We are making progress because, when we first started this debate, the supporters of the McCain-Kennedy-Edwards bill basically said: We were not attempting to go after employers. That is not what this is about. Then in the fine print, yes, well, under certain limited circumstances.

I think we know now that there is, indeed, extreme exposure as far as employers are concerned and that it constitutes a significant part of the effect of this bill. We are making progress. Now we can talk about the extent to which employers should or should not have exposure and liability.

We have heard statements today that there are a lot of employers out there that will do the wrong thing; that even though they are not required to have health insurance for their employees, apparently there are employers out there that will set up health care plans and then do everything they can to disadvantage their own employees, and that that consideration is driving this provision of the bill. So we are, indeed, refining the issue; the lines are being drawn.

The response to the issue of suing employers has always been: Don't worry about that. The main thing is we are going after the big bad HMOs. You don't have to worry about anything else. When times get really tough, we bring out another picture of some poor individual who is used to demonstrate the evilness of managed care.

Our hearts go out to these people. These are people in need. But the average observer in America must be watching this and asking themselves: Why doesn't the Government just require these people to be covered for anything all the time in unlimited amounts? Why doesn't the Federal Government just take care of it? Or if the Government doesn't want to do it, why don't we make some insurance company pay somebody for any claim they make, if it is a real need, at any time for any amount? In fact, why didn't we pass the Clinton health care bill a few years ago? The average person must be asking: If that is the only issue, taking care of sick folks, then why don't we nationalize this health care system of ours? That is the logical conclusion of all that we have been hearing.

The answer, of course, is that in public policy matters, there are tradeoffs to be considered. There is never just one side of the coin.

We know, for example, that we set up managed care in this country because health care prices were rising up to the point of almost 20 percent a year. We knew that couldn't be sustained so we put in a managed care system. Some HMOs abused that and did some bad things. States passed laws. Thirty some States passed laws addressing some of these problems. The State of Tennessee has broader coverage than the bill we are considering today. It is not as though the States have been standing still. They are covered. Health care costs are going back up.

So here we come and we are going to lay on another plan that, if passed in the current form, without question, will drive up health care costs again.

My heart goes out to these poor people who are being used in this debate to demonstrate the necessity for the passage of this legislation. But I want to refer to a group of individuals myself. In fact, I want to refer to 1.2 million individuals. I don't have the space or the time or the resources to bring in pictures of the 1.2 million people who, the most conservative estimates say, will be thrown off of insurance altogether if this bill passes.

The Congressional Budget Office says that at a minimum—and there are other estimates, but that is the lowest one I have seen—1.2 million people will lose insurance altogether. Who is going to bring their pictures in here to demonstrate to the American people that they are disadvantaged by the bill we might pass that will drive health care costs up so great that these small employers that some would like to demonize or large ones, for that matter, that some would like to demonize don't have to provide health care at all?

What is going to keep them from just saying, as has been pointed out this morning, that the costs are too great, the liability is too great? We want to do the best we can. We are not perfect. We might make mistakes. But instead of setting up a system to rectify those mistakes, we will be opened up to unlimited lawsuits at any time, anywhere in the country, in any amount. Why should we have that aggravation? Why not just give the employees X number of dollars and say, you take care of it—and they may or may not take care of it with that money—or if you are a small employer, to drop insurance coverage altogether. Who is going to speak for that 1.2 million people who they say will wind up without any insurance at all?

There won't be any arguments with any HMOs because there won't be any insurance at all.

So the lines have been drawn in this debate. We have people over here needing help, needing assistance. We have set up a review process to get independent people to look to determine whether or not these employers are taking advantage of people. So far so good.

Then the proponents of this bill want to lay in a system of lawsuits on top of that. We draw the line in there and say that, yes, let's have an administrative process to see whether or not employers are taking advantage of folks. Let's have an independent doctor look at it. After that, let's not lay on unlimited lawsuits against employers who do not provide the health care and expose them to liability, when we say that what we are going after is the big bad HMOs. Why expose these people who are providing health insurance? They are not providing health care, so why expose them to liability?

The question remains, Do we want to sue employers? Do we want to have the right to sue employers or not? The proponents of this bill say yes, but only with regard to when they directly participate in decisionmaking. This gets a little technical, but it is very important. There is a certain resonance of the proposition that if somebody does something wrong, they ought to be held accountable. I have tried a few cases myself, and I believe in that principle. I think that is right. But the problem in the context of this health care debate, which we nationalize to a certain extent with ERISA for a portion of the population, and now we are going to nationalize the rest of it with this bill, the problem is we are setting it up so that, by definition, a large group of employers are going to be considered to be directly participating because they are self-insured and they have employees who are on the front end of these claims processes. They tell me that these self-insured plans are some of the best plans that we have. They don't go out and hire an HMO. They try to do it themselves, in-house, with their own people, looking out for their own employees, who they don't have to insure if they don't want to, but they do. I am told that they provide more benefits than the other plans. They are some of our better plans. But by cutting out the middleman, so to speak, and doing it themselves, they are going to be subject to liability under this bill.

The second point of exposure has to do simply with the fact that employers have settlement value. What lawyer worth his salt, if he is going to sue anybody along the line here in this process, would not include an employer as a part of this lawsuit? An employer has a chance of deciding whether or not to go to court and stand on principle because he is not liable and spend several thousand dollars defending himself or settle up front and pay the other side in order to get out of the lawsuit.

The other side says they don't want to sue employers unless they have control. I mentioned direct participation. The other key words are ''or control''—to exercise control of the health care plan. The only problem with that is under ERISA law, by definition, employers are supposed to have control over these plans. So if you just look at the definitional sections of the applicable law, on day 1 you have a large number of employers that are subject to this lawsuit. So let's not kid ourselves about that.

The first part of this debate was that most employers are not covered. Most employers are not covered. Now, we know that is not true. The issue now is whether or not they should be. You say, well, what if they do something wrong? That is a good point. Why should they be any different? Why should they have immunity? We could ask the same thing about treating doctors and about treating hospitals and about any number of entities around America, including U.S. Senators. Why do we have protection for anything we say in this Chamber under the speech and debate clause? Is it because we are better than anybody else or because we don't ever go over the line and do something wrong or maybe even outrageous? No. It is because of the tradeoffs of public policy because there are other considerations, just as there are other considerations when we lash out and follow our natural instinct to sue an employer.

You are going to drive costs up; you are going to drive people out of the system; and you are going to cause more uninsured. Besides, there is accountability. There is a sense of the Senate pending today that talks about the importance of the independent evaluation that this bill creates. The employer doesn't get to make a decision to cut somebody off under this bill, and that is the end of it. It goes through an independent evaluation process. It goes through an external review process. Then, if it is a medical decision, it goes to an independent medical reviewer.

This bill spends pages on pages in setting up these individual entities, protecting them, qualifying them, having the Federal Government look over their shoulders. They are the final word. If the employer is wrong, they are the final word, and they don't have anything to do with the employer. There might be some hypothetical cases where some evil employer might sneak through the cracks somewhere. All I am saying is it is our obligation to consider both sides of this coin. If in trying to do that, if in trying to reach that hypothetical extreme case we drive up health care costs and we drive small employers out of the health care business and we do wind up with over a million more people uninsured, we are making a bad bargain.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator controls 37½ minutes.

Mr. KENNEDY. I will yield myself 2 minutes. I want to remind my good friend from Tennessee when he talks about the issues of cost, that we have heard this issue raised before by the Chamber of Commerce regarding family and medical leave. They estimated that its cost would be $27 billion a year. It has been a fraction of that. I don't hear Members wanting to repeal it. We heard about the issue of cost when we passed Kassebaum-Kennedy, which permits insurance portability, and is used particularly by the disabled. We heard that Kassebaum-Kennedy was estimated to cost tens of billions of dollars. That cost has not developed. Nobody is trying to repeal it.

We heard about costs when we passed an increase in the minimum wage. We heard that it would lead to inflation and lost wages. We have responded to that. The cost issue has always been brought up.

I will remind the Senator that we have put in the RECORD the pay for William McGuire and United Health Group, the largest HMO in the country. The total compensation is $54 million and $357 million in stock options for a total compensation of $411 million per year. That is $4.25 per premium holder. The best estimate of ours is $1.19, and you get the protections. We can go down the list of the top HMOs they are making well over $10 million a year and are averaging $64 million in stock options. We could encourage some of those who want to do something in terms of the cost, to work on this issue, Mr. President.

In the 1970s, we welcomed, as the principal author of the HMO legislation, the opportunity to try to change the financial incentives for decapitation, to keep people healthy. There would be greater profits for HMOs. It is a good concept. To treat people and families holistically is a valid concept and works in the best HMOs.

What happened is that HMOs, and in many instances, employers, started to make decisions that failed to live up to the commitment they made to the patient when the patient signed on and started paying the premiums. That is what this is about. The patient signs on and says: I am going to have coverage if I am in a serious accident. Then we have the illustration of the person who broke their leg and the employer said: Absolutely not. We are cutting off all assistance. That person was left out in the cold.

There is no reason to do that. The only people who have to fear these provisions are those employers that make adverse decisions with regard to an employee's health. It seems to me they should not be held free from accountability any more than anyone else should be.

How much time remains? I yield 12 minutes to the Senator from North Carolina and that will leave me how much?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. KENNEDY. I yield the Senator from North Carolina 15 minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak after the Senator from North Carolina.

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

Mr. EDWARDS. Mr. President, I want to speak to some of the concerns and comments that have been made by my friend and colleague from Tennessee with whom I have been working over the course of the last few days on this issue. There are a couple of issues he raised that deserve a response.

First is the general notion that an appeals process, before going to court, is adequate in and of itself. There are two fundamental problems with that logic. Remember, the way the system works under both pieces of legislation is if an HMO denies care to a patient, they can go through an internal appeal. If that is unsuccessful, they can go to an external appeal. If that does not resolve the issue and they are hurt, they can then go to court.

There are two reasons the appeal by itself does not resolve the issue.

An HMO says to a family: We are not going to allow your child to have this treatment. The child then suffers an injury as a result, and a week later, or however long it takes to complete the appeals process, the HMO's decision is reversed by an appeals board.

An independent review board says: Wait a minute, HMO, you were wrong to start with. Unfortunately, the only thing that independent review board can do is give that child the test they should have had to start with, but the child has already suffered a serious permanent injury as a result. The treatment no longer helps.

The problem is if the HMO decides on the front end they are not going to pay for some care that should be paid for, and the child is hurt as a result, and then 1 week or 2 weeks later the appeals board reverses that decision and says, yes, they are going to order the treatment, this child has nowhere to go and their family has nowhere to go.

That is the point at which—and I think the Senator and I may agree on this—we believe the HMO should be held accountable. The independent review board cannot fix the problem where the child has been injured for life. The HMO that made the decision, just as every entity in this country, should be held responsible and accountable for what they did. That is what we believe. We believe in personal responsibility.

The second reason the appeals process by itself does not solve the problem: If there is nothing beyond the appeal, it creates an incentive for the HMO, which is what I am talking about, to have a policy of when in doubt, deny the claim because the worst that is ever going to happen is they are going to finish this appeals process and some appeals board is going to order them to pay what they should have paid to start with. If they take 1,000 patients for a particular kind of treatment and deny care to those 1,000 patients, the majority of them are never going to go through an appeal, so they save money. Then they go through the appeal and the worst that can ever happen to them is with 30 or 40 of them, an appeals board orders them to go back and pay what they should have paid.

The problem is fundamental. The appeals process alone does not create an incentive for the HMO to do the right thing.

On the other hand, if the HMO knows if they make an arbitrary wrongful decision and somebody is hurt as a result, injured as a result—if that child suffers a permanent injury as a result—they can be held responsible for that as everybody else who is held responsible, then it creates an enormous incentive for the HMO to do the right thing.

That is what this legislation is about. Senator MCCAIN, Senator KENNEDY, and I structured this legislation to avoid cases having to go to court, to create incentives for the HMO to do the right thing, something they are not doing in many cases around the country now.

The problem is, without both the appeals and the possibility of being held responsible down the road, we do not create the incentive for the HMO to do the right thing. We know that today around the country many families are being denied care they ought to be provided by an HMO.

There are fundamental reasons the system is set up the way it is. It is all designed not to get people to court and not even to get people into an appeals process but to get the patient the correct care, to get them the care for which they have been paying premiums.

Mr. THOMPSON. Will the Senator yield for a question?

Mr. EDWARDS. Yes.

Mr. THOMPSON. I thank the Senator for addressing the issues I raised, and I ask this as a legitimate point of inquiry and not just a debating point.

Mr. President, it occurs to me with regard to the Senator's first point, and that is coverage might be denied initially but later overruled, and in the interim—I think he used the example of a small child again—a child might be suffering damage, does not ERISA currently provide injunctive relief? It allows a person under those circumstances to go into Federal court for mandatory injunctive relief, and would that not address the concern the Senator has?

Mr. EDWARDS. I thank the Senator for his question. It is a perfectly fair question. The problem, of course, is that many times it could be a situation where it would take entirely too long to go to court and get injunctive relief. When there is a situation where they have to make a decision about a family member, whether it be a child or an adult, and the HMO says they are not paying for the care, and they are in the hospital, the last thing they are going to be talking about is: I need to hire a lawyer, go to court, and get injunctive relief. What they need is care at that moment, and in many cases, as the Senator knows from his personal experience before coming to the Senate, during the interim, during that short period of time, that window of opportunity to provide the care to that patient who may be hospitalized or may not be hospitalized is the critical time.

Mr. THOMPSON. If the Senator will——

Mr. EDWARDS. Excuse me. It is impossible during that period of time to get injunctive relief against an HMO, and I might add, the last thing in the world a family is thinking about when they have a member of their family who is in trouble and needs health care is going to court to get an injunction. Now I yield.

Mr. THOMPSON. I thank the Senator. I could not agree more with that last point. However, my experience has been that injunctive relief is designed by nature for very rapid consideration. You can get very rapid consideration, but you do have to go to court to get it.

My question is, If we are not going to avail ourselves or require claimants to avail themselves of the processes if they believe they have been wronged, does that not necessarily lead to the conclusion that we must grant all claims?

How does a person considering a claim know which one—let's assume they are dealing in good faith. In every case where there is an injury or potential injury going to occur, is the logical conclusion that we should see to it that all claims are granted regardless of whether or not the person considering the claim thinks it is clearly not covered under the agreement?

If we do not go through the processes that are in law for people to avail themselves and to show to an independent arbiter or judge that their claim is meritorious, if we say we do not have time for that, then doesn't that mean we have to grant all of them?

Mr. EDWARDS. Reclaiming my time, my response to the Senator's question is simple and common sense. For a family in a bad situation needing medical care immediately, the last thing in the world they are thinking of is hiring a lawyer, going to court and trying to get an injunction. The Senator well knows that process by itself can take enough time for something serious to happen in the interim.

As to the second issue the Senator raises, all we are saying in our legislation, in the structure of our system—internal appeal/external appeal—if that is unsuccessful and there has been a serious injury, they can be treated and taken to court the same as everyone

else. We expect the HMO, which, by the way, is in the business of making these health care decisions, although of course not to cover absolutely everything, to make reasonable, thoughtful judgments about what is covered and what should not be covered.

Now back to the issue of employer liability. First of all, the answer to the Gramm amendment is that it is inconsistent with what the Republican President of the United States has said regarding our bill and the President's principle: ''Only employers who retain responsibility for and make final medical decisions should be subject to suit.'' This is the President's written principle. That is the way our bill is designed, that only employers engaged in the business of making individual medical decisions can have any liability or any responsibility.

With that said, we are working, as I speak, with colleagues, Republicans and Democrats across the aisle, to fashion language that accomplishes the goal of protecting employers while at the same time keeping in mind the interests of the patient.

There are other legitimate issues raised. For example, one argument that has been made is that employers may be subjected to lawsuits they do not belong in, and there is a cost associated with being in those cases for too long. We are working as we speak to create better language, better protection for employers so there is no question that employers, No. 1, can be protected from liability, and No. 2, if they are named in a lawsuit improperly, they don't belong in the lawsuit and shouldn't be named, they have a procedural mechanism for getting out quickly.

The truth is, the Gramm amendment is way outside the mainstream. All the work that has been done on this issue, including the work we are doing with our colleagues, both Republicans and Democrats, is a way to fashion a reasonable, middle of the road approach that provides real and meaningful protection to employers without completely eliminating the rights of patients. That is what we have been working on. We are working on it now and are optimistic we can resolve that issue.

Mr. KENNEDY. Will the Senator yield?

Mr. EDWARDS. Yes.

Mr. KENNEDY. I yield another 2 minutes. Does not the Senator agree that the majority of employers now are doing a good job and are not interfering with these medical decisions?

Mr. EDWARDS. Absolutely.

Mr. KENNEDY. At the present time, a small number of employers are interfering with medical decisions. If the Gramm amendment is accepted, this will put the good employers at a serious disadvantage in competition with others, does he not agree? Would not the others be able to formulate a structure so they could effectively cut back on excessive costs for the health care system for their employees, while the good ones who are playing by the rules would be put at a rather important competitive disadvantage? Does the Senator not agree that for the employers working within the system and playing by the rules, this is an invitation to change their whole structure and to be tempted to shortchange the coverage and protection for their employees?

Mr. EDWARDS. In response to the question, the answer is, of course we believe employers, the vast majority of employers, care about their employees and want to do the right thing. Our legislation is specifically designed to protect those employers, just as the President of the United States has suggested needs to be done.

What we have done in this legislation, what the President has suggested, and in the work that continues as we speak on additional compromise language, all is aimed at the same principle and the same goal.

This amendment is outside that mainstream—different from our legislation, different from the principle established by the President of the United States, and different from the compromise that is being worked on at this moment.

I remain optimistic we will be able to reach a compromise that provides real and meaningful protection to the employers of this country we want to protect. We have said that from the outset. We stand by it. We want to protect them.

If I may say a couple of things about the issue of costs which was raised a few moments ago, the CBO has not said anybody will become uninsured as a result of this legislation. What the CBO has said is there will be a 4.2-percent increase in premiums over 5 years because of our legislation and a 2.9-percent increase if the competing legislation passes, roughly 4 percent versus roughly 3 percent. The difference between these two pieces of legislation on cost is a very minuscule part related to litigation. I think the difference is less than half of 1 percent related to litigation. Rather, the differences are related to quality of care. If people get better access to clinical trials, better access to specialists, better emergency room care, a more enforceable and meaningful independent review process, if those things occur, there is a marginal cost associated with it.

We have real models. We don't have to guess about what will happen. Those models are Texas, California, and Georgia. In those States, the number of uninsured, while the patient protection laws have been in place, has gone down, not up. We have some real, although short term, empirical evidence about what happens when this patient protection is enacted.

We have to be careful. A lot of arguments being made are the same arguments that have been made by HMOs for years to avoid any kind of reform, to avoid any kind of patient protection. We are working in this legislation to give real protection to somewhere between 170 and 180 million Americans who are having problems with their HMO. We want to put the law on the side of patients and doctors instead of having health care decisions made by insurance company bureaucrats.

The PRESIDING OFFICER. The time yielded has expired.

Mr. EDWARDS. I ask to be yielded another 5 minutes.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls 17 minutes.

Mr. KENNEDY. I yield 5 minutes to the Senator from North Carolina and the Senator from Arizona the remaining time.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, in summary, let me speak to the two amendments we will next be addressing. First, the Gramm amendment is outside the mainstream, outside what the President of the United States has suggested, outside of what we have in our legislation, and outside of what we are working on with Senators from across the aisle.

Second, as to the Grassley motion to commit, the problem is it sends it back to a number of committees and slows down the process. We need to do something about this issue and quit talking about it. The American people expect us to do something about it. Thousands of Americans each day are losing access to the care they have, in fact, paid for while this process goes on. We need to get this legislation passed and do what we have a responsibility to do for the American people. This is an issue on which the Senate, the House, and the American people have reached a consensus. It is time to act. As to these two vehicles, I urge my colleagues to reject them.

Finally, I will talk about the story of a young woman in North Carolina. Her name is Shoirdae Henderson, from Apex, NC. At the age of 12 she was diagnosed with a rare hip condition. It made it difficult for her to walk. The Henderson family's HMO sent Shoirdae to a hospital to see specialists about her problem. The specialist in this HMO-approved hospital said she needed surgery to keep her hip from fusing and having to walk with a limp. Even though the family had taken Shoirdae to the HMO specialist, the HMO refused to listen to her doctors. They came in with excuse after excuse to keep her from getting surgery. Every one of the HMO excuses proved over time to be groundless. It looked as if she would finally get the operation her doctors had recommended to begin with. Just 2 days before she was supposed to have surgery, the HMO told her family they wouldn't pay for it. They wanted her to try physical therapy instead. Shoirdae's father spent hours dealing with the HMO, as so many families

have, trying to get his daughter the care the doctors said she needed. He made call after call and faxed them. He requested an appeal. He never got an answer. The hospital finally had to cancel her surgery as a result.

After several sessions of physical therapy, another HMO doctor took one look at Shoirdae's x rays and sent her back to the hospital. She still needed the surgery. The therapy had not worked. In fact, Shoirdae's hip had gotten worse—so much worse during all of this time that now the doctors told her the surgery wouldn't work. If she had gotten the operation her doctors said she needed when they recommended it, her hip would not have fused. She might today be able to walk, run, and play without a limp. Instead, she walks with a severe limp today and she has to wear special shoes because the HMO refused to pay for what was obviously needed—the surgery. The HMO refused to do what the doctors recommended. In fact, they overruled what the doctors recommended.

Her father wrote to me and said: This has been the most horrible experience of my life. Imagine what it has done to my daughter.

This is what this debate is about. This debate is about the 170 million to 180 million Americans who have health insurance—HMO coverage—but have no control over their health care.

The HMOs have had the law on their side for too long. It is time for us to finally do something to put the law on the side of patients and doctors so that the Shoirdaes all over this country, when their doctor recommends that they have surgery, can have the surgery they need; when the doctor recommends a test, they can have the test they need.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, how much time is remaining on the side of Senator GRASSLEY and on the Gramm-Hutchison amendment?

The PRESIDING OFFICER. The Senator from Texas has 9 minutes. Senator GRAMM has 7½.

Mrs. HUTCHISON. Thank you, Madam President.

I ask unanimous consent that I have 6 minutes allocated—4 minutes from Senator GRASSLEY's time and 2 minutes from Senator GRAMM's time. It is my intention to yield 4 minutes to Senator NICKLES of my 6 minutes.

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

Mrs. HUTCHISON. Will the Chair notify me at the end of 2 minutes?

Madam President, I want to speak on behalf of the Grassley motion which would send this bill to committee so that it could be marked up and fully debated because while we have had great debate, bypassing the committee process I think has caused us to have to write the bill in this Chamber. I don't think that is a good way to pass legislation.

I think we all want to have a Patients' Bill of Rights that is well vented and well debated and that we know will have the intended consequences because the last thing we want to do is have unintended consequences when we are talking about the health care of most Americans.

I hope we can commit the bill to bring it back in a better form.

Second, I hope people will support the Gramm-Hutchison amendment because this is the Texas law. Senator HARKIN, on a news program this weekend, said: I would love to have just the Texas law for the entire Nation. The Gramm-Hutchison amendment is the Texas law verbatim when it applies to suing a person's employer because what we don't want to do is put the employer in the position of standing for the insurance company. The employer wants to be able to offer insurance coverage to their employees. But if they are going to be liable for a decision made by the insurance company and the doctors, then they are put in a position that is untenable. What we want is health care coverage where the decisions are made by the doctors and the patients.

The Senator from North Carolina had a picture of a lovely young woman. He said: This is what the debate is about. It is what the debate is about.

The Breaux-Frist plan would definitely address her concerns because it would give her the care she needs rather than going directly for a lawsuit and possibly delaying the health care she needs—and for other patients.

Madam President, I ask my colleagues to support the Gramm-Hutchison amendment and support the Grassley motion. Let's get a good bill that will have the effect of increasing coverage in our country and not decreasing it.

Thank you, Madam President. I yield 4 minutes to Senator NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I thank my friend and colleague from Texas, Senator HUTCHISON, for her comments. I also wish to thank the Senator from Texas, Mr. GRAMM, for his leadership on the amendment, as well as Senator THOMPSON.

I hope employers around the country have been watching this debate. I have heard some of the proponents of the underlying McCain-Kennedy-Edwards measure say: It is not our intention to sue employers. We don't want to do that. No. We will try to fix it. I have even heard on national shows that: We don't go after employers under our bill. On the ''Today Show,'' a nationally televised show, Senator EDWARDS on June 19 said: Employers cannot be sued under our bill. That was made on June 19. Senator HARKIN yesterday said: I would love to have the Texas law for the entire Nation.

The Texas law that Senators GRAMM and HUTCHISON have quoted says: This chapter does not create any liability on the part of an employer or an employer group purchasing organization. There is no liability under Texas law. Senator EDWARDS said: We don't sue employers. But if you read the bill, employers beware; you are going to be sued.

The only way to make sure employers aren't sued is to pass the Gramm amendment. To say we are not going to sue employers, but, wait a minute, if they had direct participation, and you take several pages to define direct participation, what you really find is that if any employer meets their fiduciary responsibilities, they will have direct participation. In other words, employers can be sued for unlimited amounts, with no limit on economic damages and no limit on noneconomic damages. That means no limit on pain and suffering. That is where you get the large jury awards. You can be sued for that amount in Federal court. You can be sued for that amount in State court with no limits—with unlimited economic and noneconomic damages.

Employers beware. If you want to protect employers, vote for the Gramm amendment.

You always hear people say: Oh, we want to go after the HMOs; they are exempt from liability, and so on. But it is not our intention to go after employers.

Employers are mentioned in this bill, and they are liable under this bill.

There was action taken in the bill to protect physicians. There is a section exempting physicians. There is a section exempting hospitals and medical providers. We are exempting them but not employers.

Senator HARKIN said, We want to copy the Texas law nationwide. Texas exempted employers. We can do that today. You can avoid going back to your State and having your employer saying, Why did you pass a bill that makes me liable for unlimited damages? You can vote for this amendment and protect employers. You can vote for this amendment and not only protect employers but employees because when employers find out they are liable for unlimited pain and suffering and economic and noneconomic damages, the net result is, unfortunately, a lot of employees—not employers—will lose their coverage.

I urge our colleagues to support the Gramm amendment.

Mr. HATCH. Mr. President, I rise in favor of the Grassley motion to commit this legislation to the Finance Committee, the HELP Committee and the Judiciary Committee.

The legislation before this body is one which will have an enormous impact on medical providers, the health insurance industry, employers and, most important, the patients. As the ranking Republican of the Senate Judiciary Committee, I have serious concerns with the liability provisions of this bill and how they will be impact employers, medical providers and patients. The McCain-Kennedy bill creates new causes of action, changes the

careful balance of ERISA's uniformity rules, and has potential new adverse implications on our judicial system. Moreover, the liability provisions have been crafted without the benefit of appropriate and necessary review of the appropriate committees of jurisdiction. My colleagues, this is not the way to legislate. At the very least, the Judiciary Committee should be afforded the opportunity to review the liability provisions that will clearly have a major impact on our legal system.

Just a few months ago, when the bankruptcy reform legislation was brought to the Senate floor under rule 14, the legislation had been considered by the Judiciary Committee, the entire Senate and a bipartisan conference committee over the last 6 years. However, Democrats raised objections then that the bill needed to be reviewed by the Judiciary Committee before consideration on the Senate floor. As a result, we followed regular order and the committee reviewed the bill after which it was sent to the Senate floor for consideration.

Now the tactics of my friends on the other side is to bypass the committees altogether which is exactly what they vocally opposed on bankruptcy reform legislation just a few months ago. Moreover, we now have the third iteration of the liability provisions which is less than a week old. Clearly, the legal ramifications of these provisions are not well known, and I think it would be in the best interest of this legislation to craft language that is truly going to help patients which we all have been saying is our No. 1 priority.

The provisions in the McCain-Kennedy legislation make sweeping changes that will affect our judicial system. This bill changes Federal law and permits various causes of action in both State and Federal courts. It also changes the rules governing class action lawsuits, as well as impacting punitive damages all the while exposing new classes of individuals to open-ended liability.

I want to emphasize that these are all critical important, legal issues that must be considered carefully. The regular process of the Senate should not be circumvented for the political expediencies of my friends on the other side. Why rush this important bill through the Senate? According to the Congressional Budget Office, this legislation will cause premiums to increase by at least 4.2 percent. As a result, it is estimated that 1.3 million Americans will lose their health insurance because health premiums will become too expensive. Even worse, employers benefits altogether for fear of more expanded liability exposure under so-called bipartisan Democrat proposal.

Shouldn't we hear from experts and other legal scholars in an open forum before passing such a monumental bill that impacts so many Americans? It is very apparent to everyone in this Chamber that the trial lawyers have been principally involved in drafting these liability provisions and they have done so with their own interest in mind. And believe me, as a former medical malpractice attorney, I know what their tricks are, and I know what they are trying to do. This provisions are simply not in the best interest of the American people.

Accordingly, I urge my colleagues to support his motion to commit. It is incumbent upon us to do this right and to do this in the best interest of patients, not trial attorneys. I am confident that with a little extra time, we can make these provisions legally sound. We have spent far too many years on this issue not to do it right. We have a real opportunity to pass meaningful patients' rights legislation. Let us not squander this opportunity by acting expeditiously without the benefit of more careful and thoughtful review.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mr. GRAMM. Madam President, could you tell me how much time the two sides have?

The PRESIDING OFFICER. You have 4 minutes and a half. The Senator from Massachusetts has almost 12 minutes.

Mr. GRAMM. Madam President, I would like my amendment to close out the debate.

Does Senator GRASSLEY have time?

The PRESIDING OFFICER. He has 5 minutes. You have 9 minutes. The Senator from Massachusetts has 12 minutes.

Mr. GRAMM. Let me just allow the majority to go ahead.

Mr. MCCAIN. I say to the Senator from Texas, I think it is perfectly reasonable for you to have the last 5 minutes.

I ask the Presiding Officer that one of us be recognized so that the Senator from Texas has the final 5 minutes.

The Senator from Iowa wants——

Mr. GRASSLEY. Two minutes.

The PRESIDING OFFICER (Mr. REID). Did the Senator from Arizona propose a unanimous consent request that the Senator from Texas have the final 5 minutes?

Mr. KENNEDY. And that the Senator from Iowa have 2 minutes.

Mr. GRASSLEY. I thank my colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered. That will be the order.

Mr. GRASSLEY. Mr. President, I have spoken twice on the issue of committing this legislation to the committees to express the point of view that there is a lot of turmoil in working out compromises on the floor of the Senate. That is not a very good way to draft a piece of legislation.

If the leadership had not immediately brought this bill to the Senate Chamber, and the committees had done their work, this bill would have been handled in a much more expeditious way, but, more importantly, it would have been in a way in which we would have had a lot of confidence in the substance of the legislation, with a lot fewer questions asked. I think when people see a product from the Senate, they want to make sure that product is done right.

So I offer to my colleagues the motion and hope that they will vote yes on the motion to commit the legislation to the respective committees—Health, Education, Labor; Judiciary; and Finance—for the fair consideration of this legislation and a final, good product that we know serves the best interests of the people, which obviously is to make sure that everybody is protected with a Patients' Bill of Rights.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona is now recognized.

Mr. MCCAIN. Mr. President, I think it is important, because of the issue of what is happening or not happening in the State of Texas and Texas State law, that I take a few minutes to quote from a letter I just received from the President of the Texas Medical Association, Dr. Tom Hancher, who also was a key player in the formulation of the language and the legislation that passed the State of Texas in 1997.

I would like to quote from the letter that Mr. Hancher sent me:

> I have been watching the debate over the Patients' Bill of Rights and can understand the confusion over many of the issues. We, in Texas, debated managed care reforms for over two years culminating in the passage of a package of managed care reforms in Texas in 1997. Because Texas' laws have become the basis for evaluating certain aspects of proposed federal reforms, I hope I can help to clarify some areas for you. As Texas Medical Association worked closely with the sponsors of these reforms, including the managed care accountability statute, I would like to offer our experiences on this issue. . . . I will focus on the three areas of primary disagreement—employer exemption, medical necessity standards for independent review, and remedies under Texas' managed care accountability law.
>
> Much as you are seeing in Washington, our lawmakers were deluged with concerns about employers being legally accountable for the actions of the managed care plan. We believed that this was impossible given the construction of our legislation. Both the definition of a managed care plan and the action of that plan—making medical treatment decisions—prevented such lawsuits from being brought. Nevertheless, the insurers and employers continued to express their concerns that our bill would cost hundreds of citizens their medical coverage because of the fear of litigation.
>
> We agree with your approach that any entity making medical treatment decisions should be held accountable for those decisions. Texas took a different approach in 1997, however, because we knew that no state law could achieve that goal. ERISA law in 1997 was such that no state law could hold employers of large self-funded plans accountable for actions related to their benefit plans. . . .
>
> We were certain that small to medium sized employers in our state were providing health benefits through fully insured, state licensed products. Clearly, those employers

were not making medical treatment decisions. While it was the intent of the Texas Legislature to hold accountable any entity making medical treatment decisions, it was our belief that because of ERISA, a blanket exemption for employers in a state law would have no practical impact on the large, self-funded employers. Therefore, we provided a broad employer exemption primarily to allay the fears of small and medium-sized, fully-insured businesses over exposure to legal liability for medical decisions.

The reason why I quote this is because that is basically the language we are using in this legislation.

The Senate co-sponsor of the managed care accountability bill said it best on the floor of the Texas Senate: ''If an HMO stands in the shoes of the doctor in the treatment room, and stands in the shoes of the doctor in the operating room or the emergency room, then it should stand in the shoes of the doctor in the courtroom.'' It is hard to argue why this philosophy should not apply to anyone making those direct medical decisions, HMOs or the very few employers who do this. Any employer who decides not to make these decisions very clearly is not subject to a lawsuit.

Our goal in constructing the independent review (IRO) provision of our bill was a simple one: use independent physicians to evaluate disputes over proposed medical treatment. We require these physicians to utilize the best available science and clinical information, generally accepted standards of medical care, and consideration for any unique circumstances of the patient to determine whether proposed care was medically necessary and appropriate. Our standards are virtually identical with the independent review provisions in the McCain/Edwards compromise currently pending before the Senate.

I repeat, the Texas Medical Association President says: Our standards are virtually identical with the independent review provisions in the McCain/Edwards compromise currently pending before the Senate.

Review decisions were to be made without regard for any definition of medical necessity in plan documents. The Texas Department of Insurance reviews the plan contract for specific exclusions or limitations (i.e., number of days or treatments). If there is no specific contract provision to exclude the eligibility for review, the case is submitted to the independent review organization. Medical necessity is often a judgment call. We wanted those judgments made without any conflict of interest. Medical necessity definitions created by plans will likely err in favor of the plan. An IRO's decision should be a neutral one. Using a plan definition would prevent that. Additionally, we do not define ''medical necessity,'' but rather set forth broad standards for reviewers to make an informed decision based upon all available information. . . .

Finally, there has been a great deal of confusion over damages in personal injury or wrongful death cases in our state. Currently, Texas has no caps on economic or non-economic damages. Punitive damages are calculated using the following formula: two times the amount of economic damages, plus an amount not to exceed $750,000 of any non-economic damage award. We chose to treat managed care plans as any other business. Therefore, they are accountable under general tort law and not subject to the cap on damages in wrongful death cases. The limitation on recovery in wrongful death cases applies only to health care entities and is part of a separate section of our law.

The debate in Texas over patient protections was long, sometimes contentious, and ultimately successful. With over 1300 independent reviews (48% upheld the plans' determination and 52% overturned the plans' decision) and only 17 lawsuits—

I want to emphasize: Only 17 lawsuits—

I am proud of how our laws are working for the people of Texas enrolled in managed care plans. On behalf of my colleagues and our patients, I ask that you not take any action that would undermine what we have done in our state. Best wishes in your deliberations.

It is signed: Tom Hancher, MD, President of the Texas Medical Association.

I urge all of my colleagues to read this letter from Dr. Hancher. I think it lays out the issues surrounding this particular amendment and remaining areas of dispute that we might have.

Mr. President, I cannot support the pending amendment because I believe that employers should be held accountable for medical decisions they have made if those decisions resulted in a patient's injury or death.

I do not believe employers should be held liable for the decisions made by insurers or doctors. Nor do I believe this legislation would subject employers throughout the country to a tidal wave of litigation as our opponents claim.

But if an employer acts like an insurance company and retains direct responsibility for making medical decisions about their employee's health care then they should be held accountable if their decisions harm or even kill someone.

If an employer is not making medical decisions, and very few employers do, then they will not be held liable under our legislation.

Let me repeat—employers will not be held liable or exposed to lawsuits if they do not retain responsibility for directly participating in medical decisions.

I keep hearing from opponents of our bipartisan bill that our language is vague and would subject employers to frequent litigation in state and Federal court. I don't believe this is true.

Our legislation specifically states that direct participation is defined as ''the actual making of [the] decision or the actual exercise of control in making [the] decision or in the [wrongful] conduct.'' This language clearly exempts businesses from liability for every type of action except specific actions that are the direct cause of harm to a patient.

The sponsors of this legislation are willing, however, indeed we would welcome an amendment that helps further clarify the employer exemptions provided for in the bill. I know that Senators SNOWE, DEWINE and others are working on such an amendment.

But we cannot, in the interest of greater clarity, give employers a kind of blanket immunity when they assume the role of insurers and doctors by making life and death decisions for their employees. That is what the pending amendment would do.

Let's just step back for a moment and reflect on how the employer based health care system is structured and works. An employer contracts with an insurer to provide health care coverage for their employees. The insurer is then responsible for making the medical decisions that go with managing health insurance. That is how the system typically works and how employers want it to work.

Most businesses simply do not make medical decisions. Hank who runs a local plumbing company does not tell the HMO his company has contracted with, ''We have clogged drains and need Joe Smith back at work. We can't afford for him to be laid up waiting for surgery.'' And Hank would not be held liable under our bill because he is not practicing medicine—he is repairing plumbing.

Now, I admit there are a small group, of mostly very large companies that have chosen to provide insurance to their employees themselves.

In these small number of cases, employers have made the decision to sell plumbing and act as an insurer that makes medical decisions.

And if the decisions they make harms or kills someone then why should they have a blanket exemption from liability as this pending amendment would provide them, a blanket exemption that we do not provide doctors or nurses or hospitals?

Mr. President, I yield the floor.

The PRESIDING OFFICER. Senator MCCAIN and Senator KENNEDY have 3½ minutes.

Mr. KENNEDY. Mr. President, let me yield myself the time. As I understand, the Senator from Texas is going to close.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this legislation is very simple. The point of the overall Patients' Bill of Rights is to permit doctors to make the final, ultimate decision on what is in the best interest of the patient. Doctors, nurses, trained personnel, and the family should be making that judgment. However, we find that the HMOs are overriding them.

Now we have put this into the legislation. If it is demonstrated with internal and external appeals that a HMO has overridden the doctors, they are going to have a responsibility towards the patient. They are going to have to give that person, who might have been irreparably hurt, or the patient's family, if the patient died, the opportunity to have some satisfaction.

What the Gramm amendment says is, if that same judgment is made by the employers, they are somehow going to be free and clear. He can distort, misrepresent and misstate what is in this legislation, but we know what is in the legislation. What it does is hold the employer that is acting in the place of the HMO accountable. If the employer is making a medical decision that may harm an individual or patient, or may cause that patient's life or serious illness, they should bear responsibility.

Under the Gramm amendment, they can be free and clear of any kind of responsibility no matter how badly hurt that patient is.

That is absolutely wrong. I can see the case where the HMO is sued. The HMO says: Don't speak to me; it was the employer that did it. And then the employer says: Look, the Gramm amendment was passed. We are not responsible at all. This amendment is another loophole. It is a poison pill. It is a way to basically undermine the whole purpose of the legislation.

Doctors and nurses should be making medical decisions and not the HMO bean counters who are looking out for the profits of the HMOs. Employers should not be making these medical decisions either. They may say, every time my employee has some medical procedure that is over $50,000, call me, HMO. I don't want to pay more than $50,000. Then the HMO calls them up and the employer says, no way, don't give that kind of medical treatment to my employee. The HMO listens to the employer, the patient does not get that treatment, and dies. Under the Gramm amendment, there will be no accountability.

I hope his amendment is defeated.

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senator from Iowa has 2 minutes, followed by the Senator from Texas.

Mr. GRAMM. The Senator from Iowa has spoken. I assume if we add up the time, I have 7 minutes. I would like to take it.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAMM. Madam President, nothing in this amendment has anything to do with HMOs. Nothing in the amendment that I have offered would in any way exempt any HMO from any liability. Both Senator KENNEDY and Senator MCCAIN talked about HMO liability. Senator MCCAIN talked about HMOs standing in the shoes of doctors. This amendment I have offered is not about HMOs.

Senator KENNEDY talks about HMOs escaping liability by blaming it on the employer. Nothing in the amendment I have offered in any way would allow that to happen.

The amendment I have offered has to do with employers. Why is this an issue? It is an issue because, in America, employers are not required to provide health insurance. Employers, large and small, all over America provide health insurance because they care about their employees and because they want to attract and hold good employees. But every employer in America has the right under Federal law to drop their health insurance.

I am concerned, and many are concerned, that employers would be forced to drop their health insurance given the liability provisions in the bill.

I have here a number of letters from business organizations endorsing my amendment. I send to the desk and ask unanimous consent that these letters be printed in the RECORD: an NFIB letter designating this a small business vote; a letter from Advancing Business Technology representing the AEA; the National Association of Manufacturers; the National Council of Chain Restaurants; the National Restaurant Association; and the National Association of Wholesalers and Distributors, all letters endorsing the Gramm amendment; and finally, a wonderful letter from the Printing Industry of America talking about the dilemma they would face if this amendment did not pass.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF WHOLESALER-DISTRIBUTORS,
Washington, DC, June 22, 2001.

Hon. PHIL GRAMM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAMM: Thank you for offering an amendment to S. 1052, the McCain-Kennedy ''Bipartisan Patient Protection Act,'' to shield employers from liability lawsuits authorized by the bill. We write on behalf of the 40,000 employers affiliated with the National Association of Wholesaler-Distributors (NAW) to express our strong support for this critically important amendment.

The vast majority of NAW-affiliated employers voluntarily offer health insurance as an employee benefit. Those employer sponsors of group health insurance benefits are already alarmed by repeated annual increases in health insurance premiums and the growing pressure health insurance costs are placing on their bottom lines. These employers are deeply concerned about the additional premium cost increases with which they will be confronted if the McCain-Kennedy bill becomes law. It is quite clear that many will manage these cost increases by terminating or, at a minimum scaling back, their plans.

NAW members are further concerned about the exposure to costly lawsuits and liability they will face if the McCain-Kennedy bill becomes law and they continue to voluntarily offer health insurance as an employee benefit. Many will manage the newly-acquired risk by terminating their plans altogether.

The proponents of the McCain-Kennedy bill have repeatedly claimed that S. 1052 shields employers from liability. As you have so clearly demonstrated, it does not, and should S. 1052 become law in its current form, the consequence of its failure in this regard will leave many Americans who today benefit from employer-provided medical coverage, without health insurance coverage in the future. This dramatic undermining of our employer-based health insurance system is clearly adverse to the interests of employers, their employees and their employees' families.

There are other serious weaknesses in the McCain-Kennedy bill with which NAW members are concerned; however, adoption of your amendment will at least mitigate one of the worst excesses of the McCain-Kennedy bill. Therefore, NAW is pleased to support your amendment, and we thank you for your leadership.

Sincerely,

DIRK VAN DONGEN,
President.
JAMES A. ANDERSON, Jr.,
Vice President-Government Relations.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, June 22, 2001.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: As debate continues on S. 1052, the McCain-Kennedy-Edwards patients' rights bill, the National Restaurant Association sincerely appreciates your amendment to clarify the Senate's intent that employers will not be subject to liability for voluntarily providing health benefits to their employees. A vote in support of the Gramm employer liability amendment will be considered a key vote by the National Restaurant Association.

The majority of America's 844,000 restaurants are small businesses with average unit sales of $580,000. Rather than risk frivolous lawsuits and unlimited damages authorized under S. 1052, many businesses will be forced to stop offering health benefits to their employees. Even without the effect of litigation risk economists predict at least 4–6 million Americans could lose their employer-sponsored health coverage as a result of the increased costs of S. 1052. We urge you to avert this harmful situation.

By taking language from the Texas patients' rights bill, your amendment will clearly define that employers would not be subject to liability. This amendment is critical given that S. 1052 currently exposes employer sponsors of health plans to liability and limitless damages in the following ways:

Lawsuits are authorized against any employer that has ''actual exercise of control in making such decision.'' [p. 146] This broad phrase would generate lawsuits by allowing an alleged action by the employer to constitute ''control'' over how a claims decision was made. ERISA's fiduciary responsibility obligates employers to exercise authority over benefit determinations.

Lawsuits are authorized for any alleged failure to ''exercise ordinary care in the performance of a duty under the terms and conditions of the plan.'' [p. 141]. Under ''ordinary care,'' simple administrative errors could become the basis of a lawsuit alleging harm. Because all provisions of S. 1052 would be incorporated as new ''terms and conditions'' of the plan upon enactment, these new statutory requirements would further expand employer liability.

Nothing in S. 1052 precludes a lawsuit against employers who will be forced to defend themselves in state and federal courts against allegations of ''direct participation'' in decision making. [p. 145]

Thank you for your effort to protect employees' health benefits by correcting the vague and contradictory language in S. 1052. We urge the Senate to support your amendment to ensure that employers will not be sued for voluntarily providing health coverage to 172 million workers. The Gramm employer liability amendment will be a key vote for the Association. Thank you for your leadership.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.
LEE CULPEPPER,
Senior Vice President,
Government Affairs and Public Policy.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, June 25, 2001.

Hon. PHIL GRAMM,
U.S. Senate, Senate Russell Office building, Washington, DC.

DEAR SENATOR GRAMM: I write in strong support of the amendment you have offered with your colleague from Texas, Senator Kay Bailey Hutchison, to the McCain-Kennedy ''Bipartisan Patient Protection Act.''

We hope that all Senators who agree that employers who voluntarily sponsor health-coverage should be protected from liability will support your amendment.

There should no longer be any dispute that the McCain-Kennedy bill exposes employers to direct and indirect liability costs for adverse benefit determinations. Whether or not employers actively intervene into a given benefit determination, they are charged with responsibility for all aspects of plan administration under ERISA's fiduciary responsibility standard (including benefit determinations). Thus, an employer can either actively or passively meet the McCain-Kennedy bill's standard of ''direct participation'' (the act of denying benefits or the actual exercise of authority over the act).

The Gramm-Hutchison Amendment is the Texas Health Care Liability Act's unambiguous exemption of employers as adapted to ERISA. We certainly hope a majority of senators will agree on the need to protect employers from health care liability.

The National Association of Manufacturers will continue to oppose the underlying McCain-Kennedy bill as adding too much additional cost to the existing double-digit (13 percent on average) health-care inflation. The rising cost of health-coverage, together with the high cost of energy, is exerting a significant drag on the economy. The Senate, however, should be heard on the specific question of health-care liability for employers.

Again, we urgently ask your support for the Gramm-Hutchison Amendment (Senate Amendment 810) which will be considered for designation as a key manufacturing vote in the NAM Voting Record for the 107th Congress.

Sincerely,

MICHAEL ELIAS BAROODY,
Executive Vice President.

NATIONAL RETAIL FEDERATION,
June 25, 2001.

To the Members of the U.S. Senate:

Tomorrow morning, you will have the opportunity to vote on a critically important amendment offered by Senator Gramm to the Kennedy-McCain ''Patient Protection Act of 2001'' that will exempt employers from new lawsuits authorized by the legislation. On behalf of the National Retail Federation (NRF), I strongly urge you to support this amendment. The vote on the Gramm amendment will be a key vote for NRF.

At a time when retailers are struggling to deal with annual double-digit increases in health costs, subjecting employers to liability would be the breaking point for many businesses. Many employers would be forced to terminate or significantly scale back their health benefits programs rather than face a lawsuit that could bankrupt their business—leaving many working Americans without access to affordable insurance. The Gramm amendment will unquestionably help to preserve the ability of employers to provide valuable health benefits to their employees and their families.

Although passage of the Gramm amendment would address one of the most serious flaws in S. 1052, it is important to note that we remain concerned and strongly opposed to the broader liability provisions in the bill. Although NRF supports the goals of the legislation to ensure that individuals have the ability to address their disputes through an independent appeals process, allowing broad new causes of action in state and federal court for virtually uncapped damages would have dire consequences on the employer-based health care system. The costs of open-ended liability on health plans will ultimately be borne by employers and employees alike.

As background, the National Retail Federation (NRF) is the world's largest retail trade association with membership that comprises all retail formats and channels of distribution including department, specialty, discount, catalog, Internet and independent stores. NRF members represent an industry that encompasses more than 1.4 million U.S. retail establishments, employs more than 20 million people—about 1 in 5 American workers—and registered 2000 sales of $3.1 trillion. NRF's international members operate stores in more than 50 nations. In its role as the retail industry's umbrella group, NRF also represents 32 national and 50 state associations in the U.S. as well as 36 international associations representing retailers abroad.

Again, we urge you to support the Gramm amendment, and to support future efforts to remedy the onerous liability provisions in S. 1052.

Sincerely,

Senior Vice President, Government Relations.

NATIONAL COUNCIL OF CHAIN RESTAURANTS OF THE NATIONAL RETAIL FEDERATION,
Washington, DC, June 25, 2001.

Hon. PHIL GRAMM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAMM: On behalf of the National Council of Chain Restaurants, I am writing to thank you for introducing your amendment to protect employers from liability lawsuits authorized by the Kennedy-McCain ''Patients' Bill of Rights'' currently being debated by the Senate.

The National Council of Chain Restaurants (''NCCR'') is a national trade association representing forty of the nation's largest multi-unit, multi-state chain restaurant companies. These forty companies own and operate in excess of 50,000 restaurant facilities. Additionally, through franchise and licensing agreements, another 70,000 facilities are operated under their trademarks. In the aggregate, NCCR's member companies and their franchises employ in excess of 2.8 million individuals.

Although most of the nation's chain restaurant company employers offer health care benefits to their employees, these employers have become increasingly concerned with the skyrocketing costs of providing such coverage. In fact, many employers are already being forced to reevaluate whether they can continue to afford providing health care insurance to their employees. The Kennedy-McCain bill's imposition of liability on health plans will exacerbate this problem even further, as health insurers will simply pass on the costs to employers in the form of higher premiums. As costs are driven ever upward, many employers will assuredly be forced out of the market, pushing even more working families into the ranks of the 43 million uninsured.

But the Kennedy-McCain bill not only renders health plans liable to suit, it also imposes liability on employers, despite claims by bill proponents that employers are shielded. The very notion that an employer could be sued for generously and voluntarily providing health insurance to his or her employees is outrageous. Indeed, if employers are exposed to liability for their voluntary provision of health insurance to their employees, in addition to the increased premium costs resulting from health plan liability under the Kennedy-McCain bill, many employers will have no choice but to discontinue this important employee benefit.

The Kennedy-McCain bill threatens to undermine the nation's employer-sponsored health care system at a time when the economy is softening and millions of Americans are currently without coverage. Although serious problems with S. 1052 remain, your amendment would correct one of the numerous excesses of this extreme legislation.

Sincerely,

M. SCOTT VINSON,
Director, Government Relations.

ADVANCING THE BUSINESS OF TECHNOLOGY,
Washington, DC, June 25, 2001.

Hon. PHIL GRAMM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAMM: I am writing on behalf of AeA (American Electronics Association), the nation's largest high-tech trade association representing more than 3,500 of the nation's leading U.S.-based technology companies, including 235 high-tech companies in Texas, to thank you for offering your amendment to exempt employers from the liability provisions contained in S. 1052, the Bipartisan Patient Protection Act.

An overwhelming majority of AeA member companies provide their employees, their dependents, and retirees with quality health care options. AeA and its member companies are concerned that the liability provisions in S. 1052 would threaten our member companies' ability to continue to offer health insurance benefits. It only makes sense that exposing employers who provide health insurance to their employees to unlimited legal damages will result in fewer employers offering their employees' health insurance. Unlimited damage awards against insurance companies and employers will create a powerful incentive for lawsuits against both. At a minimum, companies that offer health insurance will see their litigation costs increase. Health insurance premiums will also increase, as litigation costs are passed through to both employers and employees.

Higher health insurance premiums will mean fewer health insurance options for employees, and in some cases, the loss of insurance coverage for employees as companies drop health insurance. The liability provisions in S. 1052 will also put pressure on companies to drop their health insurance benefits, primarily from individuals and institutions that own stock in these companies. Shareholders will be reluctant to permit companies to assume liability for employer-provided health insurance and they may pressure companies to drop their health insurance in order to protect the value of their stock.

AeA and its members share Congress' concern about improving the accessibility, affordability and quality of health care services for all Americans. But AeA and its members believe that S. 1052, especially the liability provisions in the bill, will undermine that worthy objective, and ultimately lead to more uninsured workers. AeA supports your amendment to S. 1052, as the first in many needed steps to improve this legislation.

Sincerely,

WILLIAM T. ARCHEY,
President and CEO.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, June 25, 2001.

DEAR SENATOR: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I urge you to support Sen. Phil Gramm's amendment exempting all employers from liability who voluntarily offer health care to their employees.

The Kennedy/McCain version of the ''Patients' Bill of Rights'' exposes small business owners to liability for unlimited punitive and compensatory damages that will force many small businesses to drop coverage. For

most small business owners, it only takes one lawsuit to force them to close their doors. In fact, 57 percent of small businesses said in a recent poll that they would drop coverage rather than risk a lawsuit.

Expanding liability in claims disputes could also increase health care premiums by as much as 8.6 percent at a time when small businesses are already experiencing annual cost increases in excess of 15 percent. Such increases will only force small businesses to drop coverage, adding many to the ranks of the uninsured.

Both Republicans and Democrats have said that the Texas law works. Now is the time to put those words into action. Support Senator Gramm's amendment to exempt employers from unlimited lawsuits! This will be an NFIB Key Small Business Vote for the 107th Congress.

Sincerely,

DAN DANNER,
Senior Vice President,
Federal Public Policy.

PRINTING INDUSTRIES
OF AMERICA, INC.,
Alexandria, VA, June 22, 2001.

Senator PHIL GRAMM,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GRAMM: We are aware that the battle lines in the Patients' Bill of Rights may be so sharply drawn that there is little that can be done at this point to overcome the political issues; however, I want to outline the real world impact of passage of the Kennedy-McCain bill.

Our association is 114 years old. For a good portion of our recent history we have provided health benefits to our employees through a self-funded trust. We chose this option because we are a safe workplace and we have very good claims experience as well as a solid balance sheet. We purchase stop-loss insurance for protection of the assets of the organization above a specified limit. We provide benefits to 70 active employees, their dependents, and 14 retirees. Until 1974, we provided a retiree medical program for all our employees but rising costs forced us to drop that program, grand-fathering the employees who were hired prior to that time. We require only $50 contribution per month for our employees to include their dependents in our health care plan. We cover medical, dental and eye care through a PPO network or, at the option of the employee, a fee for service arrangement. Our prescription drug program requires an employee to pay $3.00 per generic prescription and $5.00 for brand name prescriptions. This is about the best plan available to any employee in the Washington area.

We are the ultimate decision maker in our plan. One of the benefits to self-funding is that we can and do make decisions affecting the health care of our employees. We have never made a negative decision. We have made several very significant positive decisions to help employees in very difficult health situations.

If the Kennedy-McCain bill is passed, we likely will be forced to terminate our plan and move to a fully insured plan. We currently pay almost $600,000 per year for our plan. We cannot pay any more. Moving to a fully insured plan will almost certainly reduce the benefits for our employees as we will lose the advantage of not having to pay overhead for an insurance company. We anticipate losing 25% of our benefits. Here are some of the things we will lose:

Our retiree program. When we renegotiated our plan this past year, we received proposals from insurance companies for our retiree program. We could not find one in the area who would pick up the plan.

Our prescription drug benefit. While we would not lose it, we would have to more than triple the price to $10/$20. This also is based on the proposals we received last year.

Our ability to make decisions for our employees and their dependents. We would have to be concerned that the ability to make good decisions has the other side—turning down the next employee. In other words, we could be sued for failing to make a decision. Our organization cannot expose the assets of the organization to that liability potential.

Our very small employee contribution. Employees share of the benefits will go up. The $50 per month family coverage will likely be increased to $200 per month. Co-pays and deductibles will also rise. Some coverage may have to be dropped altogether.

We have discussed this issue and other Patients' Bill of Rights issues with our employees and member firms. Many people do not understand the issues. They do not believe Congress would do something like this. Our concern is that you may not knowingly do something like this. But this is real.

We would be pleased to discuss this and other matters related to this legislation with you. We are not alone in the impact this bill would have on our employees. I am aware that we have many self-insured, jointly trusteed union plans in our industry that would also be affected in this manner but they do not understand the legislation.

Please feel free to contact me if you wish to discuss our concerns.

Sincerely,

BENJAMIN Y. COOPER,
Senior Vice President.

Mr. GRAMM. Let me review very quickly where we are. Our colleagues who support the pending bill say that the bill does not allow employers to be sued. If you look at the language of their bill, it clearly says it on line 7 on page 144, ''Causes of action against employers and plan sponsors precluded.'' Then it says:

> Subject to subparagraph (B), paragraph (1)(A) does not authorize a cause of action against an employer. . . .

That has been pointed to over and over again to say that employers cannot be sued. The problem is that on line 15, the bill goes on and says:

> CERTAIN CAUSES OF ACTION PERMITTED.—Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor. . . .

Then the bill goes on for 7½ pages of ifs, ands, and buts about when employers can be sued. They can be sued if they have ''a connection with;'' they can be sued if they ''exercise control,'' which is very interesting because under ERISA, which is the Federal statute that governs employee benefits provided by the employer, every employer is deemed to exercise control over every employee benefit.

The bottom line is, despite all the arguments to the contrary, in the bill before us, employers can be sued.

The Texas Legislature faced exactly this same dilemma, and they concluded that they wanted an absolute carve-out of employers. Why? Not that they believed employers were perfect; not that they believed every employer was responsible, but because they couldn't figure out a way to get at potential employer misbehavior without creating massive loopholes which would produce a situation where employers, large and small, could be dragged into a courtroom and sued because they cared enough about their employees to help them buy health insurance.

The Texas Legislature decided you ought not be able to sue an employer.

Senator MCCAIN read a letter from the Texas Medical Association president, but he did not read the one paragraph in the letter that I was going to read. It is a very important paragraph. Let me explain why. Opponents of this amendment say: You ought to be able to sue employers if employers are making medical decisions. The point is, this bill—and the Texas law and every Patients' Bill of Rights proposal made by Democrats and Republicans—has an external appeal process that a panel of physicians and specialists, totally independent of the health care plan and totally independent of the employer, that will exercise the final decisionmaking authority.

How could an employer call up this professional panel, independent of the health insurance company or the HMO, and in any way intervene? They couldn't.

The line from the letter from the Texas Medical Association addresses exactly this point. It points out that the State couldn't reach into ERISA. But another reason that it wasn't necessary or advisable to try to sue employers was, from the letter:

> Additionally, we believed that utilization review—

And this is the review process—

> agents were making the decisions regarding appropriate medical treatment for employees of these self-funded plans. We contended that these state-licensed utilization review agents would be subject to the managed care accountability statute—

Which is the Texas law.

The same would be true under this bill. Under this bill, no employer can make a final decision. The final decision is made by this independent medical review.

So what is this all about? It all boils down to the following facts: If we leave this provision in the bill, which says employers can be sued and has 7½ pages of ifs, ands, and buts about suing them, and then interestingly enough says you can't sue doctors, you can't sue hospitals, but you can sue employers in its conclusion, then what is going to happen is all over America businesses are going to call in their employees.

The example I used yesterday, and I will close with it today—am I out of time?

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

Mr. GRAMM. Let me wrap up by saying, all over America, small businesses are going to call in their employees and say: I want to provide these benefits, but I cannot put my business at risk, which my father, my mother, my family have invested their hearts and souls in; therefore, I am going to have to cancel your health insurance.

I urge my colleagues to vote for this amendment.

I yield the floor.

Mr. KENNEDY. Madam President, I am prepared to yield back the minute on the Grassley motion. As I understand it, Senator GRASSLEY is going to yield back his time.

I ask for the yeas and nays on both the Grassley motion and the Gramm amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—39

Allard	Enzi	McConnell
Allen	Frist	Murkowski
Baucus	Gramm	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Santorum
Breaux	Hagel	Shelby
Brownback	Hatch	Smith (NH)
Bunning	Helms	Stevens
Burns	Hutchison	Thomas
Campbell	Inhofe	Thompson
Cochran	Kyl	Thurmond
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NAYS—61

Akaka	Durbin	McCain
Bayh	Edwards	Mikulski
Biden	Ensign	Miller
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Byrd	Fitzgerald	Nelson (NE)
Cantwell	Graham	Reed
Carnahan	Harkin	Reid
Carper	Hollings	Rockefeller
Chafee	Hutchinson	Sarbanes
Cleland	Inouye	Schumer
Clinton	Jeffords	Sessions
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Corzine	Kerry	Specter
Daschle	Kohl	Stabenow
Dayton	Landrieu	Torricelli
DeWine	Leahy	Wellstone
Dodd	Levin	Wyden
Domenici	Lieberman	
Dorgan	Lincoln	

The motion was rejected.

Mr. KENNEDY. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion was agreed to.

AMENDMENT NO. 810

The PRESIDING OFFICER. Under the previous order, there will now be 6 minutes for closing debate, divided in the usual form, prior to a vote on or in relation to the Gramm amendment No. 810.

Who yields time?

Mr. KENNEDY. I understand there are 3 minutes to a side.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself a minute and a half and a minute and a half to the Senator from North Carolina.

Madam President, we have just finished the education legislation. In this legislation, we held students accountable, school districts accountable, teachers accountable, and children accountable. Now we are trying to hold the HMOs accountable if they override doctors, nurses and trained professionals regarding the care for injuries of individuals. That is the objective of this legislation.

However, if employers interfere with medical judgments, they ought to be held accountable as well. The Gramm amendment says: No way; even if an employer makes a judgment and decision that seriously harms or injures the patient, there is no way that employer could be held accountable.

We may not have the language right, but at least we are consistent with what the President of the United States has said. We may have differences with the President of the United States and we do on some provisions. However, the Gramm amendment is an extreme amendment that fails to protect the patients in this country and fails to provide that needed protection.

Mr. GRAMM. Madam President, I make a point of order that the Senate is not in order. Senator EDWARDS deserves to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from North Carolina is recognized.

Mr. EDWARDS. Madam President, this is an issue on which we have consensus. The President of the United States said, ''Only employers who retain responsibility for and make vital medical decisions should be subject to suit.''

Our bill provides exactly as the President describes. As Senator KENNEDY has indicated, we have consensus not only with the President of the United States but in this body and in the House of Representatives based on the Norwood-Dingell bill which was voted on before. This is an issue about which there is consensus.

We are continuing to work. Senator SNOWE and others are leading that effort. We are working across party lines to get stronger and more appropriate language so that employers know that they are protected without completely leaving out the rights of the patients.

I urge my colleagues to vote against the Gramm amendment, which is outside the mainstream, outside our bill, outside our position, outside Norwood-Dingell, and outside what the President of the United States has said.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, throughout this debate, those who are in favor of this bill have said our bill is just like the Texas bill. Look at Texas. No employers have been sued, and there have been a minimum number of lawsuits. Yet when you look at this bill, it says employers can't be sued. Then it says they can be sued. And it has 7½ pages of ifs, ands and buts.

Are employers connected with the decision? Do they exercise control? ERISA says that in any employee benefit the employer is deemed to exercise control, which would mean that every employer in America is covered. The Texas legislature did not assume that every employer was perfect. They were worried about unintended consequences.

They also concluded that no employer can be the final decisionmaker because this bill, as in our bill, has an external review process that is run by independent physicians that are selected independently of the plan. They make the final decision, not an employer.

The Texas legislature decided what we should decide here; that is, if you get into ifs, ands, and buts, what is going to happen all over America is businesses are going to drop their insurance.

If we should pass the bill without this amendment in it, it is easy to envision that we could have a small business where the business owner calls in his employees and says, Look, we worked hard to provide good health benefits, but my father and my mother worked to build their business. I have worked. My wife has worked. We have invested our whole future in this business, and I cannot continue to provide benefits when I might be sued.

Think about the unintended consequences. That is what the Texas legislature did. They concluded that employers should not be liable. They cannot make the final decision under this bill. They cannot make the final decision under Texas law because it is made by an external group of physicians. But when you make it possible to sue them, they are going to drop their health insurance, and you are going to have fancy reviews and stiff penalties, but people aren't going to have health insurance.

I urge my colleagues to look at Texas. If you want to take all the claims of the benefits of Texas, do it the way they did it. They thought you created unintended consequences by letting employers be sued. They knew that employers could not make the final decision because they had external review, just as this bill and every other bill has. By doing an employer carve-out, they guaranteed that every small and large business in the State would know they cannot be sued.

The PRESIDING OFFICER (Mr. CORZINE). The question is on agreeing to amendment No. 810. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—43

Allard	Frist	Nickles
Allen	Gramm	Roberts
Bennett	Grassley	Santorum
Bond	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Hatch	Smith (NH)
Burns	Helms	Smith (OR)
Campbell	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Collins	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
Domenici	Lugar	Warner
Ensign	McConnell	
Enzi	Murkowski	

NAYS—57

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	McCain
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Fitzgerald	Nelson (FL)
Byrd	Graham	Nelson (NE)
Cantwell	Harkin	Reed
Carnahan	Hollings	Reid
Carper	Inouye	Rockefeller
Chafee	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Snowe
Conrad	Kerry	Specter
Corzine	Kohl	Stabenow
Daschle	Landrieu	Torricelli
Dayton	Leahy	Wellstone
DeWine	Levin	Wyden

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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, we were in the process of trying to propound a unanimous consent request, but all the parties are not here. We will do that at 2:15.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Wisconsin is recognized to speak for up to 15 minutes.

COLORADO REPUBLICAN CASE

Mr. FEINGOLD. Mr. President, on April 2 of this year, the Senate voted overwhelmingly to pass the McCain-Feingold bill and ban soft money. Even before the roll was called on final passage and 59 Senators voted ''aye,'' the Senate's foremost opponent of reform declared that he relished the opportunity to bring a constitutional challenge to the bill. ''You're looking at the plaintiff,'' the Senator from Kentucky announced.

Opponents of reform have consistently expressed confidence that the courts will strike down our efforts to clean up the campaign finance system. They regularly opine that the McCain-Feingold bill is unconstitutional, and, despite clear signs to the contrary in the Court's opinion last term in Nixon v. Shrink Missouri Government PAC, express great certainty that the Supreme Court will never allow our bill to take effect.

Well, in its decision yesterday morning in FEC v. Colorado Republican Federal Campaign Committee, the Court again dumped cold water on that certainty. The court held that the coordinated party spending limits now in the law—the so-called ''441a(d) limits''—are constitutional. It ruled that the coordinated spending limits are justified as a way to prevent circumvention of the $1,000 per election limits on contributions to candidates that the Court upheld in the landmark Buckley v. Valeo decision in 1976. In my view, the decision makes it even more clear that the soft money ban in the McCain-Feingold bill will withstand a constitutional challenge.

The first thing to note about the Court's ruling is that it reaffirms the distinction the Court has drawn between contributions and expenditures and the greater latitude that the Court has given Congress in the case of restraints on contributions. The Court noted that the law treats expenditures that are coordinated with candidates as contributions, and the Court has upheld contribution limits in previous cases with that understanding. It agreed with the FEC that spending by a party coordinated with a candidate is functionally equivalent to a contribution to the candidate, and that the right to make unlimited coordinated expenditures would open the door for donors to use contributions to the party to avoid the limits that apply to contributions to candidates.

The Court rejected the Colorado Republican Party's argument that party spending is due special constitutional protection. Instead, the Court found that the parties are in the same position as other political actors who are subject to contribution limits. Those actors cannot coordinate their spending with candidates. The Court noted that under current law and the Court's previous decision in the first Colorado case, the parties are better off than other political actors in that they can make independent expenditures and also make significant, but limited, coordinated expenditures. The limits on coordinated expenditures have not prevented the parties from organizing to elect candidates and generating large sums of money to efficiently get out their message, the Court noted.

After determining that limits on party coordinated spending should be analyzed under the same standard as contribution limits on other political actors, the Court had little trouble in deciding that there was ample justification for those limits based on the need to avoid circumvention of the contribution limits in the federal election laws. It pointed to substantial evidence of circumvention already in the current system, and the near certainty that removing the 441a(d) limits would lead to additional circumvention. The Court held:

> [T]here is good reason to expect that a party's right of unlimited coordinated spending would attract increased contributions to parties to finance exactly that kind of spending. Coordinated expenditures of money donated to a party are tailor-made to undermine contribution limits. Therefore, the choice here is not, as in Buckley and Colorado I, between a limit on pure contributions and pure expenditures. The choice is between limiting contributions and limiting expenditures whose special value as expenditures is also the source of their power to corrupt. Congress is entitled to its choice.

So, Mr. President, I am pleased that the Court upheld Congress's right to limit the coordinated spending of the parties. But even more than that, I am pleased at the way that the Court looked at the constitutional issues in the case and the arguments of the parties. The Court's analysis demonstrates an understanding of the real world of money and politics that gives me great confidence that it will uphold the soft money ban in the McCain-Feingold bill against an inevitable constitutional challenge.

As my partner and colleague, Senator MCCAIN, pointed out to me prior to my taking the floor, of course this decision was about hard money; but if you really read it, it isn't so much about hard money or soft money, it is just about money and the corrupting influence it has on our political process.

For example, the Court noted that ''the money the parties spend comes from contributors with their own interests.'' And the Court recognized that those contributors give money to parties in an attempt to influence the actions of candidates. The Court said:

> Parties are thus necessarily the instruments of some contributors whose object is not to support the party's message to elect party candidates across the board, but rather to support a specific candidate for the sake of a position on one, narrow issue, or even to support any candidate who will be obliged to the contributors.

This is precisely the point that we who have fought so hard to ban soft money have been making for years. These contributions are designed to influence the federal officeholders who raise them for the parties, and ultimately, to influence legislation or executive policy. The Court shows that it understands this use of contributions to political parties when it states:

> Parties thus perform functions more complex than simply electing candidates; whether they like it or not, they act as agents for spending on behalf of those who seek to produce obligated officeholders.

The Court also recognized that the party fundraising, even of limited hard money, provides opportunities for large donors to get special access to lawmakers. The Court states:

Even under present law substantial donations turn the parties into matchmakers whose special meetings and receptions give the donors the chance to get their points across to the candidates.

In a footnote, the Court notes evidence in the record of the Democratic Senatorial Campaign Committee establishing exclusive clubs for the most generous donors.

These special clubs and receptions are even more prevalent in the world of soft money fundraising. Both parties sell access to their elected officials for high dollar soft money contributions. This week a Republican fundraiser featuring the President and the Vice President is expected to raise over $20 million.

The corrupting influence of soft money, or at least the appearance of corruption created by the extraordinary sums raised by party leaders and federal officeholders and candidates, is an argument for the constitutionality of a ban on soft money that those who support the McCain-Feingold bill would have made even if the Colorado II case had come out the other way. But the Court's decision itself is solid support for another independent reason that the soft money ban is constitutional.

Corporations and unions are prohibited from contributing money in connection with federal elections. And individuals are subject to strict limits on their contributions to candidates and parties. The soft money loophole allows those limits to be evaded. This is not just a theoretical possibility, as in the Colorado case. There is a massive avoidance of the federal election laws going on today, as there has been for over a decade. The evidence of this is overwhelming. Soft money is being raised by candidates for the parties, and it is being spent in a whole variety of ways to influence federal elections. In recent years, the parties have used soft money to run ads that are virtually indistinguishable from campaign ads run by the candidates. That is what is going on in the real world.

A soft money ban will end the circumvention of these crucial limits in the law, limits that date back to 1907 in the case of corporations, 1947 in the case of unions, and 1974 in the case of individuals. The Supreme Court's decision yesterday tells us that Congress can constitutionally act to end that evasion.

The remaining question, of course, is whether we will do it. Our vote in this body on April 2 was the first step. When the House returns from the July 4th recess it will take up campaign finance reform, and I am hopeful that it will act decisively to pass a bill that is largely similar to the McCain-Feingold bill. Then it will be up to the Senate to act quickly and send the bill to President Bush for his signature. We are getting close, Mr. President, to finally cleaning up the corrupt soft money decision. The Supreme Court's decision yesterday, unexpected as it was to many in the Senate and in the legal community, is a major boost for our efforts. The Court has spoken. Now Congress must act.

I yield the remainder of the time under my control to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. I thank the Chair. Mr. President, I add my thanks and gratitude to my good friend from Wisconsin. He has been a leader on this whole issue of campaign finance reform for so many years. He started as a young boy, and it has taken most of his life. I think progress is being made from a most unlikely source. I applaud the continued perseverance and commitment of the Senator.

HIV/AIDS EPIDEMIC

Mrs. CLINTON. Mr. President, we are in the midst of this very important debate about a Patients' Bill of Rights. I am hoping that before we break for the Fourth of July recess, the doctors, nurses, patients, and families of America will have the relief for which we have all waited for a very long time: making it clear doctors should be making our health care decisions; that nurses, not bookkeepers, should be at our bedsides; and that the Patients' Bill of Rights will be a reality.

I rise today because we have to consider our broad needs for health care not only in our country but around the world. Today as we meet and debate a Patients' Bill of Rights to make sure that Americans have access to the best health care in the entire world, there are millions of people around the world who do not have that opportunity or that right. I speak specifically of those who are suffering from HIV/AIDS.

We should be supporting vigorously the United Nations General Assembly on Meeting the Global HIV/AIDS Challenge and urging them to consider creative tools, such as debt relief, in efforts to combat HIV/AIDS.

As the general assembly is meeting in special session in New York to try to come up with a strategic blueprint for fighting HIV/AIDS worldwide, it is imperative that we in America appreciate that this worldwide epidemic has nowhere near crested. Africa is ravaged. It has just begun to affect India, China, and Russia. This is an epidemic of historic proportions, and it needs a response that is historically appropriate.

Almost 60 million people worldwide have been affected by HIV/AIDS, and over 20 million men, women, and children have died. If current trends continue, 50 percent or more of all 15-year-olds in the most severely affected countries will die of AIDS or AIDS-related illnesses.

We are in the middle of summer vacation. We have many families and young people visiting our Capitol. We are always so happy to have them here and for them to take a few minutes to see their Government in action, but it is just chilling to imagine American 15-year-olds facing bleak futures as orphans or victims because they were born to infected mothers.

Every American should be concerned with what is going on beyond our borders. We should also be concerned because when it comes to disease today, there are no borders. People get on jet planes, people travel all over the world. There is no disease that is confined to any geographic area any longer. We have to recognize that for us to worry about the HIV/AIDS epidemic in Africa and Asia is not only the right thing to do, it is the smart thing to protect ourselves and to protect our children.

It is also important to recognize that the groundbreaking drug treatments that are keeping people with HIV/AIDS alive today are not available to those who suffer elsewhere. Less than 1 percent of HIV-infected Africans, for example, have access to life-extending antiretroviral medications. The challenges facing us are great, and we should work together to combat this global emergency.

I strongly support the formation of a global fund for infectious diseases such as AIDS, but also including tuberculosis and malaria. We are seeing tuberculosis and malaria in our own country. We are seeing the spread of malaria, which used to be confined to a tropical belt, beginning to move northwards, in part, I believe, because of global warming and desertification, so the mosquitos can travel further north and find hosts who traditionally have not suffered from malaria.

Tuberculosis is becoming epidemic in many parts of the world. In Russia, drug-resistant tuberculosis is a major killer.

I believe we should have a global fund to combat these infectious diseases, and I am very pleased the United States, private donors, and some other nations have taken steps to address the need for money as articulated by Secretary General Kofi Annan. We need between $7 billion to $10 billion annually. It is my hope that through a public-private partnership we are able to continue to invest in promoting prevention, treatment, and eventually a vaccine to prevent this devastating disease.

I am old enough to remember polio as a scourge that affected my life. I can remember my mother not letting me go swimming in the local swimming pool because of polio. I remember as though it were yesterday when the announcement of a vaccine was made. What a sense of relief that spread through my house and all of our neighbors, and we all lined up to get that shot we thought would protect us from what had been, up until then, such a serious, overhanging cloud in the lives of young people, as well as older people.

HIV/AIDS extracts a severe economic toll on nations worldwide. The disease spreads so rapidly. No one is immune from it. It has grave consequences for societies, and it threatens the interest

of peace and prosperity around the world.

HIV/AIDS alone will reduce the gross domestic product of South Africa by $22 billion, or 17 percent, over the next decade. That is why I believe debt relief must also be part of any conversation about a broader global HIV/AIDS strategy.

While most African countries spend less than $10 per capita on health care, they spend up to five times that amount in debt service to foreign creditors. In fact, the burdens of debt repayment have come into direct conflict with public health efforts in some instances. For example, structural adjustment programs have sometimes required governments to charge user fees for visits to medical clinics, a practice that stands in the way of effective prevention and treatment programs. As discussions of global HIV/AIDS prevention proceeds, consideration should be given to the role of international debt relief in the overall plan to combat HIV/AIDS.

I have written to the U.N. General Assembly President Harri Holkeri to express my support for his efforts and to urge inclusion of debt relief strategies in any effort that comes out of the general assembly.

I also urge our own Government to look more closely at what we can do. In the last administration, we forgave a lot of our bilateral debt for the poorest of the nations, but we should look at expanding beyond the circle of the poorest of the poor to the next poorest of the poor, and we should also look at our multilateral debt.

I am hoping I will find support on both sides of the aisle for a sense-of-the-Senate resolution I will be submitting to express the policy view that debt relief can and should be an important tool.

I have visited African countries. I have visited Asian countries. I have visited HIV/AIDS programs. I have been in places where 12-year-old girls who were sold into prostitution by their families have come home to die in northern Thailand.

I have been in programs in Uganda which have done probably the best job I know of in Africa certainly to spread the message about how to prevent HIV/AIDS. I have listened to the songs that were taken out into villages to tell villagers about this new disease that nobody really knows where it came from or how it arrived, but to warn people about its deadly consequences.

I was fortunate and privileged last year to participate in the United Nations discussion about AIDS, and I sat with AIDS orphans: A young boy from Uganda whose father and then mother died of AIDS, leaving him responsible for his younger brothers and sisters; a young boy from Harlem whose mother died of AIDS; a young boy from Thailand who was also orphaned by this terrible disease.

In some parts of Africa now, one will only find children, and most of them are orphans. The rate of infection ranges from 15 to 35 percent, and I am deeply concerned we are still in some parts of the world in a state of denial about HIV/AIDS.

Certainly, both India and China face tremendous challenges to educate their population about this disease and to avoid practices that might spread it. It is commonplace in some parts of China for very poor villagers to sell their blood to make a little money. In so doing, they are subjecting themselves to the possible transmission of this terrible disease.

In other parts of Africa and Asia, even the best intentions to immunize children against measles or other communicable diseases lead to tragedy because the sterilization is not up to par and needles are reused, leading to the infection of people with HIV/AIDS.

I have long maintained there is a deep, profound connection between the economic health of a nation and the physical health of that nation's people. That is why we have to act now to address the HIV/AIDS pandemic.

There is so much the United States can and should do. We have the finest health care system in the world. We are the richest nation that has ever existed in the history of the world. We not only should care about people in other parts of the world because of this disease, but we should act in our own self-interest because there will be many parts of the world where it will be difficult, potentially even dangerous, to travel if the entire social structure and economy collapses because of the strain of HIV/AIDS, where tourists and business people from America will be told they should not go to do business. Suppose they are in an accident or suffer injury and might need medical care and that medical care might not be deliverable because the health care system has collapsed under the weight of HIV/AIDS.

I look forward to working with my colleagues in the Senate and in our United States delegation to the United Nations General Assembly special session on these and other desperately needed proposals to halt and reverse the social and economic damage caused by HIV/AIDS and the direct and immediate threat this pandemic poses to America and Americans. I urge my colleagues and I urge our Government and the United Nations to look deeply into the concept of forgiving debt in return for nations doing what we know works to prevent, treat, and eventually find a vaccine for this terrible disease.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer [Mrs. CLINTON].

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

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

BIPARTISAN PATIENTS PROTECTION ACT—Continued

Mr. REID. Madam President, I ask unanimous consent that there be 45 minutes for debate with respect to the McCain amendment No. 812, which is pending, with the time equally divided and controlled in the usual form with no second-degree amendments in order thereto; that upon the use or yielding back of time the amendment be temporarily laid aside, and Senator GREGG or his designee be recognized to offer the next amendment as under a previous order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. REID. Madam 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. Madam President, I ask unanimous consent that the time during the quorum call be equally divided.

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

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

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

Mr. KENNEDY. I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Madam President, the cornerstone of an effective patient protection program is the right to timely, fair and independent review of disputed medical decisions. This amendment reaffirms a critical element of that right—the right to an independent appeal process that is not stacked against patients by giving the HMO the right to select the judge and jury.

This is a critical difference between our approach to that issue and the approach of the alternative legislation before the Senate. Under their bill, the HMO gets to select the so-called independent appeals organization. Under our bill, neither the HMO nor the patient selects the appeals organization. Instead, it must be selected by a neutral and fair appeals process. This amendment puts the Senate on record as supporting that fair and impartial appeal process.

The approach of allowing one party to a dispute—in this case the HMO—to select the judge and jury to a dispute is so inherently unfair that it has been rejected out of hand by virtually every expert who has considered the issue. It flies in the face of every principle and precedent founded on fair play.

We don't allow it in our civil court procedures. We don't allow it in our criminal procedures. Doesn't a child with cancer whose HMO has overruled her doctor deserve at least the same basic fairness we provide for rapists and murderers?

The unfair approach of allowing one party to the dispute is not only alien to our court system, it is prohibited under the Federal Arbitration Act. It is unacceptable under the standards of the American Arbitration Association. It is rejected by the standards of the American Bar Association. Of the 39 States that have created independent review organizations, 33 do not allow it; neither should the Senate.

Do we understand, in the 39 States that have created independent review organizations, 33 do not allow the HMO to select and pay the independent reviewer; and neither should the Senate.

Under the fair external review approach we have in Medicare and in most States, the reviewer decides the plan is right about half the time and decides the patient is right about half the time. In the financial services industry, the industry gets to select the reviewer in disputes, and the industry wins 99.6 percent of the time. No wonder HMOs want that system: it makes a mockery of the whole idea of independent review. A vote for this amendment is a vote against making this bill a mockery of everything that a true Patients' Bill of Rights should stand for.

And how ironic it is that the sponsors of the competing proposal are vociferous supporters of the President's principle that we should preserve good State laws. But under this amendment, the 39 State external appeals systems currently in place would be wiped out. Do we understand? There is one provision in the two major pieces of legislation before us; that is, the McCain-Edwards bill and the Breaux-Frist bill. In the Breaux-Frist bill, their appeals provision effectively preempts all of those 39 States. They have to follow what is in their legislation. As I pointed out, that is the process by which the HMO selects the independent reviewer. They would be null and void, even where they provide greater consumer protections than the Federal standard. In all of these instances, the consumer has greater protection than even under the underlying proposal of the McCain-Edwards bill.

We have heard a lot of tragic examples of HMO abuse during the course of this debate and through the extensive discussions in the press over the last 5 years. We heard of children denied life-saving cancer treatment by their HMO. It is wrong to let that same HMO choose the judge and jury that could decide whether those children live or die. And our amendment says it is wrong.

We have heard of women with terminal breast and cervical cancer denied the opportunity to participate in clinical trials that could save or extend their life. It is wrong to give that same HMO that overruled the treating physician and denied the care the right to chose the judge and jury that could decide whether that woman has a real chance to live to see her children grow up or is guaranteed to be dead within 3 months.

We have heard of a young man whose HMO decided that it was cost-effective to amputate his injured hand instead of providing the surgery that could restore normal functioning. It is wrong to give the HMO that made that heartless decision the right to choose the judge and jury that could decide whether that young man goes through life with one hand or two.

We have head of a policeman with a broken hip, whose HMO decided it was better to give him a wheelchair than to pay for the operation that would have restored his normal functioning. It is wrong to give the HMO that put its profits so far ahead of that patient's interests the right to choose the judge and jury that will decide whether that man ever walks again.

Last week, in discussing the issue of access to specialty care, I mentioned what had happened to Carley Christie, a 9-year-old little girl who was diagnosed with Wilms Tumor, a rare and aggressive form of kidney cancer. Her family was frightened when they received the diagnosis, but they were relieved to learn that a facility close to their home in Woodside, CA, was world-renowned for its expertise and success in treating this type of cancer—the Lucille Packard Children's Hospital at Stanford University.

The Christie family's relief turned to shock when their HMO told them it would not cover Carley's treatment by the children's hospital. Instead, they insisted that the treatment be provided by a doctor in their network—an adult urologist with no experience in treating this rare and dangerous childhood cancer. The Christies managed to scrape together the $50,000 they needed to pay for the operation themselves—and today Carley is a cancer-free, healthy and happy teenager. If the Christies had been less tenacious or had been unable to come up with the $50,000, there is a good chance that Carley would be dead today.

Under our opponents' plan, the HMO that passed a possible death sentence on little Carley Christie would have the right to choose the judge and jury to determine whether that possible death sentence should be upheld. No family should have to go through what the Christie's did.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. KENNEDY. I yield myself 5 more minutes, Madam President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. No HMO should behave as the Carley's did. And that HMO should certainly not have the right to choose the external review organization to decide whether Carley should get the care she needed.

Another case that I find particularly shocking is that of Melissa Yazman, right here in Washington. In May, 1997, Melissa Yazman was a second year law student at American University, going to school full-time, living in suburban Virginia, working part-time for an attorney in D.C., and taking care of her two kids while her husband traveled with his job.

In the past 4 years, much has changed for Melissa. Her dreams of law school and a career in the working world are gone, and her new career is focused on healing and living every day to enjoy the time she has with her husband and her two sons—Ben who is 11, and Josh who is 8.

In the spring, in 1997, at the age of 36, she was diagnosed with stage IV pancreatic cancer at the age of 36. Pancreatic cancer is a fairly rare cancer, and, for the majority of patients like Melissa, diagnosis is not possible until the cancer is in an advanced stage.

Melissa was told that she had 3 to 6 months to live. There are no curative treatments for pancreatic cancer. For most pancreatic cancer patients clinical trials are their only hope.

Melissa was referred to a clinical trial at Georgetown University. Her insurer refused to cover the treatment. Melissa and her husband were forced to go through lengthy and time consuming negotiations with the insurer—negotiations that took her husband away from their children for 2 to 3 hours a day—negotiations that ultimately ended in failure. She and her husband ended up paying for these costs themselves because they ran out of time waiting for a decision from her insurer.

Because she and her husband had enough money in their savings account, they were able to pay for her routine costs—costs that her insurer should have covered and would cover for a patient not enrolled in a life-saving clinical trial.

Because of the therapy she received in a clinical trial, Melissa has been able to have 4 extra years with her family and with her young boys. Without the clinical trial, she would have

had 3–6 months. Every patient with incurable cancer hopes for enrollment in a clinical trial that can save or extend their life. No patient should have their hopes dashed because their insurer simply says no. And no patient like Melissa should have their right to a fair, impartial appeal voided because the HMO that said ''no'' gets to choose the organization that will decide the case.

For cancer patients, for women, for children—indeed, for every patient whose HMO denies critically needed cars—the right to a speedy, fair, impartial appeal should be a fundamental right. This amendment will put the Senate on record as saying that this appeal should truly be fair and impartial, that it will not load the dice and stack the deck against patients. Every Senator knows that this amendment represents simple justice, and I urge every Senator to vote for what they know to be right.

Madam 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.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECORDING OF VOTE

Ms. STABENOW. Madam President, I want to indicate that on rollcall vote No. 197, I was present and voted ''no.'' The official record has me listed as absent. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. How much time is on both sides?

The PRESIDING OFFICER. There is no time remaining on the proponents' side, and there are 14 minutes 44 seconds on the opponents' side.

Mr. REID. I see nobody here of the opponents. If they require more time, I will be happy to give them whatever time I may use here. I ask unanimous consent that I be allowed to speak, and if the opponents of this sense-of-the-Senate amendment desire more time, they can have whatever time I use.

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

Mr. REID. Did the Senator from New Hampshire hear the request?

Mr. GREGG. No.

Mr. REID. We have no more time left. You have 14 minutes. I said I would like to speak. If you want more time, whatever time I use, you can have that in addition to the 14 minutes.

Mr. GREGG. I am not aware of any speakers. We are waiting for people to return from the White House before we get really started.

Mr. REID. I want to direct a question to the Senator from Massachusetts. I say to my friend from Massachusetts, we heard a lot of talk about how this legislation has an adverse effect upon the business community. Has the Senator heard those comments?

Mr. KENNEDY. Yes, I certainly have.

Mr. REID. I received an e-mail from Michael Marcum of Reno, NV. Here is what he said. I would like the Senator to comment on this communication I received from one of my constituents:

DEAR SENATOR REID, as a small business owner, and as a citizen I urge you to support the upcoming bill commonly known as the ''Patients' Bill of Rights.'' I also would like to state that I support your and Senator McCain's version of the bill. If the HMO's can afford to spend millions on lobbyists and advertisements then they can afford to do their job correctly, preventing the lawsuits in the first place . . . .

I am willing to pay to know that what I am purchasing from my HMO will be delivered, not withheld until someone is dead then approved post mortem (AKA a day late and a dollar short). While a believer in the market and freedom, I feel that we need a better national approach to health care. As the richest nation in the world, as the only real super-power, why do so many Americans get third world levels of health care, even when they have insurance.

Thank you for your time—Michael Marcum (Reno, NV).

Will the Senator acknowledge that Michael Marcum is one of the hundreds of thousands of small business people who do not have the money to run these fancy ads; that their only way of communicating with you and me is through e-mails and communicating through the standard means, not through these multimillion-dollar advertising campaigns? In short, will the Senator acknowledge there are a lot of Michael Marcums, small business people, in America who support this legislation?

Mr. KENNEDY. I thank the Senator for bringing two matters to the attention of the membership. One is the example the Senator referred to, and the other point is the fact we have heard so much during the course of the debate that if these protections are put in place, it is going to mean millions of insured individuals as a result of this legislation will become uninsured.

Yet it is apparent, as the Senator has pointed out, that the HMOs have millions of dollars to spend on these advertisements—millions of dollars that ought to be spent on either lowering premiums or giving patients the protections they need. Evidently, it is an open wallet for the HMOs because they have been on the national airways and have been distorting and misrepresenting the legislation, as the Senator has just pointed out, distorting what its impact would be on average families in this country.

I am wondering if the Senator is familiar with the Texas Medical Association letter we just received. It confirms that the Texas law mirrors the letter and spirit of the McCain-Edwards-Kennedy bill. This is from the Texas Medical Association. They point out that the Texas Medical Association and President Bush agree that any entity making medical decisions should be held accountable for those decisions. This is not only the position of the Texas Medical Association but is exactly what President Bush called for in a Patients' Bill of Rights.

We resolved that issue earlier today. The Texas Medical Association believes it is consistent with the intent of the Texas law to hold any entity, whether employer or insurer, accountable if they make a medical decision that harms a patient or results in death. We upheld that today.

The Texas law was never designed to exempt from accountability businesses that made harmful medical decisions. It was suggested earlier, the Senator remembers, that it would be, rather, a clarification that the liability provisions did not apply to small- and medium-sized businesses that purchased traditional insurance.

That is interesting to hear because we heard a great deal earlier about where the Texas Medical Association was. This is a clarification.

The Senator is pointing out we spent a good deal of time trying to catch up with the distortions and misrepresentations, but as the Senator from Nevada knows, what this is really about is doctors and nurses making decisions on health care for their patients and not having them overridden by the HMOs or by employers who put themselves in the place of HMOs.

That is what this legislation is about: letting our doctors and nurses practice their best in medicine. We have so many well-trained medical professionals. They are highly motivated, highly committed, and highly dedicated. What is happening in too many places, as the Senator has pointed out in this debate, too many times those medical decisions are being overrun and overturned by the HMOs, and that is plain wrong. That is what this battle is about. I thank the Senator for his comment.

Mr. REID. I say to my friend from Massachusetts, yes, I am familiar with the letter from the President of the Texas State Medical Association. I believe that is his title.

Mr. KENNEDY. That is correct.

Mr. REID. I heard Senator MCCAIN read the letter word for word. I was so impressed because what has happened the last few years is that doctors, who in the past have been totally nonpolitical, have been driven into the political field because they are losing their practices, they are losing their ability to practice medicine, their ability to take care of patients they were trained to take care of. They have come into the political field and have

joined together with the American Medical Association—all the different specialists and subspecialists—they have joined together saying: We as physicians of America need some help. If you want us to be the people who take care of your sick children, your sick wife, husband, mother, father, neighbor, then we need to have the ability to treat patients and give them the medicine they need.

The Senator from Massachusetts read part of this letter. Senator MCCAIN read the full text of the letter earlier today. It confirms this legislation is not being driven by a small group of fanatics but, rather, by the entire medical community. When I say ''medical community,'' it is more than just doctors. It includes nurses. It includes all the people who help render care to patients.

I say to my friend from Massachusetts, I commend him, Senator MCCAIN, and Senator EDWARDS for their diligence in doing something the American people need. We all have had the experience of having sick people in our families and seeing if care can be rendered. We know how important a physician is. When a loved one of mine is sick, I want the doctor to have unfettered discretion to do whatever that doctor, he or she, believes is best for my loved one. That is what this Patients' Bill of Rights is all about. When a doctor takes care of a patient, let the doctor take care of the patient.

Mr. KENNEDY. I thank the Senator. He has summarized the purpose of this legislation. As the Senator knows now, we are ensuring there will be remedies for those patients if the HMO is going to make a judgment and overturn that medical decision with internal and external appeals.

Now the matter before the Senate is to make sure that appeal is truly independent and not controlled by the HMO, not paid for by the HMO. As I mentioned earlier in my presentation, 33 States at the present time do not permit the HMOs to make the determination and select the independent reviewer. That is our position. That is in the McCain amendment. We do not want to have an appeals provision that is rigged in favor of the HMO that may be making the wrong decision with regard to the patient's health in the first place and then be able to select the judge and jury to get it to reaffirm an earlier decision which is clearly not in the interest of the patient.

Mr. REID. I say to my friend from Massachusetts, the manager of this bill, before I came to Congress, I was a judge in the Nevada State Athletic Commission for prize fights. As the Senator knows, Nevada is the prize fight capital of the world. One thing they would not let the fighters do is pick the judges. They thought it would be best if some independent body selected the judges to determine who was going to sit in judgment of those two fighters.

It is the same thing we have here. We simply do not want the participants picking who is going to make the decision. That should be made by an unbiased group of people who have nothing to gain or lose by the decision they make.

This is very simple. This sense-of-the-Senate resolution says that if there are going to be people making a decision, they should be unbiased; they should be people who have nothing in the outcome of the case. Is that fair?

Mr. KENNEDY. I agree. Senator, as you may know, the language in the alternative legislation not only permits the HMO to select the reviewer and to pay that, but also it preempts all the other States that have set up their own independent review, and 33 of the 39 that have set up their reviews have chosen a different way from this process, a truly independent review. They would effectively be usurped or wiped off the books.

We hear a great deal about State rights and not all wisdom is in Washington. This is a clear preemption of all of the existing State appeals provisions. It is done in a way that permits the HMO to be the judge and jury. That is why the McCain amendment—which says there will be an independent selection of review, and we will not preempt the States—makes a good deal of sense.

Mr. REID. If I could refer a question to the Senator from New Hampshire, our time under the agreement is just about out. Are you arriving at a point where you might offer the other amendment?

Mr. GREGG. I hoped we would be. Some of the Senators involved in that amendment are at the White House, so we are waiting for them to return. When they return, we will be ready to proceed.

Mr. REID. I have been told they probably won't return until about 3:30.

Mr. GREGG. I suggest we divide the time between now and 3:30 between the two sides equally.

Mr. KENNEDY. I don't know at this time of other amendments on this side. We are making good progress dealing with this legislation. We are eager to address these other matters. There are continued conversations on some of the issues. We certainly welcome ideas that can protect the patients. Looking at this realistically, we have several Members who want to address the Senate and have spoken to me several times that they would like to make comments about the legislation. We can use the time productively, but we indicate we are ready to deal with amendments and we look forward to receiving them. We want to continue business.

We thank the Senator from New Hampshire for his cooperation. I will notify my colleagues who might want to speak.

Mr. REID. We have no objection to the request of the Senator from New Hampshire.

Mr. GREGG. I ask that the time between now and 3:30 be equally divided between myself and Senator KENNEDY, and any quorum calls be divided between each side.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. REID. Mr. President, I have been reading into the RECORD names of organizations that support this legislation. I will read some of the names into the RECORD. If someone from either side desires to speak, I will cease.

I have been through the A's, B's and C's of organizations supporting this legislation, hundreds of names. I begin with the D's:

Daniel, Inc.; Denver Children's Home; DePelchin Children's Center in TX; Developmental Disabilities; Digestive Disease National Coalition; Dystonia Medical Research Foundation; Easter Seals; Edgar County Children's Home; El Pueblo Boys' and Girls' Ranch; Elon Homes for Children in Elon, College, NC; Epilepsy Foundation; Ettie Lee Youth and Family Services; Excelsior Youth Center in WA; Eye Bank Association of America; Facing Our Risk of Cancer Empowered; Families First, Inc.; Families USA; Family & Children's Center Counsel; Family & Children's Center in WI; Family & Counseling Service of Allentown, PA; Family Advocacy Services of Baltimore; Family and Child Services of Washington; Family and Children's Service in VA; Family and Children Services of San Jose; Family and Children's Services in Tulsa, OK; Family and Children's Agency Inc.; Family and Children's Association of Mineola, NY; Family and Children's Center of Mishawaka; Family and Children's Counseling of Louisville, KY; Family and Children's Counseling of Indianapolis; Family and Children's Service of Minneapolis, MN; Family and Children's Service in TN; Family and Children's Service of Harrisburg, PA; Family and Children's Service of Niagara Falls, NY; Family and Children's Services in Elizabeth, NJ; Family and Children's Services of Central, NJ; Family and Children's Services of Chattanooga, Inc. in TN; Family and Children's Services of Fort Wayne; Family and Children's Services of Indiana; Family and Community Service of Delaware County, PA; Family and Social Service Federation of Hackensack, NJ; Family and Youth Counseling Agency of Lake Charles, LA; Family Centers, Inc.; Family Connections in Orange, NJ; Family Counseling & Shelter Service in Monroe, MI; Family Counseling Agency; Family Counseling and Children's and Children's Services; Family Counseling Center of Central Georgia, Inc.; Family Counseling Center of Sarasota; Family Counseling of Greater New Haven; Family Counseling Service in Texas; Family Counseling Service of Greater Miami; Family Counseling Service of Lexington; Family Counseling Service of Northern Nevada; Family Counseling Service, Inc.; Family Guidance Center in Hickory, NC; Family Guidance Center of Alabama; Family Resources, Inc.; Family Service Agency of Arizona; Family Service Agency of Arkansas; Family Service Agency of Central Coast; Family Service Agency of Clark and Champaign counties in OH; Family Service Agency of Davie in CA; Family Service Agency of Genesse, MI; Family Service Agency of Monterey in CA; Family Service Agency of San Bernardino in CA; Family Service Agency of San Mateo in CA; Family Service Agency of Santa Barbara in CA; Family Service Agency of Santa Cruz in CA; Family Service Agency of Youngstown, OH; Family Service and Children's Alliance of Jackson, MI; Family Service Association Greater Boston; Family Service Association in Egg Harbor, NJ; Family Service Association of Beloit, WA; Family Service Association of Bucks County in

PA; Family Service Association of Central Indiana; Family Service Association of Dayton, OH; Family Service Association of Greater Tampa; Family Service Association of Howard County, Inc. IN; Family Service Association of New Jersey; Family Service Association of San Antonio, TX; Family Service Association of Wabash Valley, IN; Family Service Association of Wyoming Valley in PA; Family Service Aurora, WI; Family Service Center in SC; Family Service Center in TX; Family Service Center of Port Arthur, TX; Family Service Centers of Pinell; Family Service Council of California; Family Service Council of Ohio; Family Service in Lancaster, PA; Family Service in Lincoln, NE; Family Service in Omaha, NE; Family Service in WI; Family Service Inc. in St. Paul, MN; Family Service of Burlington County in Mount Holly, NJ; Family Service of Central Connecticut; Family Service of Chester County in PA; Family Service of El Paso, TX; Family Service of Gaston County in Gastonia, NC; Family Service of Greater Baton Rouge; Family Service of Greater Boston; Family Service of Greater New Orleans; Family Service of Lackawanna County, in PA; Family Service of Morris County in Morristown, NJ; Family Service of Norfolk County; Family Service of Northwest, OH; Family Service of Racine, WI; Family Service of Roanoke Valley in VA; Family Service of the Cincinnati, OH; Family Service of Piedmont in High Point, NC; Family Service of Waukesha County, WI; Family Service of Westchester, NY; Family Service of York in PA; Family Service Spokane in WA; Family Service, Inc. in SD; Family Service, Inc. in TX; Family Service, Inc. of Detroit, MI; Family Service, Inc. of Lawrence, MA; Family Services Association, Inc. in Elkton, MD; Family Services Center; Family Services in Canton, OH; Family Services of Cedar Rapids; Family Service of Central Massachusetts; Family Service of Davidson County in Lexington, NC; Family Service of Delaware Counsil; Family Service of Elkhart County; Family Service of King County in WA; Family Service of Montgomery County, PA; Family Service of Northeast Wisconsin; Family Service of Northwestern in Erie, PA; Family Service of Southeast Texas; Family Service of Summit County in Akron, OH; Family Service of the Lower Cape Fear in NC; Family Service of the Mid-South in TN; Family Service of Tidewater, Inc. in VA; Family Service of Western PA; Family Services Woodfield; Family Services, Inc. in SC; Family Services, Inc. of Layfette; Family Services, Inc. of Winston-Salem, NC; Family Solutions of Cuyahoga Falls, OH; Family Support Services in TX; Family Tree Information, Education & Counseling in LA; Family Violence Prevention Fund; Family Means in Stillwater, MN; Federation of Behavioral, Psychological & Cognitive Sciences; Federation of Families for Children's Mental Health; FEI Behavioral Health in WI; Florida Families First; Florida Sheriffs Youth Ranches; and Friends Committee on National Legislation.

Mr. President, this is a partial list of the hundreds of names of organizations that support this legislation.

This is the fourth day that I have read into the RECORD names of hundreds of organizations supporting this legislation. This list was prepared for me more than a week ago. It has grown since.

When I finish this list, I hope we will have completed this legislation. But if we haven't, I will come back and read the new names.

This is legislation that is supported by virtually every organization in America. It is opposed by one umbrella group—the HMOs. They are the ones paying for these ads. They are the ones that are running the advertisements in newspapers and television and now even radio ads the reason being that they have made untold millions of dollars while we delay this legislation.

Every day that goes by is a lost opportunity for physicians to tell a patient what that patient needs and not have to refer to someone in an office in Baltimore, MD, as to what a patient is going to get in Las Vegas, NV.

When I have my income tax done, every year I have an accountant do that. When myself or a member of my family needs to be taken care of, I don't want an accountant doing that. I want a doctor to do that.

That is what this legislation is all about. I am so happy that we have a bipartisan group that the HMOs are not going to be able to stop.

We are going to pass this legislation, send it over to the House, the conference committee will meet, and we will send a bill to the President that he will sign.

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

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

The Senator from Minnesota is recognized.

Mr. DAYTON. Thank you, Mr. President.

Mr. President, I rise today in support of S. 1052, the McCain-Kennedy-Edwards Patients' Bill of Rights legislation. Minnesota, my home State, has one of the largest concentrations of HMO providers in the country. In fact, 90 percent of Minnesotans who are covered by their employers also receive their health care services through HMOs. Also, historically, the HMO concept originated in Minnesota by a Minnesota physician who has now renounced what HMOs have become.

Originally, HMOs were going to herald in a new age of health care, with greater emphasis on prevention, on primary care, more efficient referrals, coordinated and integrated medical care, all leading to a better quality of medical services for patients at lower overall costs to our health care system.

Integral also to their arguments was their conceit that the private sector always does it better than the public sector, that the large public health systems of Medicare and Medicaid, and other public reimbursement programs, were largely the ones to blame for these skyrocketing health costs, and that private-sector HMOs and insurance companies could manage health care dollars so much better than Government and provide better quality for less quantity of dollars.

However, once they got into the profession, they found that it was not quite that easy, that quality care costs money. There is always some con artist in this country who claims we can have something for nothing, or at least more for less. But the reality is, quality health care costs money. Well-qualified, highly trained, life-saving doctors, nurses, and attendants deserve to be well paid; and that costs money. Advanced lifesaving diagnostic equipment costs money. State-of-the-art, well-staffed hospitals and clinics cost money. And providing enough of all of the above, to take care of all the patients across this Nation, costs money, more money than most of these health care delivery or insurance systems wanted to spend.

So HMOs became what I call them ''HNOs'': The way to save money became to say no; deny care; deny treatments; deny claims. Health care providers became health care deniers. As these HMOs became larger and larger, business operations—whether for-profit or nonprofit—their ''no'' bureaucracies became bigger and more important. Stock prices, executive compensations, retained earnings all became dependent on their ability to grow and to say no, deny patient care to produce profits at cost savings, to grow to produce ever more profits.

The PRESIDING OFFICER. The time of the majority has expired.

Under a previous agreement, the time until 3:30 was to be equally divided between the majority and minority. The time of the minority has expired.

Mr. GREGG. Mr. President, how much time does the Senator think he needs to make his statement?

Mr. DAYTON. I say to the Senator from New Hampshire, another 10 minutes. But I will return to speak another time.

Mr. GREGG. No. We have no speakers at this time. I am happy to yield 10 minutes to the Senator from Minnesota. And I ask unanimous consent for 10 minutes to be added to our time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I wonder if I might be able to have the floor to speak.

Mr. GREGG. What amount of time does the Senator from West Virginia need?

Mr. BYRD. Thirty minutes.

Mr. GREGG. I have no problem with that on my side, as long as our side will receive an equal amount of time. So that would be 40 minutes; 10 minutes to Senator from Minnesota, 30 minutes to the Senator from West Virginia; and then 40 additional minutes to be added to our side's time. And the Senator from West Virginia be recognized after the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

Mr. DAYTON. I would be happy to yield the floor to the Senator from West Virginia.

The PRESIDING OFFICER. Does the Senator from Minnesota wish to conclude his remarks?

Mr. DAYTON. I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for up to 30 minutes.

Mr. BYRD. Mr. President, I thank both Senators.

(The remarks of Mr. BYRD are located in today's RECORD under ''Morning Business.'')

Mr. DAYTON. Mr. President, I thank the great Senator from West Virginia for his erudite discourse on the trade agreement which gives me remarks as I shall present them to my constituents in Minnesota. I thank the distinguished Senator.

Mr. BYRD. Mr. President, I thank my colleague. I thank him very much.

Mr. DAYTON. Mr. President, to continue where I left off, a great American once said that a house divided against itself cannot stand. Our Nation's health care providers unfortunately are fundamentally divided against themselves. Their avowed purposes are to provide health care to their members, their clients, and their patients. Yet their financial success depends increasingly on not providing health care to their members, their clients, and their patients, and their members, clients, and patients are increasingly the victims of their own health care providers.

Why do we even need a Patients' Bill of Rights to protect us from our own health care providers?

The fact we even need this legislation, the fact we are debating it in the Senate today, says how badly our Nation's health care system has deteriorated. A Patients' Bill of Rights, even if necessary, should consist of two words: Doctors decide. Doctors decide what diagnostic procedures, what treatments, what surgeries, hospitalizations, and rehabilitation therapies are needed. The health care providers provide them, and the insurer pays for them. It is that simple. It is that sensible. It is that lawsuit free.

Our distance from it today is a measure of our social insanity. It is the measure of our health care idiocy. But that is where we are today.

There is a term used in sports these days, trash talking. There is a lot of trash being talked about this legislation: It will explode the costs of health care; it is going to cost employees their health care coverage; it will drive businesses into bankruptcy. Those are the same smears and scare tactics that were used against Social Security, against Medicare, against workers' compensation, against unemployment compensation, and against family leave. Is there anything that is good for the American people that is not bad for American business?

I don't entirely blame them, because those business men and women have been talked trash to, as well, by their partners in these health care enterprises. Many businesses across this country are bedeviled by increasing costs of their health care. They want to do the right thing for their employees, but they are not in the business of administering health plans. I am sympathetic to this. But I say to those big leaders, if you want to get out of the business of providing health care coverage for your employees, then you need to actively support a better alternative, a separate system of true national health care which is devoted to providing care, not to avoiding costs.

Last Saturday in Minnesota, along with my distinguished colleague from Minnesota, Senator WELLSTONE, and our majority leader, Senator DASCHLE, we heard from several families who expressed their support for their legislation and the critical need for it from their life experiences. There was a father who spoke eloquently and powerfully about his 4-year-old daughter named Hope. Hope was born with spina bifida. As part of her treatment, six doctors—six physicians—including one at the Mayo Clinic, prescribed certain physical therapy treatments for her. Yet her HMO was unwilling to provide or pay for those prescribed treatments. It took 8 months of banging their heads against this bureaucratic wall, paying for the treatments that they could afford out of their own pockets, forgoing other treatments that they knew were in the best interests of her young life, until they finally were able to break through and get the care she needed.

A mother spoke of her 21-year-old daughter who died of an eating disorder. As she so powerfully stated last Saturday in St. Paul, MN, young people aren't supposed to die of eating disorders. But her insurance company refused to pay for the necessary evaluation of her daughter's illness, it refused to refer her to a specialist who might have made the correct diagnosis, and that young woman is dead today. Her life has been snuffed out, taken away from her family. Her mother set up a foundation just for this purpose, to advocate for the care that should be provided for anyone else in that situation. What a horrible way for a parent to be pulled into this debate, by losing a daughter unnecessarily to a disease, an illness that should not have been fatal except for the lack of proper medical care, medical care that was available in our country and was not made available to her by her insurer.

Finally, we heard from the wife of a husband and father of five children, a healthy, active, middle-aged man who suddenly, over the course of just a few months, was caught with some debilitating disease and confined to a wheelchair. For 8 months she and her husband tried to get their primary physician at an HMO to make a diagnosis that could lead to successful treatment. For 8 months this primary physician at the HMO was unable to make the diagnosis and refused to refer this man to a specialist elsewhere for that evaluation. He finally said to this patient, father of five, devoted husband: ''Maybe there is something you need to confess.''

Can you believe the absurdity of that? ''Maybe there is something you need to confess''—as though there were some religious curse. This was a primary physician at an HMO. They could not escape the vice, the trap of that bureaucracy.

Finally, on their own initiative, the wife was so desperate, they decided to risk their entire life savings and drove to the Mayo Clinic in Rochester, world renowned clinic, and signed papers saying they would pay personally for the costs of whatever treatments were necessary. The physician there made a diagnosis of a viral disease, an invasive disease, prescribed the necessary treatments, medications, and this man is now at least partially recovered. He tires easily and cannot stand for extended periods of time but is out of a wheelchair and hopefully back to a full recovery. It cost this family $25,000 out of their own pocket to get the medical care they needed. The HMO finally agreed to pay 80 percent of that cost.

This legislation is not about lawsuits, it is about lives. It is not about trial lawyers but people, patients, mothers, fathers, children. I am not interested in lawsuits. I hope there is never a lawsuit as a result of this legislation because that would mean there would never be the need for them. It would mean all Americans were receiving the health care they need, the health care they deserve, the health care for which they paid.

I support this legislation, and I strongly urge my colleagues to support this as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, we encourage and invite colleagues who have amendments to come to the floor. Having talked with Senator GREGG and others, I anticipate we will have an amendment dealing with the issue of medical necessity. That is an issue which is of very considerable importance in the legislation. It was the subject of a good deal of debate the last time we debated this legislation. It was the subject of a good deal of debate when we were in the conference. It was actually one of the few issues that were resolved in the conference.

At this time, we have language in the McCain-Edwards legislation, of which I am a cosponsor, as well as in the Breaux-Frist measure, which is virtually identical. There are some small

differences in there, but they are effectively very much the same. There will be an amendment to alter and change that issue. I will take a few moments now to speak about the importance of what we have done with the underlying legislation, and hopefully the importance of the Senate supporting the construct we have achieved.

It is my anticipation that the amendment will probably be offered at about 5 o'clock this evening. We will have debate through the evening on that measure. Hopefully, we will have a chance to address it. There are several other amendments dealing with the issue of the scope of the legislation, as well as on liability. I understand we may very well have the first amendments on liability a little later this evening as well.

This issue on medical necessity is of very considerable importance. I want to outline where we are and the reasons for it for just a few minutes.

The legislation before the Senate closes the door against one of the most serious abuses of the HMOs and other insurance plans, and the ability of a plan to use an unfair, arbitrary, and biased definition of medical necessity to deny patients the care their doctor recommends.

My concern is that the amendment we are going to see before the Senate is going to open that possibility again. We closed it with McCain-Edwards and also with the Breaux-Frist measure.

The issue before us is as clear as it was when we started the debate 5 years ago; that is, who is going to make the critical medical decisions—the doctors, the patients, or HMO bureaucrats?

It is important for every Member of the Senate to understand how we got where we are on this issue. We started out by placing a fair definition of medical necessity. The plan would have to abide by the Patients' Bill of Rights itself. It was a definition that was consistent with what most plans already did.

Every Democratic Member of the Senate voted for that approach. I still think it has much to commend it. But we heard complaint after complaint from the other side that putting a definition into law would be a straightjacket for health plans, it would prevent them from keeping pace with medical progress, and so on.

So Congressmen JOHN DINGELL and CHARLIE NORWOOD changed that provision. They removed the definition of medical necessity from the law. Instead, they said, let the plans choose the definition that works best for them. But if a dispute went to an independent medical review, the reviewers would need to consider that definition. But they would not be bound by it in cases involving medical necessity; that is, they would be able to use in the review their own judgment in terms of the medical necessity. They would make the decision based on the kind of factors all of us would want for ourselves and our families—the medical condition of the patient, and the valid, relevant, scientific and clinical evidence, including peer-reviewed medical literature, or findings, including expert opinion.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. GREGG. I understand the Senator's time has expired. I ask unanimous consent that whatever time the Senator consumes, an equal amount of time be added to our time.

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

Mr. KENNEDY. Mr. President, at the time of these appeals, they would make the decision based on the kinds of factors all of us would want for ourselves and our families—the medical condition of the patient, and the valid, relevant, scientific and clinical evidence, including peer-reviewed medical literature, or findings, including expert opinion.

Those factors essentially say that the independent medical reviewer should strive to make the same recommendation that the best doctor in the country for that particular condition should make. It is a fair standard. It is a standard all of us hope our health plan would follow.

The Senate should understand that this was not only a bipartisan compromise between Congressmen JOHN DINGELL and CHARLIE NORWOOD, it was a compromise on which every member of our conference signed off in the last Congress, from DON NICKLES and PHIL GRAMM to JOHN DINGELL and myself. In fact, this concept of letting the external reviewer consider but not be bound by the HMO's definition of medical necessity is also included in the Frist-Breaux bill endorsed by the President.

On this issue, the legislation before the Senate is clearly the middle ground. It is the fair compromise. But my concern is that the amendment we will face will tilt us away from that compromise and more to the HMO's.

Now the authors of this amendment claim that they have just provided a safe harbor for HMOs that want to be able to maintain a fair definition of medical necessity throughout the entire process. But our list of the factors that must guide the external reviewers' decision is already consistent with every fair definition of medical necessity. The fact is that this amendment may create a safe harbor for HMOs, but it tosses patients over the side into the storm-tossed seas. It would allow HMOs to adopt some of the most abusive definitions ever conceived. It ties the hands of the independent medical reviewers. It puts HMO bureaucrats in the driver's seat—and kicks patients and doctors all the way out of the automobile and is not in the interest of the patient.

Our concern is that the amendment we anticipate will be offered will say that HMOs could adopt any definition used by a plan under the Federal Employees Health Benefits Program that insures Members of Congress and the President, by a State, or developed by a ''negotiated rulemaking process.'' Each of these approaches is fatally flawed, if our goal is to protect patients.

The Federal Employees Health Benefits Program plans can change their definitions every year. An administration hostile to patient rights can accept any unfair definition it chooses. To be perfectly frank, even administrations that support a Patients' Bill of Rights have not paid much attention to these definitions, because they have so many other controls over the way the plans behave. And Senators and Congressmen can always get the medical care they want, regardless of the definitions in the plan's documents, but ordinary citizens cannot.

So the Federal employees' plan can change these definitions. It is important that we establish the definitions so it is very clear to the patients about how their interests are going to be protected.

States often provide good definitions of medical necessity, but sometimes they do not. Do we really want, after the tremendous struggle we have gone through to pass this legislation, for consumers to have to fight this battle over this definition again and again in every State in the country year after year? I do not believe so. Administrative rule-making is only as fair as the participants. An administration hostile to patients' rights and sympathetic to plans can appoint any unfairly stacked set of participants that it wants.

And finally, under the amendment, the plan gets to choose any one of these options. That is what we anticipate of the format of the amendment. So it could seek out the worst of the worst. But consumers get no comparable rights to demand the best of the best.

If we look at the options that would be immediately available to health plans under the amendment, it is obvious why the disability community, the cancer community, the American Medical Association, and other groups who understand this issue are so vehemently opposed to that as an alternative—and why it is supported by no one but the health plans.

There are no health groups that support that option—none, zero. All of the health groups effectively support what was worked out in the compromise last year and has been included in the legislation before us which, as I mentioned, I think is the real compromise.

One Federal plan defines ''medical necessity'' as ''Health care services and supplies which are determined by the plan to be medically appropriate.'' That is a great definition. If the plan determines the service your doctor says you need is not appropriate, you are out of luck. There is nothing to appeal, because the plan's definition of ''medical necessity'' controls what the external reviewers can decide.

Another plan uses different words to reach the same result. It says, medical

necessity is ''Any service or supply for the prevention, diagnosis or treatment that is (1) consistent with illness, injury or condition of the member; (2) in accordance with the approved and generally accepted medical or surgical practice prevailing in the locality where, and at the time when, the service or supply is ordered.'' Doesn't sound so bad so far, but here is the kicker. ''Determination of 'generally accepted practice' is at the discretion of the Medical Director or the Medical Director's designee.'' In other words, what is medically necessary is what the HMO says is medically necessary.

Among those who have been most victimized by unfair definitions of ''medical necessity'' are the disabled. Definitions that are particularly harmful to them are those that allow treatment only to restore normal functioning or improve functioning, not treatment to prevent or slow deterioration.

That is a key element in terms of the disabled community. Most of these definitions, even for Federal employees, say that they will permit the treatment just to restore the normal functioning or to improve functioning. So many of those who have disabilities need this kind of treatment in order to stabilize their condition, in order to prevent a deterioration of their condition; or if there is going to be a slow deterioration, to slow that down as much as possible.

The only definition that really deals with that is the one which is in the McCain-Edwards and the Breaux-Frist legislation, which was agreed to because it does address that. That is why the disability community is so concerned about this particular amendment.

Every person with a degenerative disease—whether it is Parkinson's, Alzheimer's, or multiple sclerosis—can be out of luck with this kind of definition.

For example, in the clinical trials, you have to be able to demonstrate that the possibilities, by participating in the clinical trial, are going to improve your condition. There are other kinds of standards as well, but that happens to be one of them: to improve your kind of condition. We find that the Federal Employees Health Benefits Program uses language that is very similar to that.

As I mentioned, when we are talking about those that have some disability—when you are talking about Parkinson's disease, Alzheimer's disease, multiple sclerosis—you have the kind of continuing challenge that so many brave patients demonstrate in battling those diseases, but you want to make sure that your definition of ''medical necessity'' is going to mean that really the best medicine that can apply to those particular patients, based upon the current evolving development of medical information, is going to be available to those patients.

Another issue which should be of concern to every patient, but especially to those with the most serious illnesses, is the allowing cost-effectiveness to be a criterion for deciding whether medical care should be provided. The question is always, cost-effectiveness for whom, the HMO, or the patient? It was cost-effective for one HMO to provide a man with a broken hip a wheelchair rather than an operation that would allow him to walk again. It was cost-effective for another HMO to amputate a young man's injured hand, instead of allowing him to have the more expensive surgery that would have made him physically whole. It may be cost-effective for the HMO to pay for the older, less effective medication that reduces the symptoms of schizophrenia but creates a variety of harmful side effects rather than for the newer, more expensive drug that produces better cures and less permanent damage—but is it cost-effective for the patient and her family? Is this really the criterion we want applied to our own medical care or the care of our loved ones?

And on a practical level, how in the world is an independent review organization ever supposed to judge cost-effectiveness. Its members under all the bills are health professionals, not economists. They have the expertise to decide on the best treatment for a particular patient, but they cannot and should not be asked to evaluate its cost-effectiveness. To paraphrase our opponents, when your child is sick, you want a doctor, not an accountant. But here we have one of the State plans saying, in its definition of medical necessity, ''cost-effective for the medical condition being treated compared to alternative health interventions, including no intervention.''

I urge my colleagues to stay with us on this definition and to resist an amendment to alter and change it. The amendment that we anticipate will reverse a bipartisan compromise broadly supported by Members of both parties. It is included in the bill the President has endorsed. The anticipated amendment will stand the whole goal of this legislation on its head.

I think this is very likely to be a litmus test on the whole issue for the Senate. What we want to do is to make sure ultimately that it is the doctors who are going to make the best medical decisions, based on the information that they have available to them. That is what this legislation does, the McCain-Edwards, as well as in the Breaux-Frist. We do not want to change that. That has been basically supported by the President. It was supported in the conference. It represents basically the mainstream of the views of the Members of this body. We should resist any alteration or change of that particular provision.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to speak as in morning business on the time of the Republicans.

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

Mr. KERRY. Let me begin by thanking my colleague, the senior Senator from Massachusetts, for his extraordinary leadership on this critical issue for our country with respect to the Patients' Bill of Rights. That is without any question the most important business before the country and the most important business before the Senate. I will return to the floor of the Senate either later today or tomorrow to share some thoughts with respect to that.

(The remarks of Mr. KERRY are located in today's RECORD under ''Morning Business.'')

Mr. KERRY. 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. THOMAS. 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. THOMAS. Mr. President, we have some time to speak on the bill on this side; is that correct?

The PRESIDING OFFICER. The minority controls the next 41½ minutes.

Mr. THOMAS. I thank the Chair.

Mr. President, we have been on this bill now, it seems, for a very long time. It is very important, and indeed we should be on it. On the other hand, we also ought to be making some progress. It appears we are not. We hear all this talk about how we can get together, let's put it together, and we can agree. But I see nothing of that nature happening. It seems to me we continue to hear the same things coming forth. I hear a recitation of a great many people who are opposed to the bill listed off name by name. I suppose we can do that for the rest of the day.

Here is a list of people opposed to the Kennedy bill. There are over 100 names of businesses and organizations. I could do that, but I don't know that there is great merit in doing that. We have talked about what we are for, and I think, indeed, we Republicans have certain principles, and we have talked about that: Medical decisions should be made by doctors; patients' rights legislation should make coverage more accessible, not less; coverage disputes should be settled quickly, without regard to excessive and protracted litigation.

Most of us agree that employers that voluntarily provide health coverage to employees should not be exposed to lawsuits. That is reasonable. Congress should respect the traditional role of States in regulating health insurance. That is where we have been and what works. We intend to stand by those principles. I don't think that is hard to agree with. We have talked about the President's conversations with some of the people on the other side of the aisle who apparently say he wants a bill and they think we can get together. But I don't see any evidence of that.

It seems to me if we are going to do that, we ought to do it. Instead, it seems we are in this kind of bait and switch sort of thing that we hear. I think the McCain-Edwards-Kennedy bill, as described by the sponsors, is a far cry from what is written. How many times have we been through that? The sponsors promise it would shield employers from lawsuits, that it would uphold the sanctity of employer health care contracts, and require going through appeals before going to court. However, when you look at the language of the bill, that is not what is there.

One of the sponsors says: We actually specifically protect employers; employers cannot be sued under the bill. Yet you find in the bill itself exclusions of employers and other plan sponsors, and it again goes into causes of action. And then, unfortunately, the next provision says certain causes of action are permitted, and then it goes forward with how in fact they can be sued. They say, first of all, we specifically protect employers from lawsuits. Then it says in the bill that certain causes of action are permitted to sue them.

So we don't seem to be making progress and meeting the kinds of agreements we have talked about. What we simply do is continue to get this conversation on the one hand, which is endless, and it isn't the same as what is in the bill. I don't know how long we can continue to do that.

I am hopeful we can come to some agreement. I think people would like to have a Patients' Bill of Rights that ensures that what is in the contract is provided for the patient. I think we can indeed do some of those things. However, I have to say it seems to me if we intend to do it, we need to get a little more dedicated to the proposition of saying, all right, here is where we need to be on liability and let's see if we can work out the language to do that. We have been talking about it now for a week and a half. It is not there. All right. We are talking about the opportunity for holding to the contract, not going outside the contract. We need to have that language.

So I think most of us are in favor of getting something done here, but we are getting a little impatient at the idea of continuing to recite the same things over and over again when in fact the bill does not say that. We ought to be making some propositions to be able to make the changes that indeed need to be made if that is our goal.

Frankly, Mr. President, I hope that it is.

I see other Members in the Chamber. I will be happy to yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, I yield back such time as I might have at this point.

The PRESIDING OFFICER. The Senator's time is yielded back.

Mr. REID. If the Senator will yield for a brief statement, there are efforts being made now to work out what some deem to be better language on the McCain amendment. If that is not possible, the Senator from New Hampshire and I have said we might be able to voice vote that anyway. I personally do not expect a recorded vote on that, but time will only tell.

I ask unanimous consent that the McCain amendment be set aside and the Senator from Missouri be recognized to offer his amendment.

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

The Senator from Missouri.

AMENDMENT NO. 816

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 816.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: to limit the application of the liability provisions of the Act if the General Accounting Office finds that the application of such provisions has increased the number of uninsured individuals)

On page 179, after line 14, add the following:

SEC. ___. ANNUAL REVIEW.

(a) IN GENERAL.—Not later than 24 months after the general effective date referred to in section 401(a)(1), and annually thereafter for each of the succeeding 4 calendar years (or until a repeal is effective under subsection (b)), the Secretary of Health and Human Services shall request that the Institute of Medicine of the National Academy of Sciences prepare and submit to the appropriate committees of Congress a report concerning the impact of this Act, and the amendments made by this Act, on the number of individuals in the United States with health insurance coverage.

(b) LIMITATION WITH RESPECT TO CERTAIN PLANS.—If the Secretary, in any report submitted under subsection (a), determines that more than 1,000,000 individuals in the United States have lost their health insurance coverage as a result of the enactment of this Act, as compared to the number of individuals with health insurance coverage in the 12-month period preceding the date of enactment of this Act, section 302 of this Act shall be repealed effective on the date that is 12 month after the date on which the report is submitted, and the submission of any further reports under subsection (a) shall not be required.

(c) FUNDING.—From funds appropriated to the Department of Health and Human Services for fiscal years 2003 and 2004, the Secretary of Health and Human Services shall provide for such funding as the Secretary determines necessary for the conduct of the study of the National Academy of Sciences under this section.

Mr. BOND. Mr. President, it is clear that all of us agree that protection for patients of health care delivery systems is very important. Patients need to get quick, independent second opinions when their insurance company or their HMO denies care. Women need unimpeded access to obstetricians or gynecologists. Children need pediatric experts making decisions about their care and providing them care. Patients need to go to the closest emergency room and be confident that their insurance company or HMO will pay for the care.

Those things ought to be understood as the basis on which we all agree. To say, as some have, that those of us on this side of the aisle are not concerned about patients is just flat wrong.

I have spoken in the past about patients who are employees of small business, who are owners of small businesses, who are the families of small business owners. They do not get patient protection because they cannot afford insurance. They cannot even be patients because they do not have the care.

We need to figure out how we can assure patient protections, get more people covered by health care insurance, health care plans, HMOs, and give them the protections they need within those plans.

This bill is about balance. As we provide patient protections, we need to be concerned about how much we increase the cost of care because at some point these costs will start to bite. At some point, employers, particularly small business employers, will not be able to offer coverage to anyone so their employees cannot be patients. In addition, as prices go up, the employees or patients may not be able to afford their share of the insurance costs. The results: Fewer people with health care.

It is generally understood that for every percent increase in the cost of health care, we lose about 300,000 people from health care coverage. It is a fact of life. No matter what we do here, no matter how much we expound and gesticulate and obfuscate, we cannot repeal the laws of economics. When something gets more expensive, you are going to get less of it. The question is, How far do you go? How much is too much?

The folks on my side of the aisle have said we need to give patients basic, commonsense protections, such as the ones I mentioned in the beginning: Independent second opinions, access to emergency care, access to OB/GYN care, access to pediatric care, and many more. But that is not enough. Some of our friends on the other side have insisted on going forward. In addition to the consensus patient protections, they want to add an expensive new right to sue that poses a huge threat to runaway health care costs.

There are some people who are very interested in the right to sue. Those

people are called trial lawyers, and they do really well at bringing lawsuits. They get a lot of fees from winning those lawsuits, particularly if the judgment is high and they have a good contingency fee contract. At the same time, those costs ultimately can deny people health care coverage because to pay these judgments, the companies involved have to raise costs.

As we have debated this legislation, I have tried to focus on what patient protections are needed and on the other crucial questions: What will this bill do to employers' ability to offer health care insurance to their employees? How many health care patients might lose their coverage?

I know proponents of this version of the bill do not want to talk about the people across America, the patients, who will lose their health insurance because this bill as a whole, including the new lawsuits, may cost more than a million people their health care coverage. We need to talk about it. We need to focus on it because over 1 million people who have health insurance today—men and women who are getting their annual screenings, mothers-to-be who are receiving prenatal care, and parents whose children are getting well-baby care—will be losing care because of this bill, and how many of them can we afford to lose?

We will be losing health care coverage for seniors who are taking arthritis medicines, men and women who are being treated with chemotherapy or kidney dialysis, families waiting for a loved one to have heart bypass surgery. These are the lives that will be disrupted, even devastated, as a direct result of this bill. Whom will they have a chance to sue then? What good is the right to sue a health plan if I have lost my health plan in the first place? It does not do me much good.

I have said in the past we know there are going to be people who lose their insurance coverage as a result of this bill. In the past several days, I have brought to the Chamber a chart that keeps a running total of the number of patients who will lose their health care coverage because their employers have told us that if the provisions of the current McCain-Kennedy bill with the right to sue employers are enacted into law, they will have no choice but to drop health care. They want to provide health benefits to their employees. They are important benefits, they are attractive benefits and ensure the employers get good work from employees, and they take care of the patients who are the employees and the families of the employees.

These small businesses have told me if they are faced with lawsuits from one of their employees or dependents who do not get the right kind of health care, they cannot afford to take that risk. Health care costs are too much already. Health care costs are going up. They are seeing more and more of the costs burdening their ability to provide health care.

In the past, I have read from letters from small businesses in Missouri that are fearful of losing health care coverage for their employees and their employees' dependents. These are real life examples of people who have written in, saying they are very worried about the provisions of the McCain-Kennedy bill.

I read yesterday a letter from a fabricator company. Today I have a letter from an accounting group. They are a small business, currently insuring four employees at a cost of $1,935 a month; they pay 100 percent of the premiums. Last year, their health care coverage costs went up 21 percent. They note there has been a steady increase over the past few years. They have had to pass these costs on to clients to cover the charges for their employees. At this rate, providing health insurance may become impossible. If the new Patients' Bill of Rights proposed by Senator KENNEDY expands liability and results in employers being held responsible for medical court cases, they will certainly be forced to cancel this employee benefit.

They go on to say:

> I do small business accounting every day.
>
> These are small mom-and-pop businesses that cannot exist if they are treated in the same way as large businesses with regard to employee benefits. Sometimes Congress forgets that mom-and-pop businesses of America are simply people who are working hard, day in and day out, just to maintain a moderate lifestyle. While they are not poor, they are not employers in the same sense as major corporations.
>
> Please help us keep our businesses and try to provide for our employees.

That is one thing we need to remember. As we look at things on a grand scale and look at large employers, we cannot forget the mom-and-pop businesses providing a living for mom and pop, their families, their employees, and their employees' families. We want all of them to be able to get good health care coverage. We want them to have rights that they can exercise if the HMO or the insurance company denies them coverage. But we certainly don't want to throw them out of health care coverage.

Here is another company in Missouri. They write:

> I have been doing business in Missouri for over 15 years and have been providing health insurance to my employees since November of 1993. At that time, counting myself, I insured four employees at an average cost of $78.50 a month. I now insure five at a monthly cost of $199.60, with the same high deductible coverage. My cost has increased over 250 percent, way beyond the rate of inflation and way beyond the growth of my business. I have just had to absorb this increased cost in the bottom line. This bill Senator KENNEDY has now in committee looks like a disaster ready to happen. I am not alone as a small business owner wondering if I might be able to continue to offer this benefit to my employees in view of the rising costs of the policies. If I would be legally responsible for medical court cases, I might as well just toss in the towel and close my business.

Those are the mom-and-pop operations, the small businesses, the lifeblood of our economy, the dynamic, growing engine of our economy that provides the jobs and the well-being and meets our needs for services and goods that everybody wants to talk about and everybody loves as the small businesses. But we need to be sure we are not pricing them out of business or even costing them the ability to cover their employees' health care costs.

Right now, our toll is 1,895 Missourians losing their health care coverage from what their employers have told us about the burdens they expect from the McCain-Kennedy bill. One can argue they may be wrong. I can make an argument based on reading the pages I have read before of exceptions under which an employer can be sued. But they would be well advised, if they cannot stand the costs of a lawsuit, to give up their health insurance. You can argue about it one way or the other, but 1,895—almost 1,900—employees will be thrown out of work, according to their employers who have communicated directly to us, if this measure is unamended and goes into effect.

What are we going to do about it? I hope we can work on the liability sections. I have heard people want to compromise. I haven't seen that compromise yet. So I will offer a very simple proposal. My amendment says one simple thing: At a certain point, enough is enough. If more than one million Americans lose health care coverage because of this bill, the most expensive part of this bill, the right to sue, should be reevaluated.

The beautiful thing about this amendment is, all of the disagreements that exist about how much the McCain-Kennedy bill will increase costs and how many people will lose coverage won't matter. We will never get an agreement on this floor, I don't believe, on just how many people will be knocked out. So we won't rely on predictions. All that will matter is what actually happens.

Health economists assure this analysis can be done, they say, over a 2-year period, and we will look at employment patterns, inflation, health regulations, or policy measures other than patient protections and other factors that affect employers and employees' ability to purchase coverage. Economists can estimate how many people lose coverage due to a major piece of health legislation. The Institute of Medicine has more than enough expertise and brain power at its disposal to do this.

The amendment I have proposed says not later that 24 months after the effective date, and thereafter for each of the 4 succeeding years, the Secretary of Health and Human Services shall ask the Institute of Medicine of the National Academy of Sciences to prepare and submit to the appropriate committees of Congress a report concerning the impact of the act on the number of individuals in the United States with health care insurance.

Then, if the Secretary, in any report submitted, determines more than one

million individuals in the United States have lost their health insurance coverage as a result of the enactment of this act as compared to the number of individuals with health insurance coverage in the 12-month period preceding the act, then the liability section shall be repealed, effective on the date 12 months after the date on which the report is submitted. The Department of Health and Human Services is authorized to get funding for the conduct of the study, the National Academy of Sciences.

It is very simple. If it throws more than a million people out of health care coverage, then we repeal the liability section. Then Congress comes back and looks at it and says: Can we do a better job? We don't have to rely on any estimates or predictions. We can find out how many people have lost their coverage. I think a million people is a lot. But granted, anything we do is going to have a cost. What constitutes too much? I propose that as a starting point we say that 1 million people losing coverage is too much.

The two key issues in this debate are:

First, access to care; second, access to coverage.

Patients need access to care without undue managed care interference. Thus, we need a patient protection bill. That is the external appeal. That is the right to see certain specialists, and the very important provisions we have in it. But the patients also need access to coverage. Are we going to get more people covered? Are we going to knock more people out of coverage?

The ability to sue HMOs sounds nice. But at what price? If the ability to sue HMOs and the ability to sue employers is too high, and if the price is 1 million Americans who lose coverage, then that price is too high.

I urge my colleagues to accept this amendment. I believe it is one way to make sure that we have a fail-safe mechanism to make sure that we observe that basic principle of medicine: first do no harm. I think a million individuals losing health care coverage is harm. That is why I suggest that we should agree to the amendment.

Mr. President, 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. GREGG. 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. GREGG. Mr. President, I rise in support of the excellent idea of the Senator from Missouri.

One of the big concerns that has been heard expressed throughout this entire debate has been the effect especially of the plethora of lawsuits which would be created under the present bill as it is structured on employers, especially small employers, and their willingness to continue to offer health insurance to their employees.

The real issue for most people is, first, do they have health insurance. When someone goes to find a job, one of the key conditions that most people look at is if that job has a decent health insurance package that is coupled with it. This is an extraordinarily big problem for not only people working at high-level jobs but especially people who work at entry-level jobs and in between.

You can take large employers in the retail industry or large employers in the manufacturing industry. In all of these areas, employees see as one of their primary benefits the pay they receive, obviously, but additionally the fact that they have good health insurance from their employers.

Then with the smaller employers, people who run small restaurants or small gas stations, or small mom-and-pop manufacturing businesses, the people who work for those folks also appreciate greatly the fact that they might have a health insurance package that is coupled with their employment. This is especially true for families. I don't think there is anything a family fears more than having a child get sick and not having adequate coverage, and not being able to get that child into a situation where they can be taken care of, or alternatively having their savings wiped out by the need to do something to take care of that child who has been sick, or a member of the family.

Quality insurance is absolutely critical.

We should not do anything that undermines the willingness of manufacturers, of employers, of small businesspeople, of mom and pop operators to offer insurance to their employees. It should almost be a black letter rule for this bill that we do not do something that is going to take away insurance because, as I have said before in this Chamber, there is no Patients' Bill of Rights if a person does not have insurance. They have no rights at all because they do not have any insurance.

So what the Senator from Missouri has suggested is a very reasonable approach. If this bill, as it has been proposed, is such an extraordinarily positive vehicle in the area of giving people rights for their insurance and is such a positive vehicle in the area of allowing people who interface with their health agencies to get fair and adequate treatment from their health agencies, then the authors of this bill should have no objection to the amendment offered by the Senator from Missouri.

Because the Senator from Missouri isn't suggesting that the bill should be changed in any way. He is simply saying, if the effects of the bill are that people are thrown out of their insurance and no longer have the ability to hold insurance because their employer says, ''We are not going to insure you anymore; we can't afford it because of the number of lawsuits that are going to be thrown at us as a result of this bill,'' if that is the case, and more than one million people in America—and that is a lot of people—lose their insurance, then the liability section of this bill will not be effective. It does not affect the underlying issues of access and does not affect the underlying issues of the ability to go to your own OB/GYN or your own specialist or the various other specific benefits which are afforded under this bill, most all of which there is unanimous agreement on in this Senate.

All it simply says is, listen, if the liability language in the bill simply isn't going to work because it throws a million people out of their insurance and, therefore, a million people lose their rights versus gain rights under this bill, then we basically do not enforce liability provisions until that gets straightened out. The Congress can come back at that time and take another look at the liability provisions and correct them. At least nobody else will be thrown out of the works because of the liability provisions; they will essentially be put in a holding pattern by this amendment.

That is an entirely reasonable approach. Instead of saying we are going to function in a vacuum in this Chamber, where essentially we throw out ideas that we think are good but don't know what is going to happen, this is essentially saying, all right, if we think we have ideas that are good, we are going to hold those ideas to accountability.

We heard the Senator from Massachusetts talking about accountability in another section of this bill. He brought up the education bill, which we talked about for the last 7 weeks before we got to this bill. And the issue was accountability. Does it work? The education bill we passed has language in it that essentially took a look at what had happened in order to determine what would occur in the future. What Senator BOND has suggested is that we do that under this bill. It is a very practical suggestion. He is saying if a million people lose their insurance, then we will put the liability language in the bill on hold until we can straighten it out. Actually, it would be sunsetted.

The practical effect of that is, I presume, Congress would come back and say, listen, we didn't intend to have a million people lose their insurance. Our purpose in this bill was to give people more rights, not to give them less rights. You give people less rights if they lose their ability to have insurance.

So by taking this language we will be in a position of being sure that what we are doing in this Chamber, and what we are doing in the isolation of the legislative process—although we get input, we never really see the actual events—will have a positive impact. We will know that if it isn't having a positive impact, there will be a consequence. The consequence is that that part of the bill, which has created the

negative impact—throwing people out of their insurance—will be held up or stopped or sunsetted until we can correct it.

So the Senator's concept in this amendment makes a huge amount of common sense. It is truly a commonsense idea. I guess it comes from the ''show me'' State. Nobody has used that term today on this amendment. I do not think they have described it that way. This is a classic ''show me'' amendment. This says: Show me how the bill works. If the bill does not work, OK, we are going to change it to the idea of having this trigger, which establishes whether or not the bill is positive or whether the bill is negative. If the bill is negative—''negative'' meaning over a million people losing their insurance as a result of the effects of this bill—then we sunset the liability language.

I do think it is important to stress that this amendment does not sunset the whole bill. It just focuses on the liability sections within the bill, which sections I have severe reservations about and have referred to extensively in this Chamber, which I think are going to have unintended consequences which will be extraordinarily negative on employees in this country where a lot of people are going to lose their insurance.

This amendment just goes to that section of the bill. It doesn't go to the positive sections of the bill that there is general agreement on. It does not even go to those sections of the bill where there isn't general agreement on, such as the scope issues of States' rights or the contract sanctity issue, for that matter.

But it does go to this question of, if you have people losing their insurance because their employers are forced to drop that insurance because it has become so expensive as a result of the liability provisions of this bill, then, in that case, where that happens to a million people—a million people, by the way, is essentially the population of the State of New Hampshire. It is not the population of Missouri, but essentially we have 1,250,000 people in New Hampshire, so we are talking about not an inconsequential number of people; it is pretty much the whole State in New Hampshire. So it is a reasonable threshold.

If a million people lose their insurance because employers cannot afford it, because the liability costs have driven them out of the ability to ensure their employees, then we should stop that; we should end that liability language and take another look at it as a Congress and correct it.

So I congratulate the Senator from Missouri for offering this classic ''show me'' amendment. It is very appropriate that is has been offered by the Senator from Missouri, from the ''show me'' State. It makes incredible common sense. I also would say it is a ''Yankee commonsense'' amendment. So we shall claim it for New England also. I join enthusiastically in supporting this amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SANTORUM. Mr. President, I rise in support of the Bond amendment. I commend the Senator for standing up and trying to mold patient protection legislation to comply with a fundamental principle that he has repeated many times today: The first order of business in medicine is to do no harm. And building on this principle, as I continue to iterate so many times when I come to this Chamber to speak, we cannot afford to ignore what I believe to be the No. 1 problem in health care today: the fact that we have anywhere between 42 and 44 million people who do not have health insurance.

I will state again for the record—and I am happy for anyone to come forward and tell me differently—there is not one thing in this bill that increases the number of insured people in America, not one thing. This is a pretty good-sized bill. It has 179 pages to it. Not one page, not one paragraph, not one sentence, not one word will cover one additional person in America.

For many of the people who are the greatest critics of the health care delivery system in this country, the paramount feature of which they are most critical is the number of uninsured in our society. If there is a criticism levied by people around the world against America's health care system, it does not have to do with quality of care. I think everyone will agree that America pretty much sets the gold standard in terms of the quality of care delivered to patients. I think most people say, yes, the best health care in the world is available here in the United States. But the critics around the world will say, it may be the best system but you have 42 to 44 million people in this country who are not insured.

Do you think the first health care bill we are considering here in the Senate should consider what most people see as the greatest problem with America's health care system? Most people in this country would say, yes, that is what we should be considering. But this bill doesn't do that. Interestingly enough, what does this bill do? It provides patient protection. That is great. I am for that. There are a group of people in this country, people who have health insurance plans that are regulated solely by the Federal Government, who have very few patient protections afforded to them because they are not covered under State patient protection laws. So we should pass a Federal Patients' Bill of Rights to cover those people. I am all for that, and we should have adequate protection.

But what this bill does, what the Senator from Missouri is trying to really focus on, is it does a whole lot of other things that will cause at least one million more Americans to become uninsured. Now, I am pleased that the President of the United States has vowed to veto this legislation should it come to his desk in its present form for signature. But if for some reason it is enacted into law, maybe over the President's objections, this will result in millions more being uninsured.

You can put all the benefits aside. Let's assume this is the greatest patient protection bill in the history of the world, that as a result of this bill, patients will be supremely protected, a notion, of course, with which I take issue. I don't believe that will occur. But let's assume it does. The result of this bill will be millions more uninsured. In particular, if the liability provisions of this bill are enacted, which allow employers to be sued—and that is really the issue that is at heart of the Bond amendment, if it allows employers to be sued, to practically an unlimited extent—you won't have a million or 2 million people who won't have insurance as a result of this bill. You will have tens of millions of people who will lose their insurance. Why? Do I say I am against employer liability because I love employers? No. Employers are nice people. Employees are nice people. They are all nice people. The question is, What is the effect of holding employers liable? The effect of holding employers liable is employers who voluntarily provide health insurance as a benefit, will simply stop providing that benefit because it will jeopardize their entire business. If they can be sued for a decision that is made with respect to a benefit they voluntarily provide one of their employees, the provision of which is not the core function of their business, they are simply going to stop providing that benefit.

That is what the Senator from Missouri is trying to get at. If we cause, as a result of the employer liability provisions, and some of the general liability provisions, and some of the contract provisions, which basically allow outside entities to rewrite contracts in litigation and in appeals, if we open up this Pandora's box of problems for employers to continue to provide insurance to their employees, employers will do what employers must do: first, protect the survival of their business. And this will be a direct threat to the survival of their business.

What is now a pleasant benefit that you can provide to your employees and something that you can help to attract employees with by providing good health care insurance will become a serious liability risk that a business simply cannot afford to take.

The Senator from Missouri is saying, very simply: We have a great patient protection bill here, but we have the

very real potential of having a tremendous downside, in really hurting people.

I am very sympathetic about all the cases being brought forward, about the need for patient protection. I think you will find fairly universal agreement on this side that we want to provide those protections. But the first protection should be to preserve the possession of insurance in the first place. If we deny them that protection, all these other protections don't matter, really, if they lose their insurance. This could be a great bill, but if you don't have insurance, then this bill doesn't help you. In fact, it can hurt you because it can cause the loss of your insurance.

What the Senator from Missouri is saying is: Let's go through, and we will work on some more amendments. We will try to get this thing honed down until we have a good patient protection bill. If we can't fix the liability provisions, which I don't know whether we will be able to or not, at least let's say that if the liability provisions are what we believe they are, in other words, problematic to the point of causing devastation to millions or at least a million people in losing their insurance, then we should have a trigger.

You are seeing all of these kinds of comments by folks who are supportive of this bill and supportive of the liability provisions in the bill saying: Hey, this isn't going to hurt anybody. We are not going to cause any problems with this. No, no, no, employers aren't going to drop their coverage. Health care costs are not going to go up. Millions more won't be uninsured.

They will make that statement and have made that statement over and over again. Fine. They may be right.

What happens if they are wrong? What happens? What happens if past experience is any guide, if we are right and millions do become uninsured? Should we have to wait for an act of Congress for this body generally to realize that we made a mistake and have to come back through this whole legislative process to repeal the problem here? Should we have to wait for that? Or should we just simply have a trigger that says, look, if we made a mistake, if we made a mistake, if we were wrong, then we are going to immediately cancel that portion of the bill that is causing the problem upon recognition that we have a problem of a million uninsured.

As the Senator from New Hampshire said, a million people is a lot of folks, a lot of children, a lot of families. It is a lot of people who are going to go without health care. If what we really care about is providing good, quality health care, the first thing we should care about is to get them an insurance policy in the first place.

One of the things that strikes me most about this bill is blithe references as to how we are going to go out and get the HMOs. These HMOs are a bunch of bean counters who don't care about people. There is all these horrible cases about HMOs.

My understanding is that the liability provision that allows you to sue your employer, that allows you to sue your insurance company, does not just apply to HMOs. It applies to PPOs. It applies to all insurance contracts. Obviously, if it is a fee-for-service contract and there is no limitation on what provider you want to go to, that is one thing. But in most insurance plans today that are not HMOs, there is some limitation of some sort, certainly some limitation on procedures that are covered. But that is not what is talked about here, folks. What we talk about, when they talk about this liability provision, they are talking about these nasty HMOs.

What they don't tell you is that it ain't just the nasty HMOs that can be sued under this bill, it is any insurance company who provides any insurance product and any employer that provides any insurance product.

Oh, that is a different story, isn't it? You don't hear them up there railing against those nasty fee-for-service plans or those nasty PPO plans because they don't poll as well as going after those nasty HMOs. But this isn't just about nasty HMOs, this is about all insurance products. There is no way out of this liability provision unless, of course, you just want to say to your employees: We will cover everything. Doesn't matter what you want, where you want to go, we will just pay for everything you want. Of course, we all know what an exorbitant cost of that would entail, and so this is neither practical or realistic.

The point is, this bill has serious consequences for millions of people who are on the edge, whose employers are sitting there right now saying: Well, I have a 13 to 20 percent increase in my premiums this year. The economy is flattening out a little bit. I am looking forward. I will tighten my belt a little bit more, and we will continue to provide health insurance to our employees. Then this bill comes along, which will increase costs more and potentially expose them to liability for doing what is right by their employees and providing insurance to them.

I haven't talked to an employer yet, I have not talked to an employer yet who told me that if this bill passes and they are liable for lawsuits simply because they are providing a health benefit to their employees, I haven't talked to one employer who has told me that they will keep their insurance.

They can't. How can they? In good conscience to their shareholders or the owners of the company, how can they keep providing a benefit that simply opens up a Pandora's box of liability, 200 causes of action, in State court, Federal court, unlimited damages, unlimited punitive damages, and allow clever lawyers to forum shop all over the country so as to find that good court down in Mississippi in a small county there that is used to handing out $40 million or $50 million jury awards.

I ask you, whether you are an employer or employee, put yourself in the shoes of a small businessperson who has 20 employees, barely making ends meet, running a small business—maybe a family business—their employees are like members of the family. You have lots of businesses like that across America. They want to do well by their employees because they are like family. So they provide good benefits, good pay, and even before family and medical leave, they gave time off when their employees were sick or they needed to take care of their children who were sick at school.

Now comes this bill that says if one person has a problem with the health care system and the insurance policy that employer offered didn't give them everything they wanted, and some savvy lawyer decides he or she can get you everything you want and more, and all of a sudden that family business that employs 20 or so people in the community all of a sudden that business is on the hook. And maybe they may even prevail against a lawsuit, but how many tens of thousands of dollars is it going to take, or hundreds of thousands, simply to defend the lawsuit? We are talking about big awards. I can tell you that a lot of companies are just going to be worried about fighting the lawsuit in the first place, about being dragged into court to prove positive against the liability ambiguities in this legislation?

I am just telling you that what the Senator from Missouri has put forth is a reasonable amendment. We will have amendments on the floor dealing with employer liability. We must do something about it. I believe if we allow this employer liability provision to stand, we will destroy the private health care system in this country—the employer-provided health care system. It will go away.

I know there are some Members on the floor right now who are against the private health care system, who want a Government-run, single-payer health care system. Fine.

Mr. GREGG. If the Senator will yield, I advise Members that it is very possible we will have a vote around 6 o'clock. So Senators should be aware of that.

Mr. SANTORUM. As I was saying, I know there are many people in this Chamber who believe a single-payer health care system is the best way, the most efficient way, the most compassionate way—to use these wonderful, glorious terms—to provide health insurance in this country. Obviously, I disagree, but it is a legitimate point of view. I think we should have that debate.

We had that debate in 1994 with the Clinton health care proposal, and we had a good debate on the floor of the Senate about the kind of health care delivery system we should have. But it was a deliberate debate about how we can change the health care system by a direct act of the Congress. The problem

with this legislation is that we are going to severely undermine one health care system, which is a health care system that is principally funded through employer contributions, and we are not going to replace it with anything.

You see, as many of my colleagues well know, if employers stop providing health insurance, then people are going to have to go out with their aftertax dollars and buy health care, and the costs will be prohibitive. If you don't believe me, I would ask any of my colleagues to drop their federal health insurance plan today, and to endeavor to purchase health insurance with aftertax dollars. It is very difficult.

One of the things I hope to accomplish—and maybe we can work on this in this bill—is to create refundable tax credits for those who do not have access to employer-provided health insurance, so they can get help from the Government equivalent to the subsidy that the government offers for employer-provided health insurance. We give a deduction for the business. In other words, if I am an employer and I provide health insurance to my employees, I get to deduct the cost of that off of my earnings, my income. We also subsidize it on the other end. If you are an employee and you have employer-provided health insurance, you don't have to pay taxes on the money that your employer uses to purchase that insurance. In other words, let's say it is a $5,000 family policy. That is a benefit to you. That is compensation to you. It is $5,000 of insurance costs that your employer pays for you, but you don't have to pay taxes on it. It is tax-free compensation to you. So, in that sense, we subsidize you by not taxing you on that benefit. So the employer gets subsidized and the employee gets subsidized.

But if you are an individual who does not have access to employer-provided health insurance, you have to take the money that is left after you pay all your taxes—after you pay Social Security taxes, income taxes, State taxes, local taxes, and Medicare taxes—and then you can take your money and try to buy health insurance.

That is a pretty rotten system. If we are going to do anything about the problem with the millions of uninsured in this country, we are going to have to start treating people who don't have access to employer-provided insurance the at least as well as we do with those who do have it. None of that is in this bill, there is no tax equity.

I will say it again. There isn't one paragraph in this bill that will increase the number of insured in this country. There are, unfortunately, pages and pages and pages and pages in this bill that will result in more and more and more people losing their insurance. But we can mitigate that—or at least a big part of it—if we adopt the Bond amendment.

The Bond amendment says if we have a problem, let's not wait for an act of Congress to admit our mistake. I know those who are listening might find this hard to believe, but sometimes Congress is a little slow in admitting we made a mistake. Sometimes we don't own up to the fact that it was our fault. I know some within the sound of my voice will find that to be almost an incredible proposition on my part—that somehow Congress doesn't immediately come in and say, yes, we understand we made a mistake; we are sorry America, we blew it. Everything I said the year or two before about how this wasn't going to cause a problem, you are right; it did. My mistake; we are going to repeal this.

I just ask my colleagues, when was the last time that happened? I know some in this room will remember the last time it happened. My recollection is that it happened back in 1988, when it came to Medicare catastrophic coverage. Congress tried to pass catastrophic prescription drug coverage for seniors, and quickly found out that seniors really didn't like what Congress did. Seniors rose up and screamed and hollered, and within a year or so—I wasn't there at the time, but I recall Congress repealed it. That was about 12 years ago. I can't think of any instance since and, frankly, I can't think of anything before that.

So let's just assume—I think it is a pretty safe assumption—that the people who are saying that this liability provision will not cause a problem are wrong. They will be in very good company if they go on to insist that they aren't wrong in the future—that even though we may have evidence of millions more uninsured as a result of this provision, somehow or another they will avoid blame and will point to something else that caused this problem, not the liability provisions. So it will be some sort of contest here as to whether we even take up this issue again.

The Bond amendment avoids all that. It says, look, if the GAO says this provision, the liability provision, has caused a problem of causing more than million additional uninsured, then that part of the bill sunsets, the rest of the bill stays in place. Patient protections stay in place.

Patient protections stay in place. It affects just the liability provisions. The internal-external reviews stay in place so there is patient protection. What does not stay in place are the provisions that are causing massive damage to millions of American families.

I am hopeful, No. 1, we can fix these liability provisions because we should not pass a bill that is going to cause this kind of severe dislocation, this kind of trouble for millions of American families. We should not consciously do harm to people, particularly when we understand it is the No. 1 problem facing our health care system today, which is the lack of insurance for 42 to 44 million people.

We should not do this. We should not pass flawed liability provisions. I know the Senator from New Hampshire and Senators on both sides of the aisle are trying to see if we can get a good provision. But should we not get a good liability provision, the Bond amendment is a very prudent stopgap measure so as to ensure that we do not go down the road of making what is the worst problem facing health care today even worse.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from Pennsylvania for making a very compelling argument. I very much appreciate his support because we are talking about something that should be of concern to every American who wants to be sure that they and their families are covered by health insurance. If you price it out of range and lose your health care, it does not matter how many independent reviews might be provided in the law. If you do not have a plan, they do not do you any good.

The basis for our trigger, our safety valve, is, let's just see if this bill has a cost. We say that the Institute of Medicine within the National Academy of Sciences can figure it out. It has been indicated they can rely on work that has already been done by the General Accounting Office, CBO, and other congressional bodies. But for constitutional purposes, the ultimate responsibility of this study has to be in the executive branch, and that is why it is in the Institute of Medicine. We know from our work with the GAO and CBO the kind of format, the kind of approach that can be taken. We move that function into an executive branch area.

We say if this bill throws more than 1 million people out of their workplace health care coverage or their own health care coverage, then we sunset the most expensive part, the liability part.

I said earlier that the general rule of thumb is that 300,000 people will lose their health care coverage if health care costs go up 1 percent. I ought to be a little more specific and explain something. As I understand it, when the costs of this bill are calculated, it is impossible to determine how many dollars will be added to the health care costs from the liability provisions themselves. Basically, the additional responsibilities that go into the bill—setting aside the liability questions—the Congressional Budget Office estimated a previous and substantially equivalent form of this bill would raise private health insurance premiums an average of 4.2 percent. That comes from the mandates in coverage, external review, and all those other things.

This 4.2 percent would mean that over 1 million people will be thrown out of work. But that does not deal with the number of people who would lose their health care coverage because of the exposure to liability or because of the costs of liability judgments.

We probably will not have liability judgments in the first couple of years. It will take some time for cases to work their way through the court system. But you can bet if a couple of juries come in with the billion-dollar judgments that some juries are coming in with now, those costs are going to have to be factored into the health care premiums for everybody, whether it is an employer, whether it is the employee-paid provision of it, and there are going to be a lot of people who are not going to be patients because they are going to lose their health care coverage.

Then there are those, such as the small businesses I have referenced from Missouri, who say: I cannot take the chance; I cannot put my business at risk of one of these multimillion-dollar judgments, a tort action or contract action—tort action most likely—brought against me as an employer because I provide health care insurance or health care coverage or a health care plan; I am going to drop the plan.

We know what happens when they drop the plan. Most of the time the employee cannot pick up health insurance for her or his family and self. They are going to be out of business. They are going to be out of the health coverage that their employers provided. That is over and above the directly calculated costs CBO comes up with to say that a similar bill would increase health care costs by 4.2 percent.

The cost of this bill is 4.2 percent plus whatever the impact of the liability exposure would be, and we think that is much more significant even than the costs of the mandates in the bill. That is why we say if 1 million people are thrown out of health care coverage as a result of this bill—the National Academy of Sciences Institute of Medicine will make that report to the Secretary of Health and Human Services—then the liability provisions sunset in 12 months and Congress gets to review this measure and say: How can we make it work better?

That is a reasonable approach. It does not require us to make judgments, but it does say if 1 million people are thrown out, we need to revisit our work.

Mr. President, I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. REID. Madam President, what is pending before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from Missouri, Mr. BOND.

AMENDMENT NO. 812

Mr. REID. I ask unanimous consent that amendment be set aside and we turn to McCain amendment No. 812.

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

If there is no further debate on McCain amendment No. 812, the question is on agreeing to the amendment.

The amendment (No. 812) was agreed to.

Mr. REID. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I ask unanimous consent that at 6:05 p.m. this evening the Senate vote in relation to the Bond amendment numbered 816, with no second-degree amendments in order prior to the vote; further, that following the vote, Senator Nelson of Nebraska be recognized to offer a Nelson-Kyl amendment regarding contract sanctity and there be 1 hour for debate this evening, with the time divided in the usual form; further, following the use or yielding back of time on the Nelson-Kyl amendment this evening, the amendment be laid aside and Senator ALLARD be recognized to offer an amendment regarding small employers, with 1 hour for debate this evening, equally divided in the usual form; further, that when the Senate resumes consideration of the bill at 9:30 a.m. on Wednesday, there be 60 minutes of debate in relation to the Allard amendment prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote; further, following the vote in relation to the Allard amendment, there be 60 minutes for debate in relation to the Nelson of Nebraska-Kyl amendment, followed by a vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

Mr. GREGG. Reserving the right to object, it is my understanding there will be no additional amendments this evening other than these two.

Mr. REID. I also say to my friend if any Member feels the necessity this evening to debate more, we have no objection.

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

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

VOTE ON AMENDMENT NO. 816

Mr. GREGG. I ask for the yeas and nays on the Bond amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 816. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—93

Akaka	Durbin	Lott
Allard	Edwards	Lugar
Allen	Ensign	McCain
Baucus	Enzi	McConnell
Bayh	Feingold	Mikulski
Bennett	Feinstein	Miller
Bingaman	Fitzgerald	Murkowski
Bond	Frist	Murray
Breaux	Graham	Nelson (FL)
Brownback	Gramm	Nelson (NE)
Bunning	Grassley	Nickles
Burns	Gregg	Reed
Byrd	Hagel	Reid
Campbell	Harkin	Roberts
Cantwell	Hatch	Rockefeller
Carnahan	Helms	Santorum
Carper	Hutchinson	Sarbanes
Chafee	Hutchison	Sessions
Cleland	Inhofe	Shelby
Clinton	Inouye	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Craig	Kerry	Stabenow
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
Dayton	Landrieu	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lieberman	Warner
Dorgan	Lincoln	Wyden

NAYS—6

Biden	Corzine	Voinovich
Boxer	Hollings	Wellstone

NOT VOTING—1

Schumer

The amendment (No. 816) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I voted against the Bond amendment. If this legislation is enacted, as I hope it will be, I believe we should review it periodically and make changes to ensure that it is working to protect Americans against the outrageous practices of some HMOs. An annual review, as required by the amendment, would be a good thing. It would give us insight into what is working and what may not be.

However, this amendment goes beyond an annual review. If the number of uninsured individuals increases by more than 1 million, the Bond amendment gives the Secretary of Health and Human Services the authority to take away a person's right to sue an HMO.

One unelected individual should not have the unilateral power to take away every American's right to hold an HMO accountable for its bad decisions. I am very supportive of efforts to increase the number of people with insurance. I think we need to address that issue. But this amendment does not do that. The problem of the uninsured will not be solved by allowing a single unelected government official to let HMOs off the hook for their actions.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska will be recognized.

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

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

AMENDMENT NO. 818

Mr. KYL. Madam President, I have an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. KYL), for himself, Mr. NELSON of Nebraska, and Mr. NICKLES, proposes an amendment numbered 818.

Mr. KYL. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify that independent medical reviewers may not require coverage for excluded benefits and to clarify provisions relating to the independent determinations of the reviewer)

Beginning on page 35, strike line 20 and all that follows through line 8 on page 36, and insert the following:

(C) NO COVERAGE FOR EXCLUDED BENEFITS.—Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, provide coverage for items or services that are specifically excluded or expressly limited under the plan or coverage and that are disclosed under subparagraphs (C) and (D) of section 121(b)(1) and that are not covered regardless of any determination relating to medical necessity and appropriateness, experimental or investigational nature of the treatment, or an evaluation of the medical facts in the case involved.

On page 37, line 16, strike ''and''.

On page 37, line 25, strike the period and insert ''; and''.

On page 37, after line 25, add the following:

''(iii) notwithstanding clause (ii), adhere to the definition used by the plan or issuer of 'medically necessary and appropriate', or 'experimental or investigational' if such definition is the same as either—

''(I) in the case of a plan or coverage that is offered in a State that requires the plan or coverage to use a definition of such term for purposes of health insurance coverage offered to participants, beneficiaries and enrollees in such State, the definition of such term that is required by that State;

''(II) a definition that determines whether the provision of services, drugs, supplies, or equipment—

''(aa) is appropriate to prevent, diagnose, or treat the condition, illness, or injury;

''(bb) is consistent with standards of good medical practice in the United States;

''(cc) is not primarily for the personal comfort or convenience of the patient, the family, or the provider;

''(dd) is not part of or associated with scholastic education or the vocational training of the patient; and

''(ee) in the case of inpatient care, cannot be provided safely on an outpatient basis;

except that this subclause shall not apply beginning on the date that is 1 year after the date on which a definition is promulgated based on a report that is published under subsection (i)(6)(B); or

''(III) the definition of such term that is developed through a negotiated rulemaking process pursuant to subsection (i).

On page 66, between lines 10 and 11, insert the following:

''(i) ESTABLISHMENT OF NEGOTIATED RULEMAKING SAFE HARBOR.—

''(1) IN GENERAL.—The Secretary shall establish, on an expedited basis and using a negotiated rulemaking process under subchapter III of chapter 5 of title 5, United States Code, standards described in subsection (d)(3)(E)(iii)(IV) (relating to the definition of 'medically necessary and appropriate' or 'experimental or investigational') that group health plans and health insurance issuers offering health insurance coverage in connection with group health plans may use when making a determination with respect to a claim for benefits.

''(2) PUBLICATION OF NOTICE.—In carrying out the rulemaking process under paragraph (1), the Secretary shall, not later than November 30, 2002, publish a notice of the establishment of a negotiated rulemaking committee, as provided for under section 564(a) of title 5, United States Code, to develop the standards described in paragraph (1). Such notice shall include a solicitation for public comment on the committee and description of—

''(A) the scope of the committee;

''(B) the interests that may be impacted by the standards;

''(C) the proposed membership of the committee;

''(D) the proposed meeting schedule of the committee; and

''(E) the procedure under which an individual may apply for membership on the committee.

''(3) TARGET DATE FOR PUBLICATION OF RULE.—As part of the notice described in paragraph (2), and for purposes of this subsection, the term 'target date for publication' (as referred to in section 564(a)(5) of title 5, United States Code, means May 15, 2003.

''(4) ABBREVIATED PERIOD FOR SUBMISSION OF COMMENTS.—Notwithstanding section 564(c) of title 5, United States Code, the Secretary shall provide for a period, beginning on the date on which the notice is published under paragraph (2) and ending on December 14, 2002, for the submission of public comments on the committee under this subsection.

''(5) APPOINTMENT OF NEGOTIATED RULEMAKING COMMITTEE AND FACILITATOR.—The Secretary shall carry out the following:

''(A) APPOINTMENT OF COMMITTEE.—Not later than January 10, 2003, appoint the members of the negotiated rulemaking committee under this subsection.

''(B) FACILITATOR.—Not later than January 21, 2002, provide for the nomination of a facilitator under section 566(c) of title 5, United States Code, to carry out the activities described in subsection (d) of such section.

''(C) MEMBERSHIP.—Ensure that the membership of the negotiated rulemaking committee includes at least one individual representing—

''(i) health care consumers;

''(ii) small employers;

''(iii) large employers;

''(iv) physicians;

''(v) hospitals;

''(vi) other health care providers;

''(vii) health insurance issuers;

''(viii) State insurance regulators;

''(ix) health maintenance organizations;

''(x) third-party administrators;

''(xi) the medicare program under title XVIII of the Social Security Act;

''(xii) the medicaid program under title XIX of the Social Security Act;

''(xiii) the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

''(xiv) the Department of Defense;

''(xv) the Department of Veterans' Affairs; and

''(xvi) the Agency for Healthcare Research and Quality.

''(6) FINAL COMMITTEE REPORT.—

''(A) IN GENERAL.—Not later than 1 year after the general effective date referred to in section 401, the committee shall submit to the Secretary a report containing a proposed rule.

''(B) PUBLICATION OF RULE.—If the Secretary receives a report under subparagraph (A), the Secretary shall provide for the publication in the Federal Register, by not later than the date that is 30 days after the date on which such report is received, of the proposed rule.

''(7) FAILURE TO REPORT.—If the committee fails to submit a report as provided for in paragraph (6)(A), the Secretary may promulgate a rule to establish the standards described in subsection (d)(3)(E)(iii)(IV) (relating to the definition of 'medically necessary and appropriate' or 'experimental or investigational') that group health plans and health insurance issuers offering health insurance coverage in connection with group health plans may use when making a determination with respect to a claim for benefits.

Mr. KYL. Madam President, this amendment is offered on behalf of myself and Senator NELSON. It is an amendment that deals with the definition of ''medical necessity'' under the bill and is intended to provide a safe harbor for those who comply with certain requirements. I should also say this amendment is also offered on behalf of Senator NICKLES. I apologize to my colleague from Oklahoma.

First, let me offer some general views on S. 1052, the Kennedy-McCain Patient Protection Act, and then I will discuss this amendment.

As you know, President Bush has reiterated his intention to veto this legislation because, in his view, it ''would encourage costly and unnecessary litigation that would seriously jeopardize the ability of many Americans to afford health care coverage.'' None of us wants that result. As a result, we are trying to do our best to work with the sponsors of the bill to make some changes that would make it palatable to both the President and to most of us in this Chamber.

My concerns include the fact that it will undoubtedly raise premium costs due to new lawsuits and increased regulation, that it will undermine the States' traditional role of regulating the health insurance industry and make employers who voluntarily provide health care coverage to their employees vulnerable to frivolous lawsuits, and that it will violate the terms of the contract between the employer and the health plan. This latter issue is

the one the Nelson-Kyl-Nickles amendment is intended to address.

Under S. 1052, the external reviewer is ''not bound by'' the ''medical necessity'' definition contained in the plan document. And there is no substitute definition provided, so there is really no standard for review.

Let me put in context what this means. What we have provided for here is a method by which people will actually get the care they believe they have contracted for and deserve. The object is not to create a lawsuit to try to pay the money after the fact for some injury they suffered but, rather, to get the care for them upfront. That is what this should all be about.

So we have a review process by which first somebody within the company, and then an external reviewer, takes a look at the case and says: All right, this is what the contract means. This is what medical care would require under this circumstance as called for under the contract, and therefore the patient is entitled, or is not entitled, to this particular procedure.

That review process is supposed to occur quickly so that the patient receives the care he or she has contracted for and deserves under the circumstances.

In order for an external reviewer to know whether or not a particular procedure or treatment is called for, there has to be some standard by which to judge that. The Presiding Officer and the other lawyers in this body will know that anytime you ask some reviewer to determine whether or not something has to be done, you need to provide some standard upon which that reviewer can base a decision.

The bill right now contains no standard, and it needs such a standard. Our amendment supplies that standard. We believe it supplies a very fair and reasonable standard. The language in S. 1052 gives the external reviewer a free hand to disregard the definition of ''medical necessity'' contained in the contract and, as I say, supplies no substitute definition.

As in all of the bills, this external review requirement is the last process prior to going to court. But, as I said, the external reviewer is ''not bound by'' the contract's key definition of ''medical necessity'' or ''experimental and investigational.'' As a result, the external reviewers can simply make up their own definition of ''medical necessity.''

Private contracts negotiated between the parties—insurers and employees, or insurers and individual consumers—would become virtually meaningless in this circumstance, and the financial obligations of the health plan could become totally unpredictable.

The plan or insurer could become obligated to pay for items or services based on definitions outside the contract, even potentially including contractually excluded items that were deemed to be medically necessary by the reviewer. The ''not bound by'' provision, therefore, would have the effect of eliminating the ability of the parties to negotiate the key terms and conditions of health insurance contract agreements.

Madam President, in addition to vitiating legal contracts, the ''not bound by'' language would have the following negative effects.

First, inconsistent standards: The standards used by reviewers would vary with each review panel and with each case within the same plan. We are trying to create some degree of uniformity with this legislation, but under the bill you could have the potential for a wide variety of very arbitrary decisions because of the lack of a standard.

Second, quality of care: The mere threat of contract nullification could prompt some plans to pay for all claims regardless of the cost and the impact on the quality of patient care.

Solvency and stability: The use of unpredictable outside definitions of medical necessity will impose costs for unanticipated treatments not reflected in actuarial data used to determine the amount of the health care premium.

And finally, cost increases: Solvency concerns would result in increased cost for employers and increased premiums for employees.

The net result of that, of course, will be to remove more people from the rolls of the insured.

Under S. 1052 as written, these contracts, negotiated between the parties and often approved by State insurance regulators, will be voidable, not by a judge or a court of law but by an unrelated nonjudicial third-party reviewer. This will undermine the principles of the contract as well as due process.

So, as I said, to address this problem we have sponsored an amendment that would allow the plan to adopt a widely accepted safe harbor definition of medical necessity as its contract definition. If a plan utilized this safe harbor definition, then the external reviewer would be bound by it when hearing a patient's appeal of denial of coverage.

Safe harbor definitions contained in the amendment are basically at three different levels. First, we take the definition from the Federal Employee Health Benefits Plan that currently covers about 73 percent, as best we can calculate it, of the employees under the Federal Employee Health Benefits Plan. Over 6 million Federal employees and Members of Congress are covered by this definition.

It is important to recognize—I think some of our friends on the other side misunderstood and thought we were offering an amendment that had been offered a couple years ago; I want to make it very clear—this definition is not the FEHBP or Office of Personnel Management definition for managed care plans, for HMO plans.

This definition is the definition for the fee-for-service plans. As a result, it is a more strict definition. The insurance companies are going to have to provide a higher quality of care under this definition than they would under the HMOs that provide some coverage to roughly one-fourth of the people served under the FEHBP program.

So, first of all, we have this definition. I will actually read it in just a moment.

Secondly, there are going to be some States that already have a binding State statutory definition. There are 13 of them. Of course, a legally binding State definition of medical necessity would apply to claims filed in those States. That would constitute a safe harbor for the companies that use that definition. Obviously, it would be only prospective, not an after-the-claim adoption of the definition. So obviously that would have to apply.

Third, if there is a question about whether this first FEHBP definition works or that people like it, we have established a negotiated rulemaking process under the bill which would involve all of the stakeholders involved—the plans, the employers, providers, and consumers—and they could arrive at a definition that is different if they felt that it could be improved.

If the rulemaking failed to arrive at a definition, then, again, you either have a State definition or the FEHBP definition we provide. But if the rulemaking did achieve a definition that all agreed to, that then would supplant the FEHBP definition we have.

I will ask staff to give me the actual language now since I gave the copy of my legislation to the clerk. I would like to read the elements of this definition now. This is the definition, as I say, that already applies to, we know, about 49 percent of the employees, and we think it applies to another 23 or 24 percent as well.

First of all, the determination provides whether services, drugs, supplies, or equipment provided by a hospital or other covered provider are, No. 1, appropriate to prevent, diagnose, or treat your condition, illness, or injury—obviously, very straightforward and, No. 2, probably the most important point, consistent with standards of good medical practice in the United States. That is the key. If the employee argues that something is being denied in the way of treatment or care and good standards of good medical practice in the United States would call for that treatment, then that treatment will have to be provided under this definition. So standards of good medical practice is the same standard essentially that would be used in a court case. It is the same standard that is used for most of the Federal employees. It is obviously a good standard to use.

There are three other aspects of it. I will read each of the three. They deal with very specific situations: Not primarily for the personal comfort or convenience of the patient, the family, or the provider; No. 4, not part of or associated with scholastic education or vocational training of the patient; and No. 5, in the case of inpatient care,

cannot be provided safely on an outpatient basis. That would enable the treatment to be provided on an outpatient basis if it could be done.

It is a very straightforward definition. It is one that has been used literally hundreds of times. It covers a significant portion of the 6 million people covered, and we think it is a good definition to be included in this legislation.

We think it represents a reasonable compromise on the one hand between requiring an external reviewer to be bound by a too narrow definition in a ''rogue'' plan contract and, on the other hand, affording a majority of the plans that operate in good faith the opportunity to adopt a widely accepted safe harbor definition of medical necessity to which the external reviewer would be bound.

Madam President, we think this is a good compromise. It is clearly important for us to include some kind of definition in the legislation. We had hoped that the sponsors of the legislation would be willing to work with us to include this definition. So far they have declined to do so. But I am hopeful that we can continue to talk with them, and perhaps we can reach some understanding that would enable us to substitute this definition for the lack of a definition in the legislation right now.

At this point, I yield time to the cosponsor of the amendment, BEN NELSON, the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I rise today to offer, along with my colleague and friend from Arizona, Senator JON KYL, an amendment to protect the sanctity of health insurance contracts, to provide certainty and clarity so that both the issuer and the insured can know what coverage they have.

This amendment will preserve a patient's right to receive the health benefits that they paid for while keeping insurance premiums affordable. In more colloquial terms, this amendment is what is needed to see that the people who pay for health care coverage get it. It may sound extraneous, and this is anything but exciting language, but I know from my experience as a State insurance commissioner in Nebraska two decades ago that this amendment is essential for the preservation of what I believe is an extraordinarily fundamental patient right.

Before I elaborate further on this point, let me state that I think a Patients' Bill of Rights is not only a good idea; it is an excellent idea. I believe Congress should be acting in the best interests of all Americans to enact such legislation.

We need a Patients' Bill of Rights to ensure that doctors make medical decisions. We need a Patients' Bill of Rights to protect patients and federally regulated health care plans that are currently unprotected and have been unprotected for more than two decades. We need a Patients' Bill of Rights to guarantee patients' access to independent and external medical review and, only as a last resort, to guarantee them access to the courts.

There is no shortage of reasons why this legislation merits passage.

But before my support for a Patients' Bill of Rights is misconstrued as an ''anything goes'' approval, I want to be clear that while I believe the Senate should approve a Patients' Bill of Rights, I think that some improvements are justifiable. And right now, we have the opportunity to make those much-needed improvements which will ultimately increase the effectiveness of the Patients' Bill of Rights.

I believe the bill needs to carefully consider matters such as the issue addressed by this amendment pertaining to the sanctity of health insurance contracts. And I hope that the sponsors of the legislation will look very favorably on this matter and that we will be able to work out an arrangement or agreement to get it included as part of the bill.

First, this amendment would ensure that patients receive the care that they are entitled to under the plans to which they subscribe. External reviewers would be required to assess treatment options based on the contract that exists between the patient and the plan.

Patients would be entitled to the care outlined as a provided benefit within the contract that exists. External reviews would not be able to circumvent the contract to force employers to expand coverage for any particular patient unless the patient was entitled to the care as specified by the care contract.

This will help keep down the high cost of health care and, at the same time, will enable employers to continue to provide their employees with the best care possible.

More importantly, this amendment will provide three safe harbors for employers with respect to protecting them against unnecessary litigation over treatment. While patients will have the right to sue under this bill, this amendment will more clearly define the parameters by which treatments can be determined as ''medically necessary'' and thus will provide a safeguard of medically necessary standards for employers that administer their own health plans.

The McCain-Edwards-Kennedy bill contains something that I think would currently require external reviewers to abide by the standard for the determination of medical necessity included in the bill, but it doesn't bind the reviewers by the insurers' definitions for medical necessity. This is problematic as it relates to the existing contract between patient and provider and provides a great deal of unclarity and uncertainty.

So to remedy this situation, this amendment proposes to identify three separate and distinct sources of definitions that employers could choose to use in the contract by which reviewers will be bound. The three options that we create for the plans are:

One, a definition that plans are required to use by State law. This would protect the previously existing and any newly created State laws that require plans to use a definition put forward by the State.

Second, any definition used by a plan which is codified by the language in the fee-for-service agreement that is currently covering maybe 50 to 75 percent of the Federal employees under the FEHBP, or the Federal Employees Health Benefit Program, would be used by the plans covering those who would be covered under these ERISA plans. What that means is, if it was good enough for Members of Congress and Federal employees, this certainly ought to be good enough for everyone else.

Three, a definition that is to be developed through negotiated rulemaking. This option requires the Secretary of Labor to develop a rulemaking committee that will seek public comment to develop a definition of ''medical necessity.'' In other words, State laws will be recognized and respected. Secondly, there will be a definition that is now included as a fee-for-service definition in the current Federal Employees Health Benefit Program. And in the event that a rulemaking process is negotiated through the Department of Labor, the rulemaking committee will seek public comment to develop a definition of what is ''medical necessity.''

The negotiated rulemaking committee, the third item of this three-pronged approach, will consist of at least one individual representing each of the following groups: Health care consumers, small employers, large employers, physicians, hospitals, other health care providers, health insurance issuers, State insurance regulators, health maintenance organizations, third party administrators, the Medicare Program, the Medicaid Program, the Federal Employees Health Benefits Program, the Department of Defense, the Department of Veterans Affairs, and the Agency For Health Care Research and Quality. That is quite a list of individuals for public comment and public input.

This committee would have until 1 year after the general effective date of the bill's implementation to propose a rule to the Secretary. The Secretary, then, would be required to publish the rule within 30 days of the receipt.

Madam President, our goal is to ensure that all patients have access to all treatment options available under their plans. We need to provide this access without undermining the integrity of the contract between the patient and the provider. Without some standard for a definition on ''medical necessity,'' these objectives would be impossible to obtain. Both parties are entitled to certainty and predictability.

This will provide it. Without passage of this amendment, there will be both uncertainty and a lack of predictability and neither party will be benefited.

I ask my friends and colleagues to consider this amendment as one that will improve the McCain-Edwards-Kennedy HMO reform bill. I ask for their support.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I reluctantly have to rise in order to oppose the amendments of my good friends on the issue of medical necessity. I outlined earlier in the day the basic judgment and basic history of how we reached the language that we have included in our bill.

First, let us look at what will be the standard that is in both the McCain-Edwards bill, as well as in the Frist-Breaux bill. Effectively, both treat this particular issue of medical necessity the same. This is a result of the fact that this issue had been debated 2½ years ago when we considered the Patients' Bill of Rights here and in the House of Representatives. We tried to define the test on medical necessity during that period of time. What we resolved is to permit, at the time of the external review, the kind of test that we have included in our language here and in the Frist-Breaux language. This was actually the language which was agreed to in the conference last year, a conference that never resulted in an overall outcome of the legislation. Nonetheless, we had agreed on a handful of different areas of dispute. That was agreed to by my colleagues, Phil Gramm, Don Nickles, myself, and others, after a good deal of negotiation.

It seems wise to continue that particular proposal because basically this is what we are doing. At the time of the appeal of any of these medical necessity issues, we are permitting for the standard of determination in our bill, on page 35: ''The condition shall be based on the medical condition of the participant.'' That is obvious. No. 1, what is wrong with the patient? And then it talks about ''valid, relevant, scientific evidence and clinical evidence, including peer-reviewed medical literature and findings, including expert opinion.''

Basically, the reason for that is to allow for the possibility that we find out there are new kinds of discoveries, new kinds of techniques, new kinds of treatments for various health conditions. In order to not use a stagnant kind of proposal, we included that language. This language which was agreed to is supported by the American Medical Association and other medical groups.

So in the legislation that we have here in the McCain-Edwards proposal, which I support, and the Frist-Breaux proposal, which others including the President of the United States support, and in the agreement that was made by Republicans and Democrats alike, we agreed effectively to this language. This agreement occurred after considering all the different kinds of proposals. It raises questions of why we are today attempting to alter that particular proposal.

The argument is, first of all, that we can offer three different options. One would be that the administration can propose an administrative group, a commission that can make some recommendations about what that standard would be.

That may work out, but it may not work out very well if we have an administration that is not as sympathetic to the protection of patients' and doctors' decisions as we have tried to be in this undertaking. That is one way of doing it.

Second, the results of State actions can be the criteria. In some States the protections have been very good, and other States have left a lot to be desired.

I understand the basic thrust of this legislation is to establish minimum standards. If States want to have higher protections for consumers, they are welcome to do it. What we are trying to do is ensure that all Americans, all American families are protected.

In the area of scope, all Americans being protected—actually, every Republican proposal that was considered in the House of Representatives included all Americans—we were attempting to ensure that there was going to be a minimum standard. However, we can use another standard, such as the good Federal employee standard to which the Senator just referred.

It is interesting, though, that the Office of Personnel Management does not use the Federal employee standard on their reviews. What do they do? They do something very similar to what we have done. They permit the doctor to make the ultimate decision and not be bound by some definition. The reason for this is because they do not believe that that should to be the restrictive definition for all appeals.

In turn, there is a Federal employee program of which all of us are a part. In our program if there is going to be an appeal, this is a different standard. Basically, it is a standard that permits the doctors to make the judgments and decisions.

I find it difficult to be convinced at this hour. We waited a good deal of time. I know we were all pressed with the different proposals. I have had a chance to talk to my friend and colleague, Senator NELSON, on a number of different provisions. From personal experience, I can tell that this is a Senator who has spent a good deal of time on this legislation and has been willing to spend a great deal of time visiting with me and with others, and also talking extensively with the House Members who are interested in various provisions. I know a good deal of thought has gone into this matter.

My final point is the underlying commitment of this legislation to make sure that doctors are going to make the decisions. Trained medical personnel and families are going to make these judgments and decisions. It seems to me that when we have included in the legislation's language—in fact, insisted on—permitting the doctor to use the best medical information and judgment of this decision making and will permit them to also take advantage of the latest ideas, new conclusions, new consensus of the treatment of various medical conditions, this is the best way rather than a review being bound up in some process.

We do not know tonight, for example, whether the board is going to be overly sensitive to the consumers and patients. There is a wide variety of interpretations in many of the States.

This is unlike other parts of this legislation where there is a difference between what we have proposed, what is included in Breaux-Frist, and what the President has recommended. In these areas, the McCain-Edwards proposal, the Breaux-Frist proposal, the conference committee by Republicans and Democrats alike, and the President have reached similar conclusions. This is one of the most important areas of the legislation. It seems to me what we have in the underlying legislation is completely consistent with what the President has indicated would be key to this legislation.

Mr. President, I yield 10 minutes to my colleague.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I start by thanking my two colleagues, the Senator from Arizona, my good, dear friend from Arizona, for his work on this issue, and now my friend from Nebraska, with whom I have had occasion on this specific bill to work many days and many hours. As the Senator from Massachusetts has suggested, he has great expertise in this area, both in his time as insurance commissioner and his time as Governor. He and I have worked together on a number of issues, such as employer liability which we will be offering an amendment on hopefully tomorrow. We have talked about a number of other issues, such as the scope of the legislation, and medical necessity is another issue in which the Senator has been actively involved.

I specifically thank him for his work on this issue on behalf of the people of Nebraska whom he represents. He has been extraordinarily diligent and involved in this very important issue of the Patients' Bill of Rights and patient protections. I thank him very much for all of his work and will continue to work with him. He has had terrific ideas all the way through the discussion.

As to this specific amendment, I announce to my colleagues that we have negotiated during the course of the day with other Senators besides the sponsors of this amendment and have reached an agreement on a compromise

that we believe accurately and adequately reflects a balance between recognizing the sanctity of the contract language while at the same time giving medical reviewers the flexibility they need to order care in those cases where the care needs to be ordered.

Tomorrow we anticipate an amendment being offered by Senators BAYH, CARPER, and perhaps others, that will reflect the results of those negotiations. We feel very pleased we were able to resolve that issue with some of our colleagues.

For that reason, we will not be able to support this particular amendment, but I believe our amendment goes a long way toward addressing the same issues that my colleagues are trying to address with this amendment. Their work is helpful and productive, and we appreciate it very much.

Tomorrow morning we will be offering the results of the work we have done with Senators BAYH, CARPER, and others which, as I indicated, properly reflects the balance between the importance of the language of the contract and showing deference to that language while at the same time recognizing that in some cases the medical reviewers will need some more flexibility to do what is necessary for a particular family or for a particular patient.

Mr. KENNEDY. Will the Senator yield?

Mr. EDWARDS. Yes.

Mr. KENNEDY. Will the Presiding Officer let us know when we have 5 minutes remaining?

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. As I understand it, and I can be corrected, under one of the provisions, HHS establishes a board. At some time the board tries to work out the definition, but we do not know how that will work out, what the framework will be, or how many patients, consumers, and HMO personnel will be on the board. That board will have a meeting, and they will work out some definition of ''medical necessity'' which creates a degree of uncertainty.

Second, we have questions about the States, some of which have adopted various criteria about what is medical necessity.

Third, we have the Federal employees health program, which, as I mentioned, is not the standard which is used on review by the Office of Personnel Management. They don't use that. They use a standard much closer to what we have. Even on that standard, many cancer groups are very concerned about possible restrictions on palliative care, care which is enormously important to cancer patients. We have heard from a number of cancer organizations about their serious concern regarding this particular point. On the other hand, they are in support of the language we have included in the Edwards bill.

First, we know we have something that the American Medical Association, the medical professionals, patients, the doctors, and the health care delivery system have said is a good standard. Our opponents offer a standard that may turn out to be fine in the future but we don't know. And secondly, as another standard which has serious problems with the cancer community because it raises questions, doesn't the Senator agree with me, we ought to use what is now agreed to by Republicans, by Democrats? Most importantly, ought we not use the standard endorsed by those within the medical profession? If this standard does not work, we will have an opportunity to take a look down the road in terms of altering and changing. Is that a preferable way to proceed?

Mr. EDWARDS. I agree with the Senator.

As the Senator knows, the legislation offered by the Senator, myself, and Senator MCCAIN, this specific language is supported by the medical groups from around the country involved with this issue on a daily basis that have a first-hand understanding of what works and what doesn't work. We have been working with those groups to fashion this language. That is the reason that language exists. We know from the American Medical Association and all the health care groups around the country that they support the language we have in the bill.

That having been said, I say to the Senator, in order to try to address some of the concerns raised, my colleagues who are the sponsors of this amendment have been working with a group of Senators today to fashion an alteration to this language that makes it clearer that the contract language will be respected but balances that against the need for flexibility with the review panel. I believe we will have an amendment tomorrow to offer on that subject.

I end by thanking my colleagues from Arizona and Nebraska. While I will not be able to support their amendment, we understand the issue. We believe our bill is adequate on this issue, but we will have an alternative to propose tomorrow. Ultimately the point of this, of course, is to protect patients, make sure patients get the care they need. I think the language in our bill plus the language in the amendment will accomplish that purpose.

I yield the floor.

Mr. NICKLES. Mr. President, I rise in support of the amendment and I urge my colleagues to support it. I will make a couple of comments about some of the statements that were made.

I appreciate Senator EDWARDS' comments saying we are willing to have an amendment tomorrow to try to fix part of the problem. We heard that earlier today when we had an amendment to exempt employers.

There were statements made by many proponents of the language, employers can't be sued under this bill. That is a direct quote. So earlier today we tried to make sure employers couldn't be sued, and people voted against the amendment. But we heard: Well, there is an amendment coming that will protect employers.

We understand this bill language, and there is a section that deals with employers that says employers shall be excluded from liability, and then there is an exception. As a matter of fact, on page 144, causes of action against employers and plan sponsors are precluded, paragraph (A).

Paragraph (B) says:

> CERTAIN CAUSES OF ACTION PERMITTED.—Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor. . . .

We tried to make sure employers would be exempted, and unfortunately that amendment didn't pass. But we did hear assurances from some of the sponsors, we have an amendment and we will protect employers. But, yes, employers can be sued because obviously the Gramm amendment didn't pass. So I just mention that.

We raised the point, and it was raised well by Senator KYL from Arizona and Senator NELSON of Nebraska, that said we are not bound by contracts, and there is all kinds of language here dealing with contracts. You don't have to have coverage for excluded benefits. That sounds very good, but there is language ''except for,'' language that says you have to cover benefits that are excluded from a contract. Then I heard my colleague from North Carolina say we will have an amendment tomorrow to take care of that.

There are several major provisions with this bill that are wrong, one of which is the liability is far too generous and one which says the contracts don't mean anything. So we are wrestling with the liability.

We tried to exempt employers today and were not successful. Now we are working on contract sanctity. I hope all Democrats and Republicans will look at the language that is in the bill and realize how far it goes and think about what is getting ready to happen. I use for an example President Clinton's appointment of a bipartisan commission to make recommendations on this issue. They said in the report:

> The right to external appeals does not apply to denials, reductions, or terminations of coverage or denials of payment for services that are specifically excluded from the consumer's coverage as established by contract.

In other words, the report to the President by the Advisory Commission on Consumer Protection and Equality in Health Care says if it is excluded in the contract, you don't have the right to even have an appeal. That is not appealable. In other words, if the contract says don't cover it, it shouldn't be covered.

Yet in the language in the bill, did we adhere to the President's commission? No. If you look at the language on page 35 of the bill:

> NO COVERAGE FOR EXCLUDED BENEFITS.—Nothing in this subsection shall be construed

to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage, provide coverage for items or services for which benefits are specifically excluded or expressly limited under the plan or coverage in the plain language of the plan document—

If it stopped there, it would be great, but it doesn't stop there, if you read the additional language:

and which are disclosed under section 121(b)(1)(C) except to the extent that the application or interpretation of the exclusion or limitation involves a determination described in paragraph (2).

In other words, you don't have to pay for an excluded benefit ''except for.''

Wait a minute, you have a contract, and a medical provider says, I will provide this list of contracts and I will charge so much per month to provide these contracts, and this bill says we are not going to overturn that exclusion. That is what the first part of the paragraph says. And the second part of the paragraph says ''except for,'' and you have to ask, well, what do you mean ''except for''? Start reading: except for medically reviewable decisions, and it turns out anything is a medically reviewable decision.

So anyone can say it is medically reviewable if the denial is based on medical necessity and, appropriately, denial based on experimental or otherwise based on evaluation of medical facts. The net result is, bingo, anything is covered. You have a lottery.

I heard my colleague from Massachusetts—and I have great respect for him—say we had an agreement last year and basically Senator NICKLES in the conference committee agreed to this language.

We did not. I will make a few comments to get specific on the language. We came close in a lot of areas. But I will refresh my colleagues on things we did agree to that do not appear in the bill today.

I have a document, agreed-to elements of the external appeals section, dated April 13, 2000, 6 o'clock. We agreed to many items which were not in the underlying bill. I don't think you can say we agreed to one provision—whoops, we forget to say we agreed on a lot of other things.

We agreed that a patient should have access to independent reviews for any denial of claim of benefits, No. 1, if the amount of such item or service exceeds a significant financial threshold or, No. 2, if there is a significant risk of placing the life, health, or development of the patient in jeopardy.

I see in the bill we have before us there is no such thing as a financial threshold. This clearly violates the so-called agreement that was entered into last year.

Further, the language regarding the ''denial creates a significant risk of placing the life health or development of the patient in jeopardy'' is not in the bill before us. It is not in the McCain-Kennedy-Edwards bill.

It is interesting; that language was in the original Senate bill, S. 6. It was also in President Clinton's report on quality. But it is not in the bill that we have before us. It is not in the McCain-Kennedy-Edwards bill. My point is, before we had included some language to try to make sure we would have some protections and that was disregarded.

In addition, last year we agreed to a $50 filing fee to discourage frivolous filings. I see this particular agreement was also absent from today's version. The bill before us has a $25 filing fee. One of the reasons why we had a $50 filing fee was because we did not want frivolous filings. We didn't want people to say:

I will appeal. Maybe I will get lucky; maybe I will have extra benefits, more coverage; maybe I can lay a predicate for lawsuits in the future. What do I have to lose? If you had a little more of a threshold, it may discourage frivolous suits.

We also agreed at one time to consider expert opinion if it was by informed, valid, and relevant scientific and clinical evidence. The language we have before us on page 35 talks about the standard for determination. It says we are going to review:

. . . valid relevant scientific evidence and clinical evidence, including peer-reviewed medical literature and findings including expert opinion.

But it did not include everything we had agreed to in the past.

What I do recall is last year we did agree that both sides maintained there was a goal to maintain the sanctity of the contract and not establish appeals which allowed for the coverage of any excluded benefit. In fact, the very basis for today's debate is ensuring that patients are not denied promised benefits. It is not a debate to create a process to resolve and order unpromised benefits.

I think the language we have before us in the McCain-Kennedy-Edwards bill does just that. It is the legislative process that we would make where people could get unpromised benefits, to get items that in some cases are contractually prohibited to be covered benefits.

That is a stretch. Federal employees do not have that; Medicare does not have that; Medicaid doesn't have it. There is a list of covered benefits and there is also a list of excluded benefits.

I will give an example and I will put this in the RECORD. This is from CHAMPVA. It has a list of about 25 items that are excluded, specifically, from VA coverage. I will mention a couple of them: acupuncture, air conditioners, humidifiers, exercise equipment, eyeglasses, and contact lenses.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. I ask unanimous consent to proceed for another 6 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator may proceed.

Mr. NICKLES. Health club memberships, hearings aids or hearing aid exams, homemaker services, hypnosis, massage therapy, physical therapy consisting of general exercise programs, plastic and other surgical procedures primarily for cosmetic purposes, smoking cessation programs, and several others.

My point is, here is a Government plan for veterans that has specifically excluded items that should not be covered. I will venture to say every private health care plan has excluded items as well. Under the bill we have before us, it says you don't have to cover excluded items except for—and then it opens the door. That, to me, says do not pay any attention to the contract. Contracts do not mean anything.

What is the net result of that? If people who have contracts are not bound by the contracts, then the cost of providing health care is going to go way up. There is no real definitive way of knowing how much the coverage is going to cost because it is not defined coverage. There is nothing you can bank on.

I compliment my friends and colleagues from Arizona and Nebraska for their leadership in putting this amendment together. This amendment is equally as important—maybe not quite as easy to understand but very much as important—for containing the cost of health care as anything we have considered so far. Are we going to allow people to have contracts? Are we going to live by those contracts? Or are we going to take the language in this bill and say: Contracts? We don't care. Are we going to violate what the President's Commission on Health Care said? They said you should not cover items that are excluded from contracts. Are we just going to ignore it as does the underlying McCain-Kennedy-Edwards bill? Are we going to have a medical necessity definition that is the same thing Federal employees have on their fee-for-service plans, which is a quality plan which most all of us are in and most all of us are happy with? Isn't that good enough? Can't we give some assurances that those are things that people can rely on?

Again, I compliment my colleague from Nebraska, Senator NELSON, for his expertise. He brought this to my attention when I was discussing this legislation. He was exactly right. He said this has to be fixed. We are working to fix it. We can fix it.

I urge my colleagues, let's not just be voting on remote control, on how some leaders tell us how to vote. Let's look at the language. Do you really want to have language that basically abrogates contracts, ignores contracts, no telling how much it can cost and also, incidentally, have liability?

You could have, under the McCain-Kennedy bill, a situation where somebody doesn't provide a service that is contractually prohibited and they can be sued because some expert might determine it is medically necessary. This expert might be a acupuncture specialist and they might determine that what you need to solve your back problem is acupuncture and even though

your contract, as VA's, says you do not have to cover it, you have to cover it because that is a solution and under the bill it says expert opinion. So maybe it should be covered.

If you think that is a stretch, it is not a stretch. You can find experts to say almost anything in the medical field and sometimes in the legal field.

My point is this bill undermines contracts in a way in which I think we should be very, very wary. We should not do this. My colleagues from Nebraska and Arizona have come up with a good fix, a good solution. I appreciate that the Senator from North Carolina said he is amenable to fixing this problem. The way to fix it is to pass the Kyl-Nelson amendment. I urge my colleagues to vote for this amendment tomorrow morning.

I thank the indulgence of my colleagues I yield the floor, and ask unanimous consent the CHAMPVA list be printed in the RECORD.

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

OTHER MEDICAL SERVICES . . . WHAT IS NOT COVERED

(Not all-inclusive—see Specific Exclusions)

Acupuncture.

Acupressure.

Air conditioners, humidifiers, dehumidifiers, and purifiers.

Autopsy.

Aversion therapy.

Biofeedback equipment.

Biofeedback treatment of ordinary muscle tension or psychological conditions.

Chiropractic service.

Exercise equipment.

Eyeglasses, contact lenses,and eye refraction exams—except under very limited circumstances, such as corneal lens removal.

Foot care services of a routine nature, such as removal of corns, calluses, trimming of toenails, unless the patient is diagnosed with a systemic medical disease.

Health club memberships.

Hearing aids or hearing aid exams.

Homemaker services.

Hypnosis.

Medications that do not require a prescription (except for insulin and other diabetic supplies which are covered).

Massage therapy.

Naturopathic services.

Orthotic shoe devices, such as heel lifts, arch supports, shoe inserts, etc., unless associated with diabetes.

Physical therapy consisting of general exercise programs or gait analysis.

Plastic and other surgical procedures primarily for cosmetic purposes.

Radial Keratotomy.

Sexual dysfunction/inadequacy treatment related to a non-organic cause.

Smoking cessation programs.

Transportation services other than what is described for ambulance service under What Is Covered in this section.

Weight control or weight reduction programs, except for certain surgical procedures (contact HAC).

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 12½ minutes remaining.

Mr. KENNEDY. I yield myself 4 minutes.

Mr. President, we have had a good discussion coming back, once again, to what I think is one of the fundamental aspects of this bill. We have gone through this. I have taken the time to go through this evening what the criteria were going to be for the medical officer at the time of the external appeal. Those criteria have been supported today by the overwhelming majority of the medical profession because they understand that, with those criteria, we are going to get a medical decision that will be in the best interests of the patient. That is really not challenged.

What is being suggested are three different options that might be used. The one we offer has the support of the medical community. It has the overwhelming support of the medical community. That is the first point.

With all respect to my friend and colleague from Oklahoma, regarding the provisions, when it comes down to what is and is not going to be permitted, clearly if there is an exclusion in the contract there will not be the right of the medical officer to alter and change that. Let me give an example on the issue of medical necessity under the criteria that we have, where it might very well be interpreted by a medical officer. Say a particular HMO excluded cosmetic surgery.

The question came down to a child that had a cleft palate, and the medical officer said: Well, they are excluding cosmetic surgery, but a cleft palate for a child is a medical necessity. That medical officer, I believe, ought to be able to make that judgment. Under the language that we have, that medical officer would be able to do it.

If, on the other hand, the HMO had put in the contract that they will not permit a medical procedure for a cleft palate, then clearly that would be outside of the medical judgment, and outside of medical necessity.

That is the example that is really reflected in the language which we have included. But the fact is those are exceptional cases. They are not unimportant. But the most important aspect of the case is that the judgment that is going to be made by the medical officer is going to be based on the medical needs of the particular patient and the best medical information that is available.

That is what has had the broad support. There may very well be a new commission established under HHS made up of a number of different stakeholders which may come up with some recommendation that may be a better one. That might be so. If that is the case down the road, maybe we can have the opportunity to consider it and bring some change to it. But as we have heard earlier, and as we have seen, the Federal employees standard that is used is not permitted to be used in terms of appeals procedure. The reason, evidently, is because they believe the medical officer ought to be able to use the criteria which brings into play the latest information and the latest scientific information that is available, and the best information that would be helpful to that medical profession.

Finally, there is the question, What are we going to do? Are we really going to ultimately let their judgment and decision be made by the medical professional with enough flexibility so that they can bring to bear medical judgments on this, and also consider the best information that is available to them and apply that best medical information available to benefit the patient?

I think we have a good process and a good way of proceeding. That is why I believe that we ought to stay the course with what is included in the legislation and resist the amendment.

Mr. President, I know we have another amendment that we are going to debate this evening. If there are others who want to speak on this, we welcome them.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if this side has run out of time, I ask unanimous consent to speak for what time I might consume. But I don't expect it will be over 10 or 12 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I don't intend to object. Is this in favor of the amendment?

Mr. GRASSLEY. Yes. I am sorry I didn't say that. I am in favor of the amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I want to address what I believe is a very fundamental, fatal flaw in the legislation before us. That flaw relates to how the bill treats health plan contracts, and the precedents that this treatment sets for all contracts, not just those between health plans and employers.

As currently drafted, the bill states that specific definitions and terms in health plan contracts can be entirely thrown out in favor of another definition made up by a third party charged with reviewing a plan's decision to deny care.

This basically invalidates all contracts between health plans and employers and makes them non-binding.

Putting the terms of health plan contracts on the chopping block undercuts the very purpose of the health plan contract itself.

If these contracts are not binding, the health plan will have no way of knowing what standard it should follow in making coverage decisions, the employer will have no way of knowing what its costs will be, and the patient will have no way of knowing what kinds of items and services are covered.

In short, the contract won't be worth the paper its printed on.

How do you do business without a contract? Quite frankly it's almost impossible to imagine doing business at all without a binding agreement.

The Kennedy-McCain bill forces managed care plans to do business in a way that no other industry is forced to do—by that I mean without a binding and valid contract.

Now, let me stop here for a minute and talk about these health plan contracts.

First, contracts between health plans and employers are actually negotiated with all parties involved.

Employers, usually with the help of unions and other worker representatives, bargain for specified coverage in order to meet the unique needs of different employees. Every contract is different.

What's more, these contracts are typically reviewed and approved by state insurance regulators before they become effective. The whole process is deliberative, time consuming and, all told, is truly a ''meeting of the minds.''

The Kennedy-McCain bill says, in effect, to heck with that meeting of the minds. The bill gives unrelated third parties reviewing patient complaints unprecedented authority to take out contract terms that were bargained for in good faith and literally throw them in the trash.

This authority to override contracts at any time and for any reason goes far beyond the authority given even to judges, who in all but the rarest instances are obliged to apply the terms of a contract.

And where judges must explain their rationale in opinions and are generally accountable as public officials, these third party reviewers as outlined in the Kennedy-McCain legislation are private citizens and are not accountable to anyone at all.

I do believe that every patient should have a right to an independent, external review of a health plan's decision to deny care. But that right cannot be without some rationality and accountability.

Third parties charged with reviewing patient complaints should have broad discretion to thoroughly assess, and even overturn, a plan's decision so long as that authority is exercised within the four corners of the contract.

Kennedy-McCain authorizes third parties to veer far, far away from those four corners, and to tear up the contract altogether.

I encourage my colleagues to think about what it would be like if the contracts that they live by everyday contracts for life insurance, home mortgages, even car leases could be torn up and rewritten by an unaccountable third party at any time.

Moreover, I encourage my colleagues who know small business owners or who were themselves small business owners, to think about doing business without the security of a binding contract.

I believe that those of my colleagues who do think about this will come to understand that the consequences of allowing contract terms to be thrown out could be disastrous, and that all contracts, whether involving a health plan or not, deserve the deference that our laws traditionally give them.

I urge my colleagues to reject the Kennedy-McCain approach to health plan contracts and to support the Kyl-Nelson amendment—which is an approach that honors both the integrity of the contract itself, as well as the intent of the parties to it. In the end, it is the patient who wins under this amendment.

Thank you.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is to be recognized to offer an amendment.

AMENDMENT NO. 817

Mr. ALLARD. Mr. President, I call up amendment No. 817.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. BOND, Mr. SANTORUM, and Mr. NICKLES, proposes an amendment numbered 817.

Mr. ALLARD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To exempt small employers from causes of action under the Act)

On page 148, between lines 23 and 24, insert the following:

''(D) EXCLUSION OF SMALL EMPLOYERS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, in addition to excluding certain physicians, other health care professionals, and certain hospitals from liability under paragraph (1), paragraph (1)(A) does not create any liability on the part of a small employer (or on the part of an employee of such an employer acting within the scope of employment).

''(ii) DEFINITION.—In clause (i), the term 'small employer' means an employer—

''(I) that, during the calendar year preceding the calendar year for which a determination under this subparagraph is being made, employed an average of at least 2 but not more than 50 employees on business days; and

''(II) maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including—

''(aa) a small employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

''(bb) one or more small employers or employee organizations described in section 3(16)(B)(iii) in the case of a multi-employer plan.

''(iii) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subparagraph:

''(I) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

''(II) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(III) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

On page 165, between lines 14 and 15, insert the following:

''(D) EXCLUSION OF SMALL EMPLOYERS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, in addition to excluding certain physicians, other health care professionals, and certain hospitals from liability under paragraph (1), paragraph (1)(A) does not create any liability on the part of a small employer (or on the part of an employee of such an employer acting within the scope of employment).

''(ii) DEFINITION.—In clause (i), the term 'small employer' means an employer—

''(I) that, during the calendar year preceding the calendar year for which a determination under this subparagraph is being made, employed an average of at least 2 but not more than 50 employees on business days; and

''(II) maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including—

''(aa) a small employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

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''(III) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

Mr. ALLARD. Mr. President, I am offering an amendment to S. 1052 that would prevent frivolous, unnecessary, and unwarranted lawsuits against small employers. That is what my amendment is all about. It exempts small employers that have 50 or fewer employees in their firm. I think this is an important provision. I plan on sharing with my colleagues in this Senate Chamber some of my experiences as a small businessman.

I have had the experience of having to start my business from scratch. I worked with fewer than 50 employees. Believe me, from personal experience, I know what happens when you are a small employer and you have too many mandates on your business and you do not have all the staff and accountants and lawyers in your firm to help you along, and you have to go to an attorney or accountant outside your business. I know the impact it can have as far as cost is concerned.

Believe you me, I know what it feels like to have taxes increased on you as a small businessman because you are in the dollar game; every dollar makes a difference on what your bottom line is going to be.

Contrary to what many Members of the Senate are trying to argue, S. 1052 does not exempt small employers from lawsuits. Under S. 1052, employees could sue their employers when an employer—and I quote—''fails to exercise ordinary care in making a decision.'' That is from page 140 of the bill.

Mr. President, 72 percent of small employers in the United States provide health care that Americans need. They do not have to provide that coverage, but they choose to on their own. The Senate should honor that. The Senate should respect that. S. 1052, however, undermines that.

Allowing small employers to be liable for health care decisions would unduly burden a small employer. It would force them to drop health insurance coverage for millions of America's small business employees. At the very least, it adds a new burden to the businessperson who already spends too much time dealing with Government mandates and paperwork.

Without our amendment, S. 1052 places medical treatment decisions in the hands of lawyers and judges and will trigger a plethora of lawsuits against small employers, in my view, creating a field day for trial lawyers. The Senate should not support legislation that allows unwarranted lawsuits that hurt small employers.

This year, employers are trying to cope with a 12-percent increase in health care costs that employers experienced last year. Now, as we move forward into another year, they are looking at somewhere around a 13-percent increase.

I have a recent survey that was jointly put together with the consulting firm Deloitte & Touche and the industry of business and health that reveals that health premiums increased more than 12 percent last year and are expected to increase 13 percent in both 2001 and 2002. So this is a burden with which small employers are faced.

With the passage of this bill, the Congressional Budget Office has estimated it would increase premiums another 4 percent. That would have a very adverse impact on small employers. We have heard it is likely we will have an additional 1 million who are uninsured with the passage of this Patients' Bill of Rights. I suggest to the Members of the Senate, a large part of that million is going to come from the very small employers, those with 50 employees or fewer.

S. 1052, as it is currently written, would cause further increases in health care costs for American families, workers, and businesses across the board. The Congressional Budget Office has estimated that the previous version of S. 1052, which is substantially identical to the current bill under consideration, would increase the Nation's health care costs, as I mentioned earlier, by more than 4 percent. This is above and beyond the additional 13-percent increase in health care costs employers will face this year. Moreover, this year's increase would be the seventh annual increase in a row.

If S. 1052 passes, many small employers will stop providing health care for their employees and the number of uninsured Americans will increase. The country cannot afford this. The small businesses of America cannot afford this. The country cannot afford S. 1052 in its current form.

I personally know the costs of providing health care to employees. As I mentioned earlier, for 20 years I practiced veterinarian medicine and provided health care insurance to my employees. I can speak from personal experience: Providing health care was costly. If I were still practicing veterinarian medicine as a private employer, I could not begin to imagine the burden S. 1052 would place on me, my employees, and everybody's families involved in that business.

I believe we should pass a Patients' Bill of Rights, not a lawyers' right to sue. Our bill should focus on expanding access to affordable health care for the Nation's 43 million uninsured, not on taking steps that will cause more Americans to lose their health insurance and further burden small business.

I also bring up the point that in this particular piece of legislation there are four exemptions. There is an exemption for physicians, an exemption for hospitals, an exemption for a record-keeping function in health care, as well as an exemption for some insurance providers.

The point I make is that if you are beginning to provide an exception for certain businesses, then why not provide that exception for those people who are going to be most adversely impacted by this particular piece of legislation? Those 1 million or so that will be uninsured are going to come out of that small business sector because small employers will have to make the tough decision as to whether they can afford it or not, and many of them are going to say: We can't afford it, so we are going to have to make some adjustments.

One of the major adjustments because of the threat of a lawsuit—and I point out to the Presiding Officer that not only is it the lawsuit itself when you happen to get a judgment against you that is such a problem; it is the threat of a lawsuit because your margin of profit is so narrow that you cannot afford to pay for the professional help, the attorneys to defend you. So small employers will make the decision not to provide health care insurance.

My amendment to S. 1052 would exclude small business employers from being the victims of frivolous lawsuits. I urge my colleagues to consider the consequences of the small employer liability provisions in S. 1052 and to support this amendment.

I think at a time when our economy in this country is struggling, and at a time when I think everybody in this Chamber understands how important it is to have a vital small employer sector—it is the small employers that have come up with new ideas; it is the small employers that are the backbone of economic growth in many of our small communities, particularly in rural areas; it is the small employers that so many of us look to, to be the leaders in our communities—I hope there remains a sensitivity to what the small employer contributes in the way of competition, in the way of developing new ideas, and in the way of making sure we have stronger family-oriented communities. It is a pool of leadership that not only strengthens our communities and our States and our Nation, but it is something around which our whole economy evolves because the importance of competition, and using the dollar and the marketplace to allow the consumer to predict the best services is an important concept in this country.

I don't want to see us lose that by moving constantly towards larger businesses and a corporate-type of society. There is no doubt that small business is important to this country. I hope Members of the Senate will join me in making sure the small employer, those with 50 employees or less, is exempted from the liability provisions in S. 1052. I ask for their support of this amendment.

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

Mr. KENNEDY. Mr. President, I thank the good Senator for his amendment and his thoughtful explanation of it. I will oppose the amendment. I will state briefly why this evening.

Basically, we have a number of definitions of small business. We are taking now the definition of 50 employees or less. That is about 40 percent of the workforce. It might be as high as 43 percent. So with this amendment, effectively we are undermining 40 to 43 percent coverage for all those employees across the country. If we believe in the protections of this legislation, that is a major exclusion.

What are those protections? Those protections are very simple. They are very basic and fundamental. For example, doctors ought to be making the decisions on medical care and not the HMOs. The employees who work in these businesses and where the HMOs are selling these policies are being hurt just as those who are above the 50. Excluding them from these kinds of protections is unacceptable.

Their children are going to be hurt. Their children should be able to get the kind of specialty care that others can. The wives of those who work in those plants and factories ought to be able to get into clinical trials if they have breast cancer. They ought to be able to have an OB/GYN professional as a primary care physician, if that needs to be so. They ought to get the prescription drugs they need, if a drug is not on the formulary. They ought to be able to get the continuity of care they need.

This care protects expectant mothers from losing a doctor during the time of their pregnancy, if the employer drops the coverage with an HMO. These are very important kinds of protections we are discussing.

If we accept the Senator's amendment, we are effectively excluding 40 percent of the population.

The Senator makes a very good point about cost, particularly for small business. I am always amazed in my State of Massachusetts. You go down to 15, 20 employees and still the small businessmen are providing health care coverage. What is happening, they are paying anywhere from 30 to 40 percent more in premiums every single year. This occurs because they are not able to get together with other kinds of groups and get the reductions that come from the ability to contract with large numbers of employers. They are getting shortchanged in those circumstances. Many of the firms they work with are in the business one year and out of the business a second year.

The point the Senator makes about the particular challenge for small employers to offset health coverage for their employees is very real. We ought to help them. There have been a number of different proposals which I have supported and others have supported in terms of deductibility and helping those companies. That is an important way of trying to get about it. But the suggestion that is underlying the Senator's presentation is that the cost of this particular proposal is what is really going to be the straw that breaks the camel's back.

He talks about a 4-percent increase in premiums. That is a percent a year, as we have learned. The alternative percent is around 3 percent. It is 3 percent over the period of 5 years. The CBO points out that the cost of the various appeals provisions and the liability provisions are eight-tenths of 1 percent over the 5 years. And in the alternative bill, it is four-tenths of 1 percent.

I mentioned earlier in the day that the largest CEO salary of an HMO was $54 million a year, and $350 million in stock options. This constitutes a benefits package of $400 million. That adds $4.25 to every premium holder, small business premium holder, $4.25 a month. Our proposal adds $1.19 a month. That is just one individual. I am sure, in this case, he does a magnificent job. But when you are talking about the cost of this, we have also brought in the fact that the average income for the 10 highest salaried HMO CEOs is $10 million a year. Their stock options are in the tens of millions of dollars a year. The profits are 3.5 percent a year, $3.5 billion last year in profits. And still they ratcheted up their premiums 12 percent to maintain their profit margin. They made $3.5 billion.

Yet they cannot make sure that we are going to be able to provide protections for their employees. They cannot make sure that they are not going to overrule doctors in local hospitals and community hospitals, in the urban hospitals, and in rural hospitals trying to give the best medical attention to the children and the women and their workers? We can't say that we want to provide that degree of protection for them?

I just can't accept that. I would welcome the opportunity to work with the Senator in the area of small business. But that isn't what we are about this evening. The Senator's amendment, as I said, would effectively exclude 40 percent, 43 percent of all the employees. It makes the tacit assertion—more than tacit, explicit assertion—that the increased premiums that are going to be included in this bill are just going to be unbearable. I suggest there are ways of getting cost savings on this.

We have 50 million Americans now that have the kinds of protections that we are talking about. They have the liability protections. We don't see their premiums going up. We see the right to sue in the States of Texas and California, and the premiums aren't going up. There is very little distinction between the 50 million Americans now who have the liability provisions and those who do not.

We are talking about a major assurance to families all over the country. When this bill passes and families go in and pay their premiums for health insurance, they will know they are getting coverage for the kinds of sickness, illness, and serious disease. Without this legislation, they may think they are covered. Then, at a time of great tension and pressure—they may have cancer for example—they are told by their primary care doctor that even though there is a specialist, an oncologist down the street who is the best in the country and is willing to treat that child, they are told they cannot have that specialty care.

They are also told that they can't appeal that once the HMO makes that decision. They are being denied that, when we know what a difference it can make in terms of saving that child's life and in terms of that child's future.

We want to make sure every parent knows that when they sign onto an HMO, they are going to be able to get the best care that is available for their child, for their wife, for their mother, for their son, for their grandparent, and not have these medical decisions overridden by the HMO.

So it seems to me that those protections ought to be there for the 40 percent of the workers, as well as to the other 60 percent. We ought to get to the business of paying attention to, helping, and assisting the smaller businesses. One of the best ways is for these major HMOs to stop spending the millions and millions of dollars they are spending every single night, right now, in distorting and misrepresenting the truth. Evidently, they are flooded with money because they are spending so much of it in order to defeat this legislation.

This isn't an industry that is hard pressed. They are ready to open up all of their wallets and pocketbooks to distort and fight this legislation. And, they have the resources to be able to do it. They are not short on those resources. We do not see cutbacks on executive pay. We do not see cutbacks on stock options and the other hefty perks of being an HMO CEO. The idea that this particular legislation is going to be the straw that breaks the camel's back doesn't hold up. It is a smokescreen. It is not an accurate representation!

I think that those 40 percent of American workers are entitled to coverage and protection.

(Mr. CORZINE assumed the Chair.)

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. DURBIN. I listened to the Senator from Colorado present his amendment on behalf of small businesses and employers. I recall, before my election to Congress, running a law office and buying health insurance for myself and my employees. I recall the experience when I went to one of the larger health insurance companies to cover my employees. So the belief that small businesses only do business with small insurance companies I am not sure is an accurate description. I think that small businesses often do business with large insurance companies.

If I understand the Senator from Massachusetts and the amendment of the Senator from Colorado, if one employer has 49 employees here and is doing business with a large insurance company, that large insurance company doesn't have to offer the same protections to the small business' employees that it might offer to the business next door with 60 employees. So the people who are losing are not the small business owners but the small business employees who don't get the benefit of the same protections that we are trying to guarantee to all Americans. Is that how the Senator from Massachusetts sees it?

Mr. KENNEDY. The Senator is quite correct on this. That, of course, raises competitive situations. You are going to have competition on the dumbing down of protections for employees, rather than establishing a standard in competition in terms of the quality of the product. It is a race to the bottom, so to speak.

Mr. DURBIN. So this will, in fact, limit the protections for employees of small businesses across America so that if you go to work for a small business, you just won't have the right to specialty care, to the drugs your doctor thinks are necessary to cure your disease, the right to a specialist in a critical circumstance, access to emergency rooms—all the things we are trying to guarantee in this bill. What the Senator from Colorado does is say we are not going to provide those protections if you are one of the 40 percent who works for a small business in America. Is that what the Senator understands?

Mr. KENNEDY. The Senator is correct. I will make the case tomorrow, but it is my judgment that you will find that there are greater abuses in the areas of these smaller companies, smaller HMOs, appealing to smaller companies, rather than some of the larger HMOs which are tried and tested and have the reputation within a community to try and defend. We have had many that do a credible job, but you are going to find, I believe—and I will get to this more tomorrow morning—that the workers who are the most vulnerable are going to be workers in these plants.

Mr. DURBIN. May I ask another question of the Senator from Massachusetts?

Mr. KENNEDY. Yes.

Mr. DURBIN. While I listened to the Senator from Colorado explain the increase in premiums, he suggested premiums had gone up 12 percent last year, and they anticipated they would come up 13 percent nationwide this year and the following year, which suggests that in a 3-year period of time, the Senator from Colorado tells us, we are going to see a 38-percent increase in health insurance premiums.

Going back to a point earlier, how much will the Kennedy-Edwards-McCain bill increase premiums each year over the next 5 years if we are going to have 38 percent in 3 years, just the natural increase in health insurance; how much will this legislation we are debating add to that cost?

Mr. KENNEDY. Well, according to the Congressional Budget Office and OMB it will be less than 1 percent a year over the next 5 years—much less, closer to 4 percent. So, effectively, it is 4 percent.

As we pointed out earlier in the debate, under the alternative proposal that the President supports, it is effectively 3 percent over 5 years. As the Senator is pointing out, it is somewhat less than 1 percent a year against what the Senator from Colorado mentioned—12 percent last year and 13 percent this year. That is what is happening already, without these kinds of protections.

Mr. DURBIN. I think that really addresses the issues raised by the Senator from Colorado. First, we are saying to employees of small businesses that you are not going to receive the protection of others with health insurance. Secondly, even though the cost is less than 1 percent a year to give these added protections, we are not going to ask the small businesses to accept this, even in the face of an increase in premiums, which the Senator from Colorado tells us was 38 percent over 3 years.

I thank the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator for his helpful comments.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. REID. I know the Senator is in a rush. I just want to make two brief comments. First of all, to make it plain English so somebody from Searchlight, NV, where I was born, understands it, the Congressional Budget Office says S. 1052 would result in a premium increase of only 4.2 percent over 5 years. The cost of the average employee would be $1.19 per month. This would be 37 cents per month more than the legislation that really gives no coverage at all on the other side.

I want to say one last thing to my friend. We were here on the floor earlier today. We know one of the things that is trying to be injected into this is that this is a terrible thing for small business. That is what this amendment is all about—that the Kennedy-Edwards-McCain legislation is bad for small business. I read to the Senator earlier today—and I am going to take 1 minute to read a communication I got from a small businessman in Nevada today:

> As a small business owner—
>
> Less than 50 employees—
>
> and as a citizen, I urge you to support the upcoming bill commonly known as the ''Patients' Bill of Rights.'' I also would like to state that I support your and Senator McCain's version of the bill. If the HMOs can afford to spend millions on lobbyists and advertisements, then they can afford to do their job correctly, preventing the lawsuits in the first place . . .
>
> . . . I am willing to pay to know that what I am purchasing from my HMO will be delivered, not withheld until someone is dead, then approved postmortem. While a believer in the market and freedom, I feel that we need a better national approach to health care. As the richest nation in the world, as the only real superpower, why do so many Americans get Third World levels of health care, even when they have insurance?
>
> Thank you for your time. Michael Marcum, Reno, NV.

This is a small businessperson. He doesn't have millions of dollars to run TV ads, radio ads, and newspaper ads, but he has the ability to contact me, as hundreds of thousands of other small businesspeople can do. This legislation that you are supporting is good for small business, and this is only one of the other ploys to try to distract from the true merits of this legislation.

Mr. KENNEDY. I thank the Senator because in his statement he has really summarized the importance of resisting this amendment. Those 40 percent of workers deserve these kinds of protections. These are not very unique or special kinds of protections.

They are the commonsense protections we have illustrated during the course of this debate—access to emergency room care based upon a prudent layperson standard, protections of speciality care, clinical trials, OB/GYN, continuity of care and point of service. So patients are able to get the best in specialty care and formulary, the new medicines, and making sure their doctors, American doctors, are the best trained in the world. These doctors have committed their lives to benefit patients, and they are trained to do so trained to make the medical judgments.

That is what American families believe they are paying for when they pay the premiums, but we have a group of HMOs that feel they can put the financial bottom line ahead of patient interests and shortchange millions of Americans. We should not let the 40 percent that will be affected by this amendment be excluded.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I want to respond to some of the comments that were just made. The fact remains if you survey employers, half say they will drop employee coverage if exposed to lawsuits. I can understand that having been a small businessman, and I understand how one tries to deal with the bottom line of that business, usually a very marginal business.

Again, I agree with the Senator from Massachusetts when he says we are talking about 40 to 45 percent of the workforce in this country. It points out how important that small business sector is. Those were 50 employees or less. They are a vital part of our economy. We want to make sure they have an ability to attract employees into their business. We want to make sure they can meet the bottom line. We want to make sure they stay in business.

I want to share a quote with the Members of the Senate made by William Spencer, who is with the Associated Builders and Contractors, Inc. We all know many times builders and contractors are small businesspeople, sometimes, at least in my State, frequently 4 and 5-man operations, rarely over 10, particularly in the subcontracting area:

> Many of the ABC's member companies are small businesses, and thus the prospect of facing a $5 million liability cap on civil assessments is daunting. Financial reality is that if faced with such a large claim, many of our members could be forced to drop employee health insurance coverage rather than face the potential liability or possibly even shut their business down.

I think he is right on, and I agree with him. The question is, how do you respond as a small employer when you are faced with an untenable exposure from a lawsuit or costs or regulatory burden? You try to figure out a way you can move out of that liability you are facing. What I did, and I think many small employers will do, is go back to their employees and say: Look, there is no way we can cover your medical insurance. There is no way we can work with a program, whether it is an HMO or whatever, to provide you with medical insurance.

If you are a small employer such as I was—I had part-time employees working for me. Many who came to work for me had never held a job in their life. They were just out of high school, in many instances, and going to college. I was going to give them their first experience in the workplace.

I had to make a decision as to what we were going to do in a case where I had increasing costs in my small business. Many of them were as a result of

insurance premiums. I decided that I was going to approach my employees and say: I would much rather pay you extra to work in my business and leave it up to you to line up your own health care coverage.

Again, they were part-time employees who we expected, in many cases, to work for us for 3 months, sometimes 2, 3 years, and then they would be moving on.

By taking this approach, I also gave them portability. In other words, when they left my business, they were not faced with the issue of what is going to happen with my insurance when I get to a new employer; what is going to happen, from the employee's perspective; what am I going to do when I am no longer working for my current employer as far as health coverage is concerned.

That is how I decided to handle it. I think most small employers will view it the same way I did. When they see that untenable exposure, they are going to decide not to have coverage for their employees. In order to stay competitive, they might decide to pay them more or some other way to compensate them for that loss in health care coverage.

The fact remains, from my own personal experience, it is not hard for me to believe that many small employers, as many as half, will elect not to provide health care coverage for their employees.

We need to do everything we can to encourage the small business sector to survive. This is not the only place where we draw a bright line, where we recognize how important the small business sector is to us. In other places in the law, we have tried to define what a small business is. In some cases, we drew it at 150 employees or less; in some cases, 100 employees or less; or maybe, in some cases, 50 employees or less. In fact, in some cases, they even tried to define the very small employer of 15 employees or less.

It is not an unusual policy for the Senate in legislation to draw a bright line to define what a small employer would be. In this particular instance, it is entirely appropriate to make that at 50 employees or less, and if you have 50 employees or less, you would be exempted from the provisions of the Senate bill that is before us.

Small businesses are important for the economic growth of this country. Small businesses are important to generate new ideas. When an American has a great idea, many times they go into business for themselves, and they try to market that idea. If it works, it may eventually grow into a large business. If it does not work, they may eventually end up having to work for another employer. But many times they are contributors to their communities. They are contributors to the employee base. They are contributors to the leadership within that community and help make that community a better place in which to live.

I believe we need to be sensitive to what small employers can contribute to our economy and the vital role they play. I believe this mandate, this bill will make it much more difficult to stay in business, and, consequently we will begin to lose that pool of talent that is so vital to the health of this country.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, under the order that is now before the Senate, if the Senator from Colorado yields back his time, we will do so and finish this debate in the morning under the time that is scheduled.

Mr. ALLARD. Is the Senator from Nevada yielding back his time?

Mr. REID. Yes.

Mr. ALLARD. I will yield back the remainder of my time.

Mr. REID. We will complete the debate in the morning. The Senator from Colorado will have an hour in the morning.

Mr. ALLARD. That is my understanding, there will be an hour.

Mr. REID. Evenly divided.

I yield back our time and the minority has yielded back their time.

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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent there be a period of morning business, and Senators be permitted to speak for up to 5 minutes each.

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

PRESIDENTIAL TRADE NEGOTIATING AUTHORITY

Mr. BYRD. Mr. President, I am very much concerned about our loss of direction with regard to Presidential trade negotiating authority. Many Members of the House, and some of my colleagues here in the Senate, advocate a wholesale surrender—a wholesale surrender—of Congress' constitutional authority over foreign commerce, as well as the evisceration of the normal rules of procedure for the consideration of Presidentially negotiated trade agreements.

I am talking about what is commonly known as ''fast-track,''—fast track—though the administration has chosen the less informative moniker—the highfalutin, high sounding ''trade promotion authority.'' ''Trade promotion authority'' sounds good, doesn't it? ''Trade promotion authority,'' that is the euphemistic title, I would say—''trade promotion authority.'' The real title is ''fast-track.''

What is this fast-track? It means that Congress agrees to consider legislation to implement nontariff trade agreements under a procedure with mandatory deadlines, no amendments, and limited debate. No amendments. Get that. The President claims to need this deviation from the traditional prerogatives of Congress so that other countries will come to the table for future trade negotiations.

Before I discuss this very questionable justification—which ignores almost the entire history of U.S. trade negotiating authority—I think we ought to pause and consider—what?—the Constitution of the United States. I hold it in my hand, the Constitution of the United States. That is my contract with America, the Constitution of the United States.

Each of us swears allegiance; we put our hand on that Bible up there. I did, and swore to support and defend the Constitution of the United States against all enemies, foreign and domestic.

Each of us swears allegiance to this magnificent document. As Justice Davis stated in 1866:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

Ex Parte Milligan, 71 U.S. 2 (1866). This was the case that refused to uphold the wide-ranging use of martial law during the Civil War.

Thus, Mr. President, let us review the Constitution to see what role Congress is given with respect to commerce with foreign nations. Article 1, section 8, says that ''The Congress shall have power to . . . regulate commerce with foreign nations, and among the several states, and with the Indian tribes . . . .''

This Constitution also gives Congress the power ''to lay and collect . . . Duties, Imposts, and Excises.'' The President is not given these powers. Congress is given these powers. There it is. Read it. The President is not given these powers. These powers have been given to Congress on an exclusive basis.

Nor is this the extent of Congress's involvement in matters of foreign trade. It scarcely needs to be pointed out that Congress's central function, as laid out in the first sentence of the first article of the Constitution, is to make the laws of the land. Were it not for that first sentence in this Constitution, I would not be here; the Presiding Officer would not be here; the Senator from the great State of Minnesota, Ohio, Florida, the great States, Alabama, we would not be here. Congress makes the laws of the land. Some people in this town need to be reminded of that.

For example, Congress decides whether a particular trade practice in the U.S. market is unfair. Congress decides whether foreign steel companies can use the U.S. market as a dumping ground, which they have been doing, for their subsidized overcapacity. Are we to give this authority to the President and make Congress nothing more than a rubber stamp in the process of formulating important U.S. laws? As the great Chief Justice of the United States John Marshall might have asked: Are we ''mere surplusage''? Is the Senate mere surplusage?

The Founding Fathers' memories were not short. Those memories were not occluded by real-time television news, nor were they occluded by the proliferation of ''info-tainment.'' The Founding Fathers had a vast reservoir of learning, particularly classical learning, to draw upon and a treasure trove of political experience.

Our Founding Fathers were not enamored with the idea of a President of the United States who would gather authority unto himself, as had been experienced with King George III of England. Most of the administrations that have occurred—there have been at least 10 different Presidents with which I have served; I have never served under any President, nor would any of those framers of the Constitution think well of me if I thought I served under any President. The framers didn't think too much of handing out executive power.

So this exclusive power to regulate foreign commerce was not centered upon the legislative branch by whim or fancy. There were weighty considerations of a system founded on carefully balanced powers.

The U.S. Congress tried to give away some of its constitutional authority by granting the President line-item veto power a few years back. Fie on a weak-minded Congress that would do that, a Congress that didn't know enough and didn't think enough of its constitutional prerogatives and powers and duties to withhold that power over the purse which it did give the President of the United States. Mr. Clinton wanted that power. Most Presidents want that power. Congress was silly enough to give the President of the United States that power. It was giving away constitutional power that had been vested in this body of Government, in the legislative branch.

Thank God, in that instance at least, for the Supreme Court of the United States. It said Congress can't do that. Congress can't give away that power that is vested in it, and it alone, by the Constitution of the United States.

So the U.S. Congress tried to give away some of its power. But, ultimately, as I say, that serious error was corrected by the Supreme Court. The Supreme Court saved us from ourselves. Hallelujah. Thank God for the Supreme Court. Boy, I was with the Supreme Court in that instance. Yes, sir. They saved us from ourselves.

The ancient Roman Senate, on the other hand, was successful in giving away the power of the purse. And when it did that, when the ancient Roman Senate gave away the power of the purse, first to the dictators and then to the emperors, it gave away an important check on the executive. First, Sulla became dictator in 82 B.C. He was dictator from 82 to 80. Then he walked away from the dictatorship, and he became counsel in 79. He died in 78 B.C., probably of cancer of the colon.

Then in 48 B.C., what did the Roman Senate do again? It lost its way, lost its memory, lost its nerve, and restored Caesar to the dictatorship, Julius Caesar, for a brief period. In 46 B.C., it made him dictator for 10 years. Then in 45 B.C., the year before he was assassinated, the Roman Senate lost its direction, lost its senses and made Caesar dictator for life.

Well, I don't know whether or when we will ever reach that point. But we need to understand how extraordinary, how very extraordinary this fast-track authority is that President Bush is running around, over the country, asking for—fast-track authority, but he is not calling it that. He is calling it something else.

From 1789 to 1974, Congress faithfully fulfilled the Founders' dictates. During those years, Congress showed that it was willing and able to supervise commerce with foreign countries. Congress also understood the need to be flexible. For example, starting with the 1934 Reciprocal Trade Act, as trade negotiations became increasingly frequent, Congress authorized the President to modify tariffs and duties based on negotiations with foreign powers. Such proclamation authority has been renewed at regular intervals.

What happened in 1974? At that time we relegated ourselves to a thumb's up or thumb's down role with respect to agreements negotiated on the fast track. Stay off that track. Congress agreed to tie its hands and gag itself when the President sends up one of these trade agreements for consideration.

Why on Earth, you might ask, would Congress do such a thing? What would convince Members of Congress to willingly relinquish a portion of our constitutional power and authority? What were Members thinking when they agreed to limits on the democratic processes by which our laws are made? And why, in light of the fact that extensive debate and the freedom to offer amendments are essential to effective lawmaking, would Congress decide that we can do without such fundamentally important procedures when it comes to trade agreements?

The U.S. Senate is the foremost upper house in the world today. Why? There are many reasons. But two of the main reasons are these. The U.S. Senate has the power to amend, and the U.S. Senate is a forum in which men and women are able to debate in an unlimited way—they can limit themselves; otherwise, in this forum, I can stand on my feet as long as my feet will hold me and debate. And nobody—not the President of the United States, not the Chair—can take me off my feet, not in this body. Nobody. And I am not answerable to anybody for what I say here. Our British forebears took care of that when they provided in 1689 that there would be freedom of speech in the House of Commons.

Well, we are doing it to ourselves when we pass fast track. We are saying: No amendments. You just either stamp up or down what the President sends up here.

Again, why, in light of the fact that extensive debate and freedom to offer amendments are essential to effective lawmaking, would Congress decide that we can do without such fundamentally important procedures when it comes to trade agreements?

I submit that, in 1974, we had no idea of what kind of Pandora's box we were opening. At that time, international agreements tended to be narrowly limited. Consider, for example, the U.S.-Israel Free Trade Agreement of 1985. The implementing language of that agreement was all of four pages, and it dealt only with tariffs and rules on Government Procurement.

Fast track began to show its true colors with the 1988 U.S.-Canada Free Trade Agreement which, despite its title, extended well beyond traditional trade issues to address farming, banking, food inspection, and other domestic matters.

The U.S.-Canada agreement required substantial changes to U.S. law, addressing everything from local banking rules to telecommunications law, to regulations regarding the weight and the length of American trucks. These changes were bundled aboard a hefty bill and propelled down the fast track before many Members of Congress knew what had hit them.

Most ominously, the U.S.-Canada agreement established the Chapter 19 dispute resolution procedure. This insidious mechanism, which was only supposed to be a stopgap until the U.S. and Canada harmonized their trade laws, gives the so-called trade ''experts'' from the two countries the authority to interpret the trade laws of the United States. We are not talking about judges now. We are not talking about persons trained in the laws of the United States. We are talking about trade ''experts,'' frequently hired hands for the industries whose disputes are under consideration.

Moreover, unlike our domestic courts, there is no mechanism by which American companies that are adversely affected by Chapter 19 panel decisions might obtain appellate review. The system simply does not work. It goes against fundamental American principles of fairness and due process.

In short, the U.S.-Canada agreement was nothing less than a dagger pointed at the heart of American sovereignty.

That agreement—and the process by which it was concluded—undermined both the legislative and judicial authority of the United States.

So where are we now? Today, American trade negotiators are faced with a completely different reality from what it was in 1974. Our trading partners know the game—shut out the people and appeal to the elite conceptions of a smoothly functioning global economy. In 1993, Lane Kirkland, then-president of the AFL-CIO, made an observation about NAFTA that is just as pertinent today as it was then, when I voted against it. Here is what he said:

> Make no mistake, NAFTA is an agreement conceived and drafted by and for privileged elites, with little genuine regard for how it will affect ordinary citizens on either side of the Mexican border . . . The agreement's 2,000 pages are loaded with trade-enforced protections for property, patents, and profits of multinational corporations, but there are no such protections for workers.

In the new world of international trade negotiations, our trading partners, frequently assisted by their American trade lawyers, place on the table their ideas for elaborate changes to U.S. law. For example, our free trade area of the American trading partners propose dozens of pages of changes to our trade laws, modifications that are intended to eviscerate those laws.

The American workers who would be displaced if those modifications were implemented are given no role in this process. None. We, their representatives, are given a minimal role, a little teeny-weeny portion. But we are not yet voiceless, not yet drowned out by the elite consensus on the virtues of free trade. Well, I am for free trade - who would not be—as long as it is fair, fair trade. But that is quite another matter.

Let the free traders come to West Virginia. Come on down, Mr. President, and talk to those steelworkers over at Weirton. Come on down and talk to the steelworkers who are being laid off in Weirton, WV. Don't go over to Weirton and burn the flag. Those are patriotic citizens over there. But they are losing their jobs. Let the free traders come to West Virginia and talk to the steelworkers, talk to their families, talk to their neighbors. Let them talk to labor leaders from North America and Latin America. Let them try to explain why the disintegration of ways of life that give both opportunity and security is good ''in the long run.''

As John Maynard Keynes once wrote, ''Long run is a misleading guide to current affairs. In the long run, we are all dead.'' I will add: dead, dead, dead.

I am getting sick and tired of these administrations, Democratic and Republican, who run to West Virginia and want the votes there and turn around and fail to take a stand for American goods, American industries, and American men and women workers.

John Maynard Keynes also wrote, ''Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist.''

How many Washington Post editorialists will lose their jobs if our trade laws are eviscerated? How many libertarian think tanks will be shut down when the free trade dystopia is established? Shall we take their views—the views of some defunct economist—as gospel, or shall we listen to those who earn their living by the sweat of their brow?

When God evicted Adam and Eve from the Garden of Eden, they were told to earn their bread from the sweat of their brow, and that is why we are still doing it. I say listen to those who earn their living by the sweat of their brow. Go to Weirton to the steel town; go to Wheeling to that steel town, at Wheeling-Pitt with over 4,000 workers. I believe that is right. Go over there. Say to them: Boys, get in touch with your Senator and get in touch with your House Members and tell them to vote for—they do not call it fast track. What is it they call it? It is a sugar-coated pill. Tell your Senator to vote for that, and actually they will not say it out loud, but that is fast track. Tell your Senator to vote for that.

I am for expanding international trade. Who wouldn't be. But let the trade be fair. Let us have a level playing field, and let us not neglect our responsibility in this Senate to participate meaningfully in the formulation and implementation of U.S. trade policy.

I am not saying the Senate ought to vote on every duty and every tariff on every little toothbrush and every little violin string that is sent into this country. I am saying there are some big questions this Senate ought to be able to speak to and to vote on. At least on 2, 3, 4, 5, or 6, let's have a vote by this Senate.

One way we can reassert our constitutional role with respect to foreign trade is to create a Congressional Trade Office modeled after the Congressional Budget Office.

My colleagues might recall this was one of the many ideas discussed in the report of the U.S. Trade Deficit Review Commission. Senator BAUCUS and I are working on legislation that would give us a trade office with the information resources and expertise necessary to permit us to properly discharge our oversight responsibilities.

That is what we need. We need to exercise our oversight responsibility. We cannot do it if we gag ourselves, if we cannot speak, if we cannot amend. We cannot fulfill our responsibilities under the Constitution. We cannot fulfill our responsibilities to the people who sent us here.

Can anyone guess how many trade agreements have been negotiated without fast track? The President is running around saying: Oh, I have to have this; I have to have this in order to enter into these trade agreements. Can anyone guess how many trade agreements have been negotiated without fast track since that extraordinary authority was first granted to the President in 1974? The answer is in the hundreds. We have had fast track on this Senate floor 5 times in the last 27 years, but in the meantime, hundreds of trade agreements have been negotiated, the most recent examples being the U.S.-Jordan agreement and the U.S.-Vietnam agreement.

I think we need an analysis of all the trade agreements concluded over the past 27 years. Let us try to determine if the Founding Fathers were completely off the mark when they gave Congress authority over foreign commerce.

I believe that any impartial study of this history will demonstrate that we can have trade agreements without surrendering our constitutional authority over foreign commerce. If negotiation of trade agreements is in the interests of other nations, they will be at the table. They will be at the table, in my judgment, Congress or no Congress. Is there any serious argument to the contrary?

Let me be clear. I am thinking of a Presidential nominee some years ago who said this. For the moment I have forgotten his name. He said this: I didn't say that I didn't say it; I said that I didn't say that I said it.

And then he said: Let me be clear. I didn't say that I didn't say it; I said that I didn't say that I said it.

He said then: Let me be clear—after the audience had laughed.

Let me be clear. I am not suggesting that we noodle away at a Presidentially negotiated trade agreement by considering myriad small amendments. No, Congress should not focus on the minutiae. There may, however, be a small number of big issues in such an agreement that go to the root of our constituents' interests. We must have the authority to subject those issues to full debate and, if necessary, amendment.

In closing, I reiterate that we should put our trust in this document which I hold in my hand, the Constitution of the United States—not in fast track but in the Constitution of the United States and in the people for whom it was drafted and ratified: the people of America.

Let us not give away even one piece of our national birthright, the Constitution, without at least demanding hard proof that its tried and true principles must be modified.

Let us preserve our authority as Members of Congress to participate fully in the process of concluding international trade agreements. Let us not permit the globalization bandwagon to roll over us, to weaken our voices, to sap the vigor of our democratic institutions, and to blind us to our national interests and the needs of our communities.

If we cannot uphold this banner—the Constitution of the United States which I hold in my hand—if we cannot uphold this banner, the banner of our

more than 200-year-old constitutional Republic, if we cannot play a constructive role in taming the free-trade leviathan, then we are unworthy of our esteemed title.

Mr. President, I yield the floor.

IN RECOGNITION OF RAYMOND BOURQUE

Mr. KERRY. Mr. President, I would like to take a moment that I know my colleague from Massachusetts shares with me to pay special recognition and tribute, celebrating the career of one of New England's most beloved sports figures, Raymond Bourque, who announced his retirement today.

Over the course of a 22-year career in the National Hockey League, this future-certain Hall-of-Famer set a standard for all athletes—playing with a special kind of determination and grit and, above all, class that has been recognized by his fellow players and by sports fans all over this country and indeed the world.

He came to us in Boston from Canada as a teenager to play for our beloved Boston Bruins, earning Rookie of the Year honors for that first year in 1979 to 1980.

Many make a large splash with a lot of headlines in the first year, but Ray proved, even as he won Rookie of the Year, to be more marathon than sprint. Through perseverance and a deep dedication to his craft, he played his way into the hearts of sports fans across the region and throughout the league.

For over 20 years, touching literally four different decades for those 20 years, he was the foundation on which the Boston Bruins built their teams and chased the dream of bringing the Stanley Cup back to Boston. Alas, that was not to happen.

The statistics, however, of his chase speak for themselves: The highest scoring defenseman in league history; a 19-time All-Star; a five-time Norris Trophy winner as the league's best defenseman. But in many ways it was more than goals and assists and legendary defense that won him the tremendous admiration of Boston fans. It was his performance beyond the game itself.

December 3, 1987, is a day that remains indelibly imprinted in the hearts and minds of Boston sports folklore. It is next to Fisk's homer, Havlicek's steal, and Orr's flying goal. That day Bruin Hall-of-Famer Phil Esposito's No. 7 was retired and raised to the rafters of the old Boston Garden. Ray Bourque also wore No. 7 and most believed he was going to continue to wear his number for the remainder of his career.

That night, Ray touched generations of fans and nonfans by skating over to Esposito, removing his No. 7 jersey to reveal a new No. 77 that he was to wear for the rest of his illustrious career. He handed the No. 7 jersey to a stunned and emotional Esposito and said, ''This is yours, big fella. It never should have been mine.''

The Stanley Cup was the one thing that was missing during his years in Boston that continued to elude him and his teammates. In fact, Ray had the most games played without winning a Stanley cup—1,825. However, that distinction did not diminish him in the eyes of his fans or his teammates, the teammates who were proud to call him captain. It only made them all want to give him one last opportunity to prevail. With that in mind, Boston gave Ray his leave and he set his sights on that final goal—to win a Stanley Cup—only this time he set out to do it with the Colorado Avalanche.

Even after Ray left the Bruins in the midst of the 2000 season in search of that goal, the Boston fans never left him. His new Colorado team immediately recognized his value as a leader and they awarded him the moniker of assistant captain upon his arrival. When he finally raised the cup over his head in triumph this past season, all of New England cheered for him. In fact, in an unprecedented show of support for another team's victory, over 15,000 Bourque and Boston fans joined in a celebration on Boston's City Hall Plaza when Ray brought home the Stanley Cup earlier this month. It belonged to Ray and to Boston for those moments as much as to Colorado and the Avalanche.

Today we learned that Ray Bourque has laced up his skates as a professional in competition for the final time. He will retire and come home to Massachusetts to be with his wife, Christiane, and their three children, Melissa, Christopher, and Ryan. He will watch his eldest son, 15-year-old Christopher, as he plays hockey at a new school.

It is both fair and appropriate to say that for all of his children, as well as all young children, you could not have a better role model, not just in hockey but in life.

I have been privileged to share a number of charitable events with Ray Bourque. He is tireless in his contribution back to the community and in the leadership to help to build a better community.

If Ray's career were only measured in numbers, he would be an automatic Hall-of-Famer. But when you take the full measure of the man, he has shown to be one of those few athletes who transcends sports. He could have played a couple of years more. He could have made millions of more dollars. But he chose to go out on top and to return to his family. He felt his family had made enough sacrifices for him, and it was time for him to be there for them.

In Massachusetts, and fans everywhere, I think there is a special sense of gratitude for his success, for his happiness, and we are appreciative of all of his years with the Bruins and proud to have him back home in Massachusetts.

We wish him and his family well.

SOUTH DAKOTA NATIONAL PEACE ESSAY CONTEST WINNER

Mr. DASCHLE. Mr. President, I am honored today to present to my colleagues in the Senate an essay by Austin Lammers of Hermosa, SD. Austin is a student at St. Thomas More High School and he is the National Peace Essay Contest winner for South Dakota.

I ask unanimous consent that the essay be printed in the RECORD.

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

FAILURE IN AFRICA

Imagine how horrible living in a third world country would be during a giant civil war, and the people that are supposed to help allow death, famine and increased war. Death and war is precisely what has happened in this past decade in the warring countries of Somalia and Rwanda. Outsiders, such as the United Nations, can occasionally help in violent civil outbreaks but they are not consistent and rarely make the situation much better. Third parties should not interfere in civil conflicts unless they are well prepared, respond quickly, and benefit the country they are interfering.

Drought and famine has been the reason for civil war in Somalia since 1969, but the most recent civil war erupted between rebel and governmental forces in 1991 (Fox 90). The rebel forces seized Mogadishu, the capital of Somalia, and forced President Siad Barre to flee the country (Potter 12). The takeover which destroyed the economy also began a famine for about 4.5 million people who were faced with starvation, malnutrition, and related diseases (Johnston 5). The UN wanted to intervene; but according to the Charter, the UN can only act to stop war between nations, not civil war within a single country (Potter 26). Therefore, in December 1992 UN Secretary General, Butros-Ghali, passed Resolution 794 that permitted the UN to secure Somalia (Potter 27).

Following Resolution 794 the UN began the United Nations Operation in Somalia (UNOSOM) which monitored the new cease-fire between the rebels and the government forces while delivering humanitarian aid (Johnston 28). The cease-fire did not last long, and soon the sides were fighting again, but this time with UN peacekeepers caught in the middle (Benton 129). As the fighting grew worse, the UN soon abandoned UNOSOM (Johnston 29). A U.S. led force; the Unified Task Force (UNITAF) to make a safe environment for delivery of humanitarian aid replaced UNOSOM (Benton 133). In May 1993, UNOSOM II replaced UNITAF; but only starvation was relieved, there was still governmental unrest (Benton 136).

The U.S. decided to leave Somalia when on October 3, 1993, a Somalia rebel group shot down a U.S. helicopter, killing eighteen American soldiers (Fox 19). the U.S. was evacuated by 1994, and by 1995 all UN forces had left (Fox 22).

After the abandonment by UN in 1995, the new police force created by the UN committed numerous human rights abuses (Potter 17). Also bad weather, pests, and the UN ban on the export of livestock to the U.S. and Saudi Arabia have worsened the economy in Somalia (Johnston 56). The drop in economy has caused lowered employment and increased starvation (Johnston 60).

The UN should not have intervened in Somalia, but rather let Somalia deal with their own internal problems. While the UN was in Somalia, they made the war bigger and thus causing more starvation. After the UN was

removed, the police force abused citizens, and their economy went crashing further down (Potter 30).

The United Nations should have learned from their mistakes in Somalia, but instead ignored what had happened and tried to help the civil war in Rwanda during 1994. Rwanda's population is approximately 88% Hutu and 11% Tutsi. The two groups have had bad relations since that 15th century when the Hutus were forced to serve the Tutsi lords in return for Tutsi cattle (Brown 50). Since the 15th century, a number of civil disputes have begun between the Hutus and the Tutsis (Brown 51). The latest civil war has resulted in mass genocide (Prunier 38).

The latest civil war in Rwanda started on April 6, 1994, when the plane carrying Rwandan President Habyarimana and the President of Burundi was shot down near Kigali (Freeman 22). That same day the genocide began, first killing the Prime Minister and her ten bodyguards, then all Tutsi's and political moderates (Freeman 27). This genocide, which has been compared to the Holocaust, lasted from April 6 until the beginning of July (Prunier 57). The Interahamwe militia consisting of radical Hutus, started the genocide killing up to one million Tutsis and political moderates, bragging that in twenty minutes they could kill 1,000 Tutsis (Bronwyn 4). However, militia was not the only faction to lead the genocide. A local Rwandan radio broadcast told ordinary citizens to ''Take your spear, guns, clubs, swords, stones, everything—hack them, those enemies, those cockroaches, those enemies of democracy'' (Bronwyn 13).

The United Nations was in Rwanda before and during the mass genocide, but did not stop the killings or even send more troops (Benton 67). In 1993, the United Nations Assistance Mission to Rwanda, UNAMIR, oversaw the transition from an overrun government to a multiparty democracy (Benton 74). As the genocide broke out in 1994, the UN began to panic; and on April 21, just days after the genocide started, the UN withdrew all but 270 of the 2,500 soldiers (Freeman 44). When the UN saw the gradual increase of the genocide they agreed to send 5,000 troops, but those troops were never deployed due to UN disagreements (Freeman 45). UNAMIR finally withdrew in March 1996, accomplishing almost nothing (Prunier 145). Jean Paul Biramvu, a survivor of the massacre, commented on the UN help saying, ''We wonder what UNAMIR was doing in Rwanda. They could not even lift a finger to intervene and prevent the deaths of tens of thousands of people who were being killed under their very noses . . . the UN protects no one'' (Freeman 46).

Again, just as in Somalia, the United Nations failed to bring peace in a civil war. Not only did the UN do almost nothing to stop the genocide, they also knew that there was a plan to start the genocide before it even happened (Bronwyn 12). On December 16, 1999, a press conference about the genocide brought to light new information that the United Nations had accurate knowledge of a plan to start a genocide, three months before the killings occurred (Bronwyn 13). The UN had ample time to stop a large-scale slaughter of almost a million innocent people, and did not even send more troops that could have prevented the deaths of thousands of Tutsis (Bronwyn 13). Two reasons for the reluctance to do anything in Rwanda was that Rwanda was not of national interest to any major powers, and since the problems in Somalia, the UN did not want to risk being hurt again (Bronwyn 18). The United Nations work in Rwanda is a pathetic example of how peace missions should work.

The United Nations and other international communities can intervene and help prevent violent civil conflicts in many ways. The first way to improve intervention is that the International Community needs to keep a consistent stand on how to protect victims in civil disputes. The most important step to take when war is apparent is to protect people's lives.

Second, the International Community should establish a center that informs them of any early signs of war using human right monitors to decide if conditions might worsen. The genocide in Rwanda would have been prevented if the UN notices early signs of war, and listens to reports of a genocide.

Third, make better the criminal court for genocide, war crimes, and other human right infractions so the criminals are punished right away with a sentence that fits the crime. Many times people who commit war crimes are not punished, or do not get a harsh enough sentence.

Fourth, violent methods by the International community may only be used after non-violent methods have failed, and the government is unwilling to help. The UN in Somalia tried to use military force immediately instead of trying to use non-military force when war broke out and they were in the middle (Benton 107).

Fifth, International Communities need to have stand-by troops ready when a war is apparent, and impress on the warring country that if more problems arise, more troops will be sent in to stop the war. The UN did have troops ready in case of war, but when the war did break out in Somalia, they did not send more troops to secure the situation (Fox 28).

Sixth, every country, no matter how much power or relevence in the world, needs to be helped equally. The United Nations during the Rwandan genocide did not worry about helping the victims because Rwanda did not have much international power in the world such as valuable exports or strong economies. The UN cannot be worried how they will benefit but rather how the country warring will benefit (Bronwyn 18).

Third parties such as the United Nations are not consistent in their fight to keep peace in civil conflicts, especially conflicts that have been going on for hundreds of years. In some instance, such as Somalia and Rwanda, the UN hurt the people more than they helped by causing death and famine. The International community needs to come together and create new policies that help the countries that they are trying to keep peace instead of hurting them and sending them deeper into war.

WORKS CITED

Adcock, Bronwyn. The UN & Rwanda: Abandoned to Genocide? Background Briefing, 21 February 1999. 20 December 2000. http://www.abc.net.au/rn/talks/bbing/stories/s19237.htm

Benton, Barbara. Soldiers For Peace: Fifty Years of United Nations Peacekeeping. New York, NY: Facts on File, 1996.

Brown, Laurie, et al. Failure in Rwanda. Chicago, IL; John Wiley & Sons, Inc., 1995.

Fox, Mary V. Enchantment of the World: Somalia. New York, NY: Children's Press, 1996.

Freeman, Charles. New Perspectives. Crisis in Rwanda. Austin, TX: Raintree Steck-Vaughn, 1999.

Johnston, Peter. Blue Helmets: A Review of United Nations Peacekeeping. New York, NY: McGraw Hill, 1998.

Potter, Evan. UN Intervention in Somalia. Toronto, Canada: Prentice Hall, 1996.

Prunier, Gerard. The Rwanda Crisis: History of a Genocide. New York, NY: Columbia University, 1999.

THE REGIONAL IMPORTANCE OF ECUADOR AND PERU

Mr. GRASSLEY. Mr. President, I rise today to highlight the countries of Ecuador and Peru within the context of the Andean Regional Initiative, ARI, the FY–2002 follow-on strategy to Plan Colombia. Although the ARI encompasses 7 South American counties, I want to focus today on these two important United States allies. Our hemispheric counterdrug efforts must be viewed within a regional context, or else any successes will be short-term and localized, and may produce offsetting or even worse conditions than before we started. Narcotics producers and smugglers have always been dynamic, mobile, innovative, exploitative, and willing to move to areas of less resistance. I am concerned that spillover, displacement, or narcotrafficker shifts, from any successful operations within Colombia, has the real potential to negatively affect Peru and Ecuador. I want the United States actions to help—and not hurt—our allies and this important region of our own hemisphere.

The State Department's June 2001 country program fact sheet reports that ''Ecuador has become a major staging and transshipment area for drugs and precursor chemicals due to its geographical location between two major cocaine source countries, Colombia and Peru. In recent months, the security situation along Ecuador's northern border—particularly in the Sucumbios province, where most of Ecuador's oil wealth is located—has deteriorated sharply due to increased Colombian guerrilla, paramilitary, and criminal violence. The insecurity on Ecuador's northern border, if not adequately addressed, could have an impact on the country's political and economic climate. Sucumbios has long served as a resupply and rest/recreation site for Colombian insurgents; and arms and munitions trafficking from Ecuador fuel Colombian violence.''

The Ecuador fact sheet continues ''[n]arcotraffickers exploit Ecuador's porous borders, transporting cocaine and heroin through Ecuador primarily overland by truck on the Pan-American Highway and consolidating the smuggled drugs into larger loads at poorly controlled seaports for bulk shipment to the United States and Europe hidden in containers of legitimate cargo. Precursor chemicals imported by ship into Ecuador are diverted to cocaine-processing laboratories in southern Colombia. In addition, the Ecuadorian police and army have discovered and destroyed cocaine-refining laboratories on the northern border with Colombia. Although large-scale coca cultivation has not yet spilled over the border, there are small, scattered plantations of coca in northern Ecuador. As a result, Ecuador could become a drug producer, in addition to its current role as a major drug transit country, unless law enforcement programs are strengthened.'' Finally, the

State Department concludes that ''Ecuador faces an increasing threat to its internal stability due to spillover effects from Colombia at the same time that deteriorating economic conditions in Ecuador limit Government of Ecuador, GOE, budgetary support for the police.''

The State Department's March 2001 country program fact sheet reports that ''Peru is now the second largest producer of coca leaf and cocaine base. Peruvian traffickers transport the cocaine base to Colombia and Bolivia where it is converted to cocaine. There is increasing evidence of opium poppy cultivation being established under the direction of Colombian traffickers.'' The fact sheet continues ''[f]or the fifth year in a row, Peruvian coca cultivation declined from an estimated 115,300 hectares in 1995 to fewer than an estimated 34,200 hectares in 2000 (a decline of 70 percent since 1995). The continuing [now-suspended] U.S.-Peruvian interdiction program and manual coca eradication were major factors in reducing coca leaf and base production.'' In addition, ''[t]hese U.S. Government supported law enforcement efforts are complemented by an aggressive U.S.-funded effort to establish an alternative development program for coca farmers in key coca growing areas to voluntarily reduce and eliminate coca cultivation. Alternative development activities, such as technical assistance and training on alternative crop production, are provided as long as the community maintains the coca eradication schedule. In Peru, activities include transport and energy infrastructure, basic social services (health, education, potable water, etc.), strengthened civil society (local governments and community organizations), environmental protection, agricultural production and marketing, and drug demand reduction.''

With respect to Peru, I also encourage the Department of State to quickly report to Congress the findings on the tragic shootdown on April 20 of this year and the intended future of the air interdiction program.

I encourage my colleagues, and the public, to be sensitive to the current delicate conditions and future developments in these countries. In addition, while I support the additional United States aid for Ecuador and Peru, as requested in the President's FY–2002 budget, for both law enforcement and many needed social programs, I remain concerned that our current efforts lack coherence or clear-sightedness. I will say again that I fervently want the United States actions to help—and not hurt—Colombia, Ecuador, and Peru, on this complicated and critical regional counterdrug issue. The goal is to make a difference—not make things worse or simply rearrange the deck chairs.

PENDING FISCAL YEAR 2002 DEFENSE BUDGET REQUEST

Mr. FEINGOLD. Mr. President, here we go again. Late last week, senior Administration officials indicated that the Bush Administration plans to submit to Congress, several months late, a budget request for the Department of Defense that increases the already bloated fiscal year 2001 spending level for that department by $18.4 billion.

I find it interesting that the Administration has yet to provide the details of this request to the Congress, to the dismay of both parties, but that the dollar amount increase over last year's $310 billion appropriation is already being widely reported.

This is in addition to the $6.5 billion supplemental appropriations request that the Senate may consider later this week, most of which is for the Department of Defense.

Where will it end, Mr. President?

While I commend Secretary Rumsfeld for undertaking a long-overdue comprehensive review of our military, I also urge him to consider carefully the impact that any proposed defense increases will have on the rest of the federal budget.

We are already feeling the impact left by the $1.35 trillion tax cut that this Administration made its number one priority. That tax cut virtually ensures that there can be no defense increases without making deep cuts in other parts of the budget. And the top priorities of the American people, such as saving Social Security and Medicare and providing a Medicare prescription drug benefit, will be that much harder to accomplish.

But it appears that the Administration will propose an increase in defense spending.

I fear that this pending request, coupled with the massive tax cut that has already been signed into law, will lead us down a slippery slope to budget disaster.

A TRIBUTE TO GOLD STAR MOTHERS

Mr. CAMPBELL. Mr. President, today I take this opportunity to call to the attention of our colleagues the national convention of the American Gold Star Mothers which began on Sunday, June 24 and concludes tomorrow, June 27, 2001, in Knoxville, TN.

The Gold Star Mothers is an organization made up of American mothers who lost a son or daughter while in military service to our country in one of the wars. The group was founded shortly after the First World War for those special mothers to comfort one another and to help care for hospitalized veterans confined in government hospitals far from home. It was named after the Gold Star that families hung in their windows in honor of a deceased veteran. Gold Star Mothers now has 200 chapters throughout the United States, and its members continue to perpetuate the ideals for which so many of our sons and daughters died.

Over this past Memorial Day weekend, I participated in the Rolling Thunder rally on the National Mall to honor our Nation's veterans and remember those missing in action. During that time, I personally met some of the Gold Star mothers and was moved by their compassion, their commitment and the sacrifices they and their families have made for our country.

I ask my colleagues to join me in recognizing the Gold Star Mothers for their many years of dedicated service and congratulating them on the occasion of their national convention.

OUTSTANDING SCHOOLS HONORED FOR SERVICE LEARNING

Mr. KENNEDY. Mr. President, I welcome this opportunity to recognize a number of schools that are doing an excellent job of encouraging community service by their students. The Nation has always relied on the dedication and involvement of its citizens to help meet the challenges we face. Today, the Corporation for National Service works with state commissions, nonprofits, schools, and other civic organizations to provide opportunities for Americans of all ages to serve their communities.

Learn and Serve America, a program sponsored by the Corporation for National Service, supports service-learning programs in schools and community organizations that help nearly a million students from kindergarten through college meet community needs, while improving their academic skills and learning the habits of good citizenship. Learn and Serve grants are used to create new programs, replicate existing programs, and provide training and development for staff, faculty, and volunteers.

This year the Corporation for National Service has recognized a number of outstanding schools across the country as National Service-Learning Leader Schools for 2001. The program is an initiative under Learn and Serve America that recognizes schools for their excellence in service-learning. These middle schools and high schools have earned their designation as Leader Schools. They serve as models of excellence for their exemplary integration of service-learning into the curriculum and the life of the school. I am hopeful that the well-deserved recognition they are receiving will encourage and increase service-learning opportunities for students in many other schools across the country.

The 2001 National Service Leader Schools are: Vilonia Middle School, Vilonia, AR; Chico High School, Chico, CA; Evergreen Middle School, Cottonwood, CA; Telluride Middle School/High School, Telluride, CO; Seaford Senior High School, Seaford, DE; Space Coast Middle School, Cocoa, FL; P.K. Yonge Developmental Research School, Gainesville, FL; Douglas Anderson School of the Arts, Jacksonville, FL; Lakeland High School, Lakeland, FL; Dalton High School, Dalton, GA; Sacred Hearts Academy, Honolulu, HI; Moanalua Middle School, Honolulu, HI;

Unity Point School, Carbondale, IL; Jones Academic Magnet High School, Chicago, IL; Valparaiso High School, Valparaiso, IN; Ballard Community High School, Huxley, IA; Lake Mills Community High School, Lake Mills, IA; Glasco Middle School, Glasco, KS; Spring Hill High School, Spring Hill, KS; Boyd County High School, Ashland, KY; Garrard Middle School, Lancaster, KY; Harry M. Hurst Middle School, Destrehan, LA; Drowne Road School, Cumberland, ME; Rockland District High School, Rockland, ME; Leavitt Area High School, Turner, ME; Gateway School, Westminster, MD; Millbury Memorial High School, Millbury, MA; Garber High School, Essexville, MI; Onekama Middle School, Onekama, MI; Tinkham Alternative High School, Westland, MI; Moorhead Junior High School, Moorhead, MN; Harrisonville Middle School, Harrisonville, MO; Pattonville High School, Maryland Heights, MO; Middle Township High School, Court House, NJ; Benedictine Academy, Elizabeth, NJ; Delsea Regional High School, Franklinville, NJ; Hoboken Charter School, Hoboken, NJ; Iselin Middle School, Iselin, NJ; Christa McAuliffe Middle School, Jackson, NJ; Notre Dame High School, Lawrenceville, NJ; North Arlington Middle School, North Arlington, NJ; West Brook Middle School, Paramus, NJ; Ocean County Vocational Technical School, Toms River, NJ; The Bosque School, Albuquerque, NM; Carl Bergerson Middle School, Albion, NY; Madison Middle School, Marshall, NC; Ligon Gifted and Talented Magnet Middle School, Raleigh, NC; Fort Hayes Metropolitan Education Center, Columbus, OH; Clark Center Alternative School, Marietta, OH; Ripley High School, Ripley, OH; Perry Middle School, Worthington, OH; Miami High School, Miami, OK; Alcott Middle School, Norman, OK; Yukon High School, Yukon, OK; Franklin Delano Roosevelt Middle School, Bristol, PA; Chapin High School, Chapin, SC 29036; Summit Parkway Middle School, Columbia, SC; Palmetto Middle School, Williamston, SC; Henry County High School, Paris, TN; Cesar Chavez Academy, El Paso, TX; Dixie Middle School, St. George, UT; New Dominion Alternative School, Manassas, VA; Kamiakin Junior High School, Kirkland, WA; Student Link, Vashon, WA.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 26, 1992 in Salem, Oregon. A black lesbian and a gay man died after a firebomb was thrown into their apartment. Philip Bruce Wilson Jr., 20; Sean Robert Edwards, 21; Yolanda Renee Cotton, 19; and Leon L. Tucker, 22, were charged in connection with the murders.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO HUGH L. GRUNDY

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Hugh L. Grundy for his many years of service to the United States. On June 30, 2001, Hugh will be honored by the City of Crab Orchard, Kentucky, for his dedication to our Nation, and I know my colleagues join me in expressing our gratitude for his many contributions.

Hugh Grundy is a true American hero and has dedicated much of his life to the cause of freedom. During World War II, he served as a Major in the U.S. Army Air Corps/Air Force. After that, Hugh went on to serve concurrently as president of the Civil Air Transport and Air America. Secretly owned by the Central Intelligence Agency, CIA, these two air transport organizations were staffed by civilians who conducted undercover missions in Asia and other parts of the world in support of U.S. policy objectives. Often working under dangerous conditions and with outdated equipment, CAT and Air America crews transported scores of troops and refugees, flew emergency medical missions, and rescued downed airmen. Hugh and the brave people he commanded played a vital role in the war against Communism and their commitment to freedom will never be forgotten.

Hugh Grundy is a native Kentuckian. Born on his parents' farm in Valley Hill, KY, he grew up helping his father raise and show yearling saddle horses. While Hugh's love for aviation and his service to our Nation caused him to be away from the Commonwealth for many years, he returned to the Bluegrass to retire. Hugh and his wife of 58 years, Elizabeth, or ''Frankie'' as she is known to her friends, now live on their family farm, called Valley Hill Plantation. After many years on the go, Hugh and Frankie are very content with the peace and quiet associated with farm life.

Although Hugh Grundy is now retired, his record of dedication and service continues. On behalf of this body, I thank him for his contributions to this Nation, and sincerely wish him and his family the very best.•

TRIBUTE TO JOHN P. KELTY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to John P. Kelty of Hampton Beach, NH, for his heroic service to the United States of America during World War II.

On July 30, 2001 I will present John with the medals he so bravely earned while serving his Nation in battle. John was wounded in action while serving in the Marshall Islands where he volunteered to evacuate fallen comrades while under machine gun fire. He also participated in the battle of POI and NAMUR, Kwajalein Atoll, Marshall Islands.

John, a former Marine Private First Class, earned medals for his dedicated military service including: the American Campaign Medal, Asiatic-Pacific Medal with Bronze Stars, an Honorable Service lapel button, the Marine Corps Honorable Discharge button, a Purple Heart Medal, the Presidential Unit Citation with one Bronze Star and a World War II Victory Medal.

A family friend of John Kelty, John Taddeo, recently contacted my Portsmouth, NH office to inquire about obtaining the service medals for the former Marine. As the son of a Naval aviator who died in a World War II incident, I was proud to assist with this request to provide the medals that John so courageously earned.

I commend John for his selfless dedication to his State and country. He is an American hero who fought to preserve liberty and justice for all citizens of the United States. It is truly an honor and a privilege to represent him in the U.S. Senate.•

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:38 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. 645. An act to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 1668. An act to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy.

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. 161. Concurrent resolution honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers military housing compound in Dhahran, Saudi Arabia, on June 25, 1996.

The message further announced that the House has passed the following bill, without amendment:

S. 657. An act to authorize funding for the National 4–H Program Centennial Initiative.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1029. An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 2:22 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 bill, in which it requests the concurrence of the Senate:

H.R. 2213. An act to respond to the continuing economic crisis adversely affecting American agricultural producers.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 645. An act to reauthorize the Rhinoceros and Tiger Conservation Act of 1994; to the Committee on Environment and Public Works.

H.R. 2213. An act to respond to the continuing economic crisis adversely affecting American agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 161. Concurrent resolution honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers in Saudi Arabia on June 25, 1996; to the Committee on Armed Services.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 26, 2001, he had presented to the President of the United States the following enrolled bill:

S. 1029. An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of Oregon (for himself and Mr. BINGAMAN):

S. 1098. A bill to amend the Food Stamp Act of 1977 to improve food stamp informational activities in those States with the greatest rate of hunger; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of Oregon (for himself and Mr. LEAHY):

S. 1099. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. DASCHLE, Mr. MURKOWSKI, Mrs. LINCOLN, and Mr. KERRY):

S. 1100. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance to farmers; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 1101. A bill to name the engineering and management building at Norfolk Naval Shipyard, Portsmouth, Virginia, after Norman Sisisky; to the Committee on Armed Services.

By Mr. WELLSTONE:

S. 1102. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. DORGAN, and Mr. BURNS):

S. 1103. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates in any case in which there is an absence of effective competition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. MURKOWSKI, Mr. GRAMM, Mr. NICKLES, Mr. THOMPSON, Mr. KYL, Mr. HAGEL, Mr. ROBERTS, and Mr. CHAFEE):

S. 1104. A bill to establish objectives for negotiating, and procedures for, implementing certain trade agreements; to the Committee on Finance.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1105. A bill to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 1106. A bill to provide a tax credit for the production of oil or gas from deposits held in trust for, or held with restrictions against alienation by, Indian tribes and Indian individuals; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. Res. 117. A resolution honoring John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mrs. HUTCHISON, Mr. DEWINE, and Mr. LIEBERMAN):

S. Con. Res. 55. A concurrent resolution honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers in Saudi Arabia on June 25, 1996; to the Committee on Armed Services.

By Ms. SNOWE:

S. Con. Res. 56. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. DASCHLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 21, a bill to establish an off-budget lockbox to strengthen Social Security and Medicare.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 180

At the request of Mr. FRIST, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 180, a bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

S. 249

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 249, a bill to amend the Internal Revenue Code of 1986 to expand the credit for electricity produced from certain renewable resources.

S. 319

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 319, a bill 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. 543

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 550

At the request of Mr. DASCHLE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 706

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage , and for other purposes.

S. 731

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 731, a bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes.

S. 778

At the request of Mr. HAGEL, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 827, a bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001.

S. 836

At the request of Mr. CRAIG, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 847

At the request of Mr. DAYTON, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 859

At the request of Mr. THOMAS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 859, a bill to amend the Public Health Service Act to establish a mental health community education program, and for other purposes.

S. 871

At the request of Mr. CLELAND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 873

At the request of Mr. HELMS, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 873, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 913

At the request of Ms. SNOWE, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 969

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 992

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. CON. RES. 24

At the request of Mr. LIEBERMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Con. Res. 24, a concurrent resolution expressing support for a National Reflex Sympathetic Dystrophy (RSD) Awareness Month.

AMENDMENT NO. 810

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 810 proposed to S. 1052, , a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

At the request of Mr. BUNNING, his name was added as a cosponsor of amendment No. 810 proposed to S. 1052, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of Oregon (for himself and Mr. BINGAMAN):

S. 1098. A bill to amend the Food Stamp Act of 1977 to improve food stamp informational activities in those States with the greatest rate of hunger; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SMITH of Oregon. Mr. President, I rise today to introduce the State Hunger Assistance in Response to Emergency or SHARE Act of 2001. I introduce this bill because it is a tragedy, that in this land of plenty, people across America go to bed hungry. It is high time that Congress do something to combat this tragedy.

Over the past few years, my home State of Oregon has seen an unprecedented economic boom—as has much of the country. Our silicon forest has grown by leaps and bounds; unemployment has dropped, and our welfare rolls have been reduced by half. But this prosperity has not reached all Oregonians. Oregon has the appalling distinction of having the highest rate of hunger in the nation, according to the USDA. That means that per capita, more people in Oregon go without meals than in any other State. I think that it may surprise some of my colleagues to learn that many of their home States suffer from severe hunger problems as well.

Perhaps the most tragic aspect of America's hunger problem is that it can be prevented. Federal programs,

like Food Stamps and WIC, can help families fill the gap between the size of their food bill and the size of their paycheck, but too many people don't know that they qualify for the help available to them through these programs. This is especially true in the rural areas of Oregon, which is also home to most of my State's hungry citizens. Help exists for hungry people, and I want to make sure every American knows about the resources the Federal Government has already made available to them.

The Food Stamp Act of 1977 authorized the Secretary of Agriculture to provide states with up to 50 percent of the costs of informational activities related to program outreach; however, because the remaining 50 percent of the funds for these limited outreach activities must be supplied by the State, most States do not participate.

To ensure that more Oregonians and hungry people across the country take advantage of the resources available to them, the SHARE Act will provide additional funds to the 10 hungriest states, as named by the USDA, to help those in need learn about and sign up for federal food assistance programs. The SHARE bill authorizes the Secretary of Agriculture to make grants of up to $1 million to these states for 3 years. States can use these flexible funds for outreach—anything from distributing informational flyers at community health clinics to funding staff to help people fill out application forms. In addition, the bill will allow the Secretary of Agriculture to make grants available to States with particularly innovative outreach demonstration projects, so that we can find the best ways to combat hunger.

In a country as blessed with abundance as ours, no family should go hungry simply because they lack the information they need to get help. When passed, the SHARE Act will give Oregon and other states an opportunity to devise new and innovative programs that will allow the needy in our states to get the help they so desperately need. The idea behind this legislation is not very complicated—I simply want to make people aware of the food assistance already available to them—but I believe that this bill is as important as any we will consider in the Senate this year. With the help of my colleagues, we can stem the tide of this very preventable tragedy.

Mr. BINGAMAN. Mr. President, extreme forms of hunger in American households have virtually been eliminated, in part due to the Nation's nutrition-assistance safety net. Less severe forms of food insecurity and hunger, however, are still found within the United States and remain a cause for concern. The Food Stamp Program provides benefits to low-income people to assist with their purchase of foods that will enhance their nutritional status. Food stamp recipients spend their benefits, in the form of paper coupons or electronic benefits on debit cards, to buy eligible food in authorized retail food stores. Food stamp recipients, or those eligible for food stamps, cross the life cycle. They include individuals of all ages, races and ethnicity in both urban and rural settings.

As a result of the National Nutrition Monitoring and Related Research Act of 1990, the nutritional state of the American people has been closely monitored at State and local levels. We know that food insecurity is a complex, multidimensional phenomenon which varies through a continuum of successive stages as the condition becomes more severe. As the stage of food insecurity and hunger progresses, the number of affected individuals decreases. It is important for us to identify the stages of food insecurity and hunger as early as possible and, thus, continue to avoid the more severe stages of hunger. This means that we will need to focus on a much larger population base with a less dramatic stage of the condition which may be more difficult to identify. Fortunately, current tools to document the extent of food insecurity and hunger caused by income limitations are sensitive and reliable.

We must continue developing tools to document the extent of poor nutrition attributable to factors other than income limitations, like inadequate consumption of fruits and vegetables and overconsumption of sugar, fat, and empty calories. In the meantime, The State Hunger Assistance in Response to Emergency Act of 2001 (SHARE) would take information which is already being collected by the Department of Agriculture and allow the 10 States with the greatest rate of hunger to access funds to perform enhanced outreach activities for the food stamp program.

The goal of the food stamp nutrition education program is to provide educational programs that increase the likelihood of all food stamp recipients making healthy food choices consistent with the most recent dietary advice. States are encouraged to provide nutrition education messages that focus on strengthening and reinforcing the link between food security and a healthy diet. Currently USDA matches the dollars a State is able to spend on its Food Stamp nutrition education program. This nutrition education plan is optional but participation has increased from five State plans in 1992 to 48 State plans in FY 2000.

This bill expands the allowable outreach activities for the States with the worst statistics and would allow up to $1 million per State with 0 percent match requirement. In exchange for this unmatched money, the State must submit a report that measures the outcomes of food stamp informational activities carried out by the State over the 3 years of the grant. In addition, up to five States with innovative proposals for food stamp outreach could be selected by the Secretary of Agriculture for a demonstration project to receive the same amount of money over 3 years.

I have always been proud to represent my home State of New Mexico in the United States Senate. Unfortunately New Mexico has one of the worst hunger statistics in the nation. I think it is my duty to advocate for the New Mexicans that I represent as well as all Americans who are at risk for experiencing hunger, including those from Oregon, Texas, Arkansas and Washington who share similar statistics.

By Mr. SMITH of Oregon (for himself and Mr. LEAHY):

S. 1099. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

Mr. SMITH of Oregon. Mr. President, one of the important tasks we have in Congress is to ensure that our laws effectively deter violence and provide protection to those whose careers are dedicated to protecting our families and also our communities.

With this in mind, today I rise to reintroduce the Federal Judiciary Protection Act with my esteemed colleague, Senator LEAHY. This bill will provide greater protection to Federal law enforcement officials and their families. Under current law, a person who assaults, attempts to assault, or who threatens to kidnap or murder a member of the immediate family of a U.S. official, a U.S. judge, or a Federal law enforcement official, is subject to a punishment of a fine or imprisonment of up to 5 years, or both. This legislation seeks to expand these penalties in instances of assault with a weapon and a prior criminal history. In such cases, an individual could face up to 20 years in prison.

This legislation would also strengthen the penalties for individuals who communicate threats through the mail. Currently, individuals who knowingly use the U.S. Postal Service to deliver any communication containing any threat are subject to a fine of up to $1,000 or imprisonment of up to 5 years. Under this legislation, anyone who communicates a threat could face imprisonment of up to 10 years.

Briefly, I would like to share several examples illustrating the need for this legislation. In my State of Oregon, Chief Judge Michael Hogan and his family were subjected to frightening, threatening phone calls, letters, and messages from an individual who had been convicted of previous crimes in Judge Hogan's courtroom. For months, he and his family lived with the fear that these threats to the lives of his wife and children could become reality, and, equally disturbing, that the individual could be back out on the street again in a matter of a few months, or a few years.

Judge Hogan and his family are not alone. In 1995, Mr. Melvin Lee Davis threatened two judges in Oregon, one judge in Nevada, and the Clerk of the

Court in Oregon. The threat was carried out to the point that the front door of the residence of a Mr. John Cooney was shot up in a drive-by shooting. Unfortunately for Mr. Cooney, he had the same name as one of the Oregon judges who was threatened.

In September 1996, Lawrence County Judge Dominick Motto was stalked, harassed, and subjected to terrorist threats by Milton C. Reiguert, who was upset by a verdict in a case that Judge Motto had heard in his courtroom. After hearing the verdict, Reiguert stated his intention to ''point a rifle at his head and get what he wanted.''

These are just several examples of vicious acts focused at our Federal law enforcement officials. As a member of the legislative branch, I believe it is our responsibility to provide adequate protection to all Americans who serve to protect the life and liberty of every citizen in this Nation. I encourage my colleagues to join us in sponsoring this important legislation.

Mr. LEAHY. Mr. President, I am pleased to join my friend from Oregon to introduce the Federal Judiciary Protection Act. In the last two Congresses, I was pleased to cosponsor nearly identical legislation introduced by Senator GORDON SMITH, which unanimously passed the Senate Judiciary Committee and the Senate, but was not acted upon by the House of Representatives. I commend the Senator from Oregon for his continued leadership in protecting public servants in our Federal Government.

Our bipartisan legislation would provide greater protection to Federal judges, law enforcement officers, and United States officials and their families. United States officials, under our bill, include the President, Vice President, Cabinet Secretaries, and Members of Congress.

Specifically, our legislation would: increase the maximum prison term for forcible assaults, resistance, opposition, intimidation or interference with a Federal judge, law enforcement officer or United States official from 3 years imprisonment to 8 years; increase the maximum prison term for use of a deadly weapon or infliction of bodily injury against a Federal judge, law enforcement officer or United States official from 10 years imprisonment to 20 years; and increase the maximum prison term for threatening murder or kidnaping of a member of the immediate family of a Federal judge or law enforcement officer from 5 years imprisonment to 10 years. It has the support of the Department of Justice, the United States Judicial Conference, the United States Sentencing Commission and the United States Marshal Service.

It is most troubling that the greatest democracy in the world needs this legislation to protect the hard working men and women who serve in our Federal Government. Just last week, I was saddened to read about death threats against my colleague from Vermont after his act of conscience in declaring himself an Independent. Senator JEFFORDS received multiple threats against his life, which forced around-the-clock police protection. These unfortunate threats made a difficult time even more difficult for Senator JEFFORDS and his family.

We are seeing more violence and threats of violence against officials of our Federal Government. For example, a courtroom in Urbana, Illinois was firebombed recently, apparently by a disgruntled litigant. This follows the horrible tragedy of the bombing of the federal office building in Oklahoma City in 1995. In my home state during the summer of 1997, a Vermont border patrol officer, John Pfeiffer, was seriously wounded by Carl Drega, during a shootout with Vermont and New Hampshire law enforcement officers in which Drega lost his life. Earlier that day, Drega shot and killed two state troopers and a local judge in New Hampshire. Apparently, Drega was bent on settling a grudge against the judge who had ruled against him in a land dispute.

I had a chance to visit John Pfeiffer in the hospital and met his wife and young daughter. Thankfully, Agent Pfeiffer has returned to work along the Vermont border. As a Federal law enforcement officer, Agent Pfeiffer and his family will receive greater protection under our bill.

There is, of course, no excuse or justification for someone taking the law into their own hands and attacking or threatening a judge, law enforcement officer or U.S. official. Still, the U.S. Marshal Service is concerned with more and more threats of harm to our judges, law enforcement officers and Federal officials.

The extreme rhetoric that some have used in the past to attack the judiciary only feeds into this hysteria. For example, one of the Republican leaders in the House of Representatives was quoted as saying: ''The judges need to be intimidated,'' and if they do not behave, ''we're going to go after them in a big way.'' I know that this official did not intend to encourage violence against any Federal official, but this extreme rhetoric only serves to degrade Federal judges in the eyes of the public.

Let none of us in the Congress contribute to the atmosphere of hate and violence. Let us treat the judicial branch and those who serve within it with the respect that is essential to preserving its public standing.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal Judiciary and Federal Government in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the Federal Government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes acts or threats of violence to put a human face on the Federal Judiciary, law enforcement officers or U.S. officials, to remind everyone that these are people with children and parents and cousins and friends. They deserve our respect and our protection.

I thank Senator SMITH for his leadership on protecting our Federal judiciary and other public servants in our Federal Government. I urge my colleagues to support the Federal Judiciary Protection Act.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 1101. A bill to name the engineering and management building at Norfolk Naval Shipyard, Portsmouth, Virginia, after Norman Sisisky; to the Committee on Armed Services.

Mr. WARNER. Mr. President, I rise today to introduce a bill that will redesignate Building 1500 at the Norfolk Naval Shipyard, Portsmouth, Virginia, as the Norman Sisisky Engineering and Management Building. I am joined by my Virginia Senate colleague, GEORGE ALLEN.

As a Navy veteran of World War II, Congressman Sisisky was proud to be a part of one of the most extraordinary chapters in American history, when America was totally united at home in support of our 16 million men and women in uniform on battlefields in Europe and on the high seas in the Pacific, all, at home and abroad, fighting to preserve freedom.

During our 18 years serving together, Congressman Sisisky's goal, our goal, was to provide for the men and women in uniform and their families.

The last 50 years have proven time and again that one of America's greatest investments was the G.I. Bill of Rights, originated during World War II, which enabled service men and women to gain an education such that they could rebuild America's economy. The G.I. Bill was but one of the many benefits that Congressman Sisisky fought for and made a reality for today's soldiers, sailors, airmen, and Marines.

His strength in public life was supported by his wonderful family; his lovely wife Rhoda and four accomplished children. They were always by his side offering their love, support, and counsel.

He worked tirelessly throughout Virginia's 4th District, however, there was always a special bond to the military installations under his charge. As a former sailor, the Norfolk Naval Shipyard was high among his priorities. He

knew the workers by name and the monthly workload in the yard. In consultation with his family and delegation members, we chose this building at the shipyard as a most appropriate memorial to our friend and colleague.

I waited until the special election was concluded so the entire Virginia delegation could join together on this legislation.

Norman Sisisky was always a leader for the delegation on matters of national security. We are honored to join in this bi-partisan effort to remember Congressman Norman Sisisky and his life's work; ensuring the nation's security and the welfare of the men and women in uniform and their families.

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. 1101

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

SECTION. 1. DESIGNATION OF ENGINEERING AND MANAGEMENT BUILDING AT NORFOLK NAVAL SHIPYARD, VIRGINIA, AFTER NORMAN SISISKY.

The engineering and management building (also known as Building 1500) at Norfolk Naval Shipyard, Portsmouth, Virginia, shall be known as the Norman Sisisky Engineering and Management Building. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Norman Sisisky Engineering and Management Building.

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. DASCHLE, Mr. MURKOWSKI, Mrs. LINCOLN, and Mr. KERRY):

S. 1100. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance to farmers; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing legislation to bring fairness to farmers in an important element of our trade policy. I am very pleased to be joined in this effort by the ranking member of the Finance Committee, Senator GRASSLEY, who has been a true champion of this effort over the past several years.

The legislation we are introducing today would amend the Trade Act of 1974 to make farmers eligible for Trade Adjustment Assistance, TAA, so that they can get assistance similar to that provided to workers in other industries who suffer economic injury as a result of increased imports.

When imports cause layoffs in manufacturing industries, workers become eligible for TAA. Under TAA, a portion of the income these workers lose is restored to them in the form of extended unemployment insurance benefits while they adjust to import competition and seek other employment. When imports of agricultural commodities increase, though, farmers do not lose their jobs. Instead, the increased imports drive down the prices farmers receive for the crops they have grown. This drop in prices can have an impact that is every bit as devastating to the income of a family farmer as a layoff is to a manufacturing worker. In fact, it can be even more devastating. In many cases, the check that farmers get for all the hard work of growing crops or livestock for the year may not only leave the farmer with no net income, it may not even cover all the input costs associated with producing the commodity, leaving the farmer with thousands of dollars in losses. But, because job loss is a requirement for getting cash assistance under TAA, farmers generally don't get benefits from TAA when imports cause their income to plummet.

Trade is very important to our overall economy, and trade is especially important to our agricultural economy. For example, we export over half the wheat grown in the United States. That is why, historically, agriculture has been among the leading supporters of trade liberalization. However, today many farmers believe their incomes are hurt by free trade, and they have nowhere to turn for assistance when this happens.

Trade Adjustment Assistance for Farmers can not only provide badly needed cash assistance to the devastated agricultural economy, it can re-ignite support for trade among many family farmers. By giving farmers some protection against precipitous income losses from imports, this legislation will strengthen support for trade agreements.

The Conrad-Grassley TAA for Farmers Act would assist farmers who lose income because of imports. Farmers would get a payment to compensate them for some, but not all, of the income they lose if increased imports affect commodity prices.

The eligibility criteria are designed to be analogous to those that apply currently to manufacturing workers. First, just as the Secretary of Labor now decides whether there has been economic injury to workers in a given manufacturing firm by determining whether production has declined and significant layoffs have occurred, the Secretary of Agriculture would decide whether there has been economic injury to producers of a commodity by determining if the price of the commodity had dropped more than 20 percent compared to the average price in the previous five years. Second, just as the Secretary of Labor determines whether imports ''contributed importantly'' to the layoffs, the Secretary of Agriculture would determine whether imports ''contributed importantly'' to the commodity price drop.

In order to be eligible for benefits under this program, individual farmers would have to demonstrate that their net farm income had declined from the previous year, and farmers would need to meet with the USDA's extension service to plan how to adjust to the import competition. This adjustment could take the form of improving the efficiency of the operation or switching to different crops.

Farmers who are eligible for benefits under the program would receive a cash assistance payment equal to half the difference between the national average price for the year (as determined by USDA) and 80 percent of the average price in the previous 5 years (the price trigger level), multiplied by the number of units the farmer had produced, up to a maximum of $10,000 per year.

In most years, the program would have a modest cost, as few commodities, if any, would be eligible. But in a year when surging imports cause prices to drop precipitously, this program would offer a cash lifeline to give farmers the opportunity to adjust to this import competition. This legislation sends a strong signal to farmers that they will not be left behind in our trade policy, that agriculture must be a priority.

We need to be sure that we don't leave American farmers behind. I hope my colleagues will join me in supporting American family farmers as they compete in the global market place.

By Mr. WELLSTONE:

S. 1102. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I rise today to introduce legislation to strengthen the basic rights of workers to organize and to join a union. This legislation, the ''Right-to-Organize Act of 2001,'' addresses shortcomings in the National Labor Relations Act, NLRA, that, over the years, have eroded the framework of worker empowerment the NLRA was designed to ensure.

The NLRA, also known as the Wagner Act, was enacted to ''protect the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing for purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.'' Its proponents envisioned that the commerce of the Nation would be aided by workplaces that respected and empowered workers' voices about the terms and conditions of their own employment. Its proponents envisioned that supporting workers' right to organize would help lay the basic platform for healthy economies, healthy communities, and healthy families.

Grounded in lofty notions of ''full freedom of association'' and ''actual liberty of contract,'' the promise of the NLRA was a fundamentally democratic one: participatory processes as a way to guarantee basic protections and to give those affected a role in decision-making about issues of paramount concern to them.

That was the promise of the NLRA. Unfortunately, today that promise is far from being realized. Indeed, today

the democratic foundation we have attempted to erect for our workplaces is crumbling beyond recognition.

Today, instead of celebrating the participatory voice of workers, we are faced with the stark reality that in all too many cases, workers who do participate, workers who choose to organize, workers who choose to voice their concerns about the terms and conditions of their workplace live in fear. They live in fear of being harassed, of losing wages and benefits, of being put on leave without pay, and ultimately fear of losing their jobs. In a country that celebrates democracy and freedom, the land of the free, it is unconscionable that hard working men and women can be placed in fear of losing their livelihood because they choose to exercise their legal rights to associate for the purposes of bargaining collectively and participating in decision-making about their own workplaces.

Today, as one organizer told me, all too many times you have to be a hero when you try to organize your own workplace. That's true. The men and women who do this—who step up to take some ownership for what's going on in their own workplaces—are doing heroic work. But that shouldn't have to be the case. That wasn't the promise of democracy and participation—of the associational and liberty of contract values this Nation endorsed in the National Labor Relations Act.

It's urgent that we take action here. Estimates are that 10,000 working Americans lose their jobs illegally every year just for supporting union organizing campaigns. The 1994 Dunlop Commission found that one in four employers illegally fired union activists during organizing campaigns. Estimates are that one out of 10 activists is fired.

This is unacceptable. This is truly one of the most urgent civil rights and human rights issues of the new millennium. Working Americans are harassed, threatened and fired simply for seeking to have a voice and be represented in their workplace. According to the Dunlop Commission, the United States is the only major democratic country in which the choice of whether workers are to be represented by a union is subject to such confrontational processes.

As Chair of the Employment, Safety, and Training Subcommittee with jurisdiction over the National Labor Relations Act, NLRA, I am introducing the ''Right-to-Organize Act of 2001'' to shore up the crumbling foundation of democracy in the workplace that the NLRA was intended to promote. The Act will target some of the most serious abuses of labor law that unfortunately have become all too common in recent years.

First, employers routinely monopolize the debates leading up to certification elections. They distribute written materials in opposition to collective bargaining. They require workers to attend meetings where they present their anti-union views. They talk to employees one-on-one about the dire consequences of unionization, such as the possibility that the individual employee or all employees could lose their jobs. All too often, at the same time that this flagrant coercion, intimidation, and interference is taking place often on a daily basis—union organizers are barred from work sites and even public areas.

Second, as noted above, employers too frequently are firing employees and engaging in other unfair labor practices to discourage union organizing and union representation. They are doing this sometimes with near impunity because today's laws simply are not strong enough to discourage them from doing so. As the report, Unfair Advantage noted just last year, employers intent on frustrating workers' efforts to organize can, and do, drag out legal proceedings for years, at the end of which they receive a slap on the wrist in the form of back pay to the worker illegally fired and a requirement that they post a written notice promising not to repeat their illegal behavior. ''Many employers,'' according to this report '' have come to view remedies, like back pay for workers fired because of union activity as a routine cost of doing business, well worth it to get rid of organizing leaders and derail workers' organizing efforts.'' We need to put teeth into our ability to enforce the legal rights that are already on the books.

Third, as part of efforts to discourage organizing, employers are able today to drag out election campaigns, giving themselves more time in some cases to harass workers through methods such as those I have described. Their hope may be that the climate of fear and intimidation will encourage workers to vote against the union seeking certification. While just across our border in Canada, elections take place on average within a week of the filing of a petition, here in the United States, it takes on average 80 days between petition and certification. That is an enormous amount of time for workers to live in fear of casting a vote to help empower their voice in the workplace.

Finally, there is a growing problem of employers refusing to bargain with their employees even after a union has been duly certified. Achieving so-called ''first contracts'' can often be as harrowing as the organizing effort itself.

I want to be clear. Most employers do not take advantage of their workers in this way. Indeed, in tens of thousands of workplaces across the country, employers are working together with employees and their unions, to create safe, healthy, productive, and rewarding work environments. I applaud the efforts these employers and workers are making.

Unfortunately, however, this is not universally the case. All too frequently employers are disempowering workers and undermining their rights to organize, join, and belong to a union. That is why, that I say this is one of the most urgent civil and human rights issues of the new millennium. Civil rights and human rights is fundamentally about protecting the dignity and well-being of the less empowered against excesses of the more powerful. Nothing could be more important to protecting workers' rights to advocate for themselves and their families than securing a meaningful right to organize.

The Right-to-Organize Act of 2001 is a first step in tackling some of the most serious barriers to workers' ability to unionize. In particular, the Act would do the following:

First, it would amend the National Labor Relations Act to provide equal time to labor organizations to provide information about union representation. Under this proposal the employer would trigger the equal time provision by expressing opinions on union representation during work hours or at the work site. Once the triggering actions occur, then the union would be entitled to equal time to use the same media used by the employer to distribute information and be allowed access to the work site to communicate with employees.

Second, it would toughen penalties for wrongful discharge violations. In particular, it would require the National Labor Relations Board to award back pay equal to 3 times the employee's wages when the Board finds that an employee is discharged as a result of an unfair labor practice. It also would allow employees to file civil actions to recover punitive damages when they have been discharged as a result of an unfair labor practice.

Third, it would require expedited elections in cases where a super majority of workers have signed union recognition cards designating a union as the employee's labor organizations. In particular, it would require elections within 14 days after receipt of signed union recognition cards from 60 percent of the employees.

Fourth, the bill would put in place mediation and arbitration procedures to help employers and employees reach mutually agreeable first-contract collective bargaining agreements. It would require mediation if the parties cannot reach agreement on their own after 60 days. Should the parties not reach agreement 30 days after a mediator is selected, then either party could call in the Federal Mediation and Conciliation Service for binding arbitration. In this way both parties would have incentives to reach genuine agreement without allowing either side to hold the other hostage indefinitely to unrealistic proposals.

The need for these reforms is urgent, not only for workers who seek to join together and bargain collectively, but for all Americans. Indeed, one of the most important things we can do to raise the standard of living and quality

of life for working Americans, raise wages and benefits, improve health and safety in the workplace, and give average Americans more control over their lives is to enforce their right to organize, join, and belong to a union.

When workers join together to fight for job security, for dignity, for economic justice and for a fair share of America's prosperity, it is not a struggle merely for their own benefit. The gains of unionized workers on basic bread-and-butter issues are key to the economic security of all working families. Upholding the right to organize is a way to advance important social objectives, higher wages, better benefits, more pension coverage, more worker training, more health insurance coverage, and safer work places, for all Americans without drawing on any additional government resources.

The right to organize is one of the most important civil and human rights causes of the new millennium. I urge my colleagues to join me in helping to restore that right to its proper place.

By Mr. ROCKEFELLER (for himself, Mr. DORGAN, and Mr. BURNS):

S. 1103. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates in any case in which there is an absence of effective competition, and for other purposes; to the Committee on Commerce Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I am happy today to join with my colleagues Senator DORGAN and Senator BURNS, in introducing the Rail Competition Act of 2001. Very simply, the purpose of this legislation is to encourage a bare minimum of competitive practices among participants in the freight rail industry, which has undergone unprecedented concentration in recent years, to the detriment of virtually all rail customers.

This legislation is a renewed effort on the part of my colleagues and me to address an issue that has amazed and shocked us for years. The monopoly power of the railroads places pervasive burdens on so many industries important to our states and to the national economy. No other industry in this country wields as much power over its customers as the railroad industry, and no other industry has as close an ally in the agency charged with its oversight as the railroad industry has with the Surface Transportation Board, known by the abbreviation STB. In fact, no other formerly regulated industry in this country continues to maintain this level of market dominance over its customers and essential infrastructure.

Shippers of bulk commodities, like coal from mines in West Virginia and grain from the Plains states, must routinely deal with shipments that move more slowly, and at rates much higher than would normally be charged in a truly competitive market. Every company that ships its product by rail has a trove of horror stories regarding how high prices and poor service attributable to the lack of meaningful competition in the freight rail industry has affected their ability to compete in their own industries. I know this because these companies have been telling me the same types of stories since I came to Congress.

I know that other members of Congress have heard the stories, too. As many of my colleagues will remember, the point was driven home last year when more than 280 CEOs from companies covering the broadest possible spectrum of the American economy wrote to Senators MCCAIN and HOLLINGS asking them to do something to insert real competition in the freight rail industry. For the record, the STB has also heard the complaints. However, the Board's focus has been the railroads' still-weak financial health, rather than the continued service problems that are its root cause.

I want to give my colleagues an example from an industry that is very important to my State and the rest of the Nation, the chemical industry. Throughout the country, approximately 80 percent of individual chemical operations are ''captive'' to one railroad, meaning they are served by only one railroad, and are subject to whatever pricing scheme the railroad chooses to use. In my home State of West Virginia, where the chemical industry is one of the pillars of the State's economy, 100 percent of chemical plants are captive. Some might be tempted to just write this off as the cost of doing business, but let me impart another view: These plants produce bulk chemicals that other companies buy and turn into countless products in use in every home and business in America.

Make no mistake, while the immediate beneficiary of this legislation will be the Rail Shipper who will have the opportunity to operate with the confidence that they are getting a fair deal the true beneficiary of this legislation is the retail shopper. Every purchase of every product that began its life in a chemical plant will be cheaper when that chemical plant receives competitive rail service because of this bill. Every ingredient in your families' dinners will go down in price when the shippers of agricultural commodities see their costs go down because this bill has produced efficiencies that benefit both shipper and railroad. Every time you flip the switch, and the lights turn on at a lower kilowatt-per-hour rate, it will happen because utilities throughout the nation have a more reliable and inexpensive supply of coal because of the Railroad Competition Act of 2001.

Congress deregulated the railroad industry with the passage of the Staggers Rail Act in 1980. Many of the predicted results of deregulation came to pass in relatively short order. The major freight railroads, which were in pretty bad financial shape at the end of the 1970's, put their fiscal houses in order. In the course of these improvements, some weaker railroads were swallowed up by stronger corporations. Our Nation's rail network, which was extensive but inefficient in some respects, became more streamlined. Unfortunately, some of the benefits of competition that Congress was led to expect most notably improved service at lower cost have simply not materialized for many shippers in several parts of the country.

Indeed, rather than improving over time, the situation has grown steadily worse. The second half of the 1990's saw an unprecedented spate of railroad mergers, to the point now that the more than 50 Class I railroads in existence when I entered the United States Senate has dwindled to only six with four railroads carrying a staggeringly high percentage of the freight.

STB has considered these mergers to be ''in the public interest,'' and I will not dispute the possibility that some of them may have been. I tend to believe that the notion that fueled many of the mergers was that somehow financially weak corporations with poor track records of service could be transformed overnight into efficient, businesslike railroads providing good service at lower costs. Meanwhile, rail shippers had to contend with newly merged railroads with monopoly power that did not seem to care any more about customer service than the separate companies that preceded them.

Before I complete my remarks, I want to address what I predict will be some of the rhetoric bandied about by the railroad industry. This bill is not an attempt to re-regulate the industry. When Congress passed the Staggers Rail Act in 1980, it did not do so with only the financial health of the railroads in mind. The Interstate Commerce Commission, and its successor agency, the STB, were supposed to maintain competition in the rail industry. Both agencies have failed miserably to contain the anti-competitive behavior of the railroads. My cosponsors and I only seek to require railroads to quote a price for a portion of a route on which they carry a company's products. This bill does not seek to give the STB more regulatory authority over the railroads, it only serves to remind the Board of the pro-competitive responsibilities authorized by Congress in the Staggers Act.

Likewise, we do not offer this bill to hasten the demise of the industry. The companies that have come to us time and again for help in getting competitive rail service absolutely need a strong railroad industry. Their products, for the most part, cannot be moved efficiently via trucks or barges. The competition that will be fostered by this legislation is intended to help the railroads as much as it is intended to help shippers. Some may dispute the fundamental economic logic of this, to

which I respond: Giving the railroads relatively unfettered regional monopolies with the right to engage in anticompetitive behavior has not produced the strong railroad industry the Staggers Act sought to produce. At the very least, perhaps it is time to give competition a chance to succeed.

Mr. DORGAN. Mr. President, I rise today to speak about a bill, the Railroad Competition Act of 2001, which, along with Senator BURNS and Senator ROCKEFELLER I hope will introduce a bit of competition and better service in our railroad industry. The truth is that our rail system is completely broken, deregulation has only led to a system dominated by regional monopolies and both shippers and consumers are paying the price.

Since the supposed deregulation of the rail industry in 1980, the number of major Class I railroads has been allowed to decline from approximately 42 to only four major U.S. railroads today. Four mega-railroads overwhelmingly dominate railroad traffic, generating 95 percent of the gross ton-miles and 94 percent of the revenues, controlling 90 percent of all U.S. coal movement; 70 percent of all grain movement and 88 percent of all originated chemical movement. This drastic level of consolidation has left rail customers with only two major carriers operating in the East and two in the West, and has far exceeded the industry's need to minimize unit operating costs.

But consolidation has not happened in a vacuum. Over the years, regulators have systematically adopted polices that so narrowly interpret the pro-competitive provisions of the 1980 statute that railroads are essentially protected from ever having to compete with each other. As a consequence rail users have no power to choose among carriers either in terminal areas where switching infrastructure makes such choices feasible, nor can rail users even get a rate quoted to them over a ''bottleneck'' segment of the monopoly system.

The negative results of this approach have been astonishing. In North Dakota it costs $2,300 to move one rail car of wheat to Minneapolis (approx. 400 miles). Yet for a similar 400 mile move between Minneapolis and Chicago, it costs only $310 to deliver that car. And move that same car another 600 miles to St. Louis, Missouri and it costs only $610 per car. Looking at it another way—An elevator in Minot, North Dakota pays $2.99 to the farmer for a bushel of wheat. The cost to ship that wheat to the West coast on the BNSF is $1.30 per bushel. At that rate, rail transportation consumes 43 percent of the value of that wheat. Not only is that totally unfair to the captive farmer, but in the long run it is unsustainable.

How has this happened? Since the deregulation of the railroad industry, it has been the responsibility of the Interstate Commerce Commission, later renamed, the Surface Transportation Board, to make sure that the pro-competitive intent of the law was being upheld. It is the STBs charge to protect captive shippers through ''regulated competition.''

That clearly hasn't happened. In 1999 the GAO reported on how complicated it is for a shipper to get rate relief under the ''regulated competition'' approach at the STB. The GAO found that this process takes up to 500 days to decide, and costs hundreds of thousands of dollars. Hundreds of thousands of dollars and about approximately two years—that's hardly a rate relief process. But it's about the only relief shippers have under the law.

The Railroad Competition Act of 2001 will reaffirm the strong role the STB should play in protecting shippers by: jump-starting competition by requiring railroads to quote a rate on any given segment; facilitating terminal access and the ability to transfer goods among railroads in terminal areas; simplifying the market dominance test; eliminating the annual revenue adequacy test; bolstering rail access by making the rate relief process cheaper, faster and easier through a streamlined arbitration process, and requiring the railroads to file monthly service performance reports with the Department of Transportation, similar to what we require of the airline industry, so that rail customers have access to the information then need to make good railroad and transportation choices.

All Americans, whether they are farmers who need to ship their crops to market, businesses shipping factory goods, or consumers that buy the finished product, deserve to have a rail transportation system with prices that are fair. It is time for Congress to stand up for farmers, businesses, and consumers by making it very clear that the STB has to be a more aggressive defender of competition and reasonable rates.

By Mr. GRAHAM (for himself, Mr. MURKOWSKI, Mr. GRAMM, Mr. NICKLES, Mr. THOMPSON, Mr. KYL, Mr. HAGEL, Mr. ROBERTS, and Mr. CHAFEE):

S. 1104. A bill to establish objectives for negotiating, and procedures for, implementing certain trade agreements; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I rise today with Senator MURKOWSKI and our cosponsors to introduce the Trade Promotion Authority Act of 2001. We have stepped forward because we believe that international trade is essential to increase opportunities for U.S. producers, to support U.S. jobs, and to provide economic opportunities for trading partners who need development.

Last month the Administration release its 2001 International Trade Agenda, which outlined the President's principles for renewed trade promotion authority, TPA. At the same time, I was working with a group of pro-trade Democrats to identify our key priorities. What we discovered is that our two sets of principles had much in common.

Over the last few weeks, Senator MURKOWSKI and I have worked together to translate those two sets of principles into legislative language.

The trade debate has been virtually deadlocked for years, with voices from the ''end zones'' taking center-stage. In our view, this bill represents the basic architecture of a bipartisan bill on what we believe is the ''50 yard line.'' We also look forward to the contribution that others will make before this bill is signed into law.

The fact that we introduced this bill with bipartisan support is particularly significant because this is not just a set of ideas that happened to be popular with both Democrats and Republicans. This bill took real compromise on both sides.

For my part, my contributions to this bill were based on the trade principles developed by New Democrats led by CAL DOOLEY in the House and several of my colleagues in the Senate. The New Democrat trade principles we released in May are fully incorporated into this bill.

What we introduce today is not a trade agreement. Trade promotion authority is an authorization to the President to begin negotiations. Details of a trade bill will be developed through the process established by the grant of TPA. At the end of that process, Congress will review the result of those negotiations and grant approval or disapproval to the result.

Trade promotion authority puts the will of Congress behind our trade negotiator, but it cannot and should not mandate a specific result from negotiations. We must leave it to our negotiators to reach the most favorable agreement they can.

A trade promotion authority bill is a way for Congress to communicate its negotiating priorities. Some of the priorities we put forward in this bill include: negotiating objectives on labor and environment that receive the same priority as commercial negotiating objectives; a new negotiating objective on information technologies to reduce trade barriers on high technology products, enhance and facilitate barriers-free e-commerce, and provide the same rights and protections for the electronic delivery of products as are offered to products delivered physically; adoption of measures in trade agreements to ensure proper implementation, full compliance and appropriate enforcement mechanisms that are timely and transparent; and a stronger process for continuous Congressional involvement in the process before, during, and at the close of negotiations so that the will of Congress is fully expressed in the final agreement.

I have been concerned by the views expressed by some Members that it may be better to delay consideration of TPA until next year. This would be a ''major league'' mistake. There is a real price to be paid for delay.

One hundred years ago the U.S. took an isolationist position with respect to our economic relations with Latin America. The result of this was that the Nations of Latin America adopted European technical standards. This has been a handicap to the U.S. economic position in Latin America ever since.

We now are in danger of repeating this mistake. The best way to avoid doing so is to negotiate and enter trade agreement with nations so that American standards become the norm and American businesses and workers can benefit.

Nothing is likely to occur in the next 12 to 24 months that will make reaching a consensus on trade promotion authority more likely. In fact just the opposite is true.

The best way to move forward is to put TPA in perspective. It seems the debate on this issue moves quickly to being a referendum on whether trade and globalization are good or bad. That, frankly, is not the question. We can't walk away from globalization and we can't shut the door to international commerce. We can't put the genie back in the bottle.

What we can do is try to shape these economic forces and define a trade agenda that addresses our priorities. The real question is, ''can the United States have more influence in the trade arena with TPA or without it.''

I am convinced that we will give the President a stronger negotiating position, and get the country a better result, if we pass a grant of trade promotion authority as soon as possible. That is not to say that I advocate giving the President a blank check to cash as he pleases. It also does not mean that I believe in a ''free trade utopia'' either.

I recognize there will be issues with our trading partners and that everyone doesn't always play by the rules. The way to address concerns with our trading partners is at the negotiating table. That makes it all the more important for us to have a strong negotiating position, and TPA is central to that.

We encourage others to contribute specific suggestions to enhance the bill's ability to contribute to its principle objective of opening markets to U.S. goods, creating new and better jobs for Americans, and allowing the world to benefit from U.S. goods and services.

Only 4 percent of the world's consumers live in the United States. If we want to sell our agriculture products, manufactured goods, and world-class services to the rest of the 96 percent around the world, we have to do it through trade. Trade promotion authority is the best way for the President to negotiate trade agreements that will open markets and improve standards of living at home and abroad.

Mr. MURKOWSKI. Mr. President, I rise today to join my colleague, Senator GRAHAM, in introducing the Trade Promotion Act of 2001. In my six and a half years on the Finance Committee, on which Senator GRAHAM and I both serve, there has always been a strong bi-partisan consensus in favor of open markets and free trade. In introducing the Trade Promotion Act of 2001 today, we continue that spirit.

This is a bill to which many members have contributed. Together, we believe that trade is the single most important catalyst for expanding jobs and opportunities here at home and encouraging economic development abroad.

The United States has always been a trading Nation. We learned the law of comparative advantage very early in our history, and became the wealthiest Nation in history as a direct result. Economic theory tells us that trade between markets expands the opportunities and benefits in both those markets. As far as trade is concerned, the whole is always greater than the sum of its parts. Our Nation's history has been the practical embodiment of this theory. Without trade, this Nation would simply not be the greatest on earth.

Yet no matter how many times we have learned this lesson, we forget it just as many times. Here we are in 2001, facing the same challenges on trade we have faced on countless occasions in the past. The champions of protectionism have become more sophisticated over the years. Still: their arguments are the same old fear-mongering and disinformation they have been peddling for 200 years.

Does trade lead to winners and losers? Yes, that's called competition, the bedrock of our society.

Does economic growth put pressures on underdeveloped societies in labor and environmental areas? Yes, it can. It did in this country too.

But do the short-term pains of competition and other pressures on society outweigh the benefits of trade? No, not now, not ever.

The United States can be leaders on trade or we can be followers. We can either shape the global economy or be shaped by it.

There are 134 free trade agreements in the world today. The United States is party to only 2 of those. To my mind, that is a shameful record. We have done a disservice to our farmers, fishermen, businesses and the working men and women of this country.

I recognize there are those who are concerned about the broader impacts of globalization. To them I say: you can't influence the outcome unless you are in the game.

Does government have a role in easing the plight of firms and individuals negatively affected by trade? Absolutely. Sound economic policy should ease the transition of individuals and their companies to more competitive areas.

Can the United States help other countries overcome short-term labor and environmental problems resulting from rapid growth? No question at all. Through technology and other means we have many tools to help the developing world.

But the only way to address these problems is for the United States to exercise leadership on trade. Without Trade Promotion Authority, such leadership will be impossible.

Senator GRAHAM and I and our colleagues believe the Graham-Murkowski Trade Promotion Act of 2001 is the right vehicle to provide those leadership tools.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1105. A bill to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I am pleased to introduce a bill today to authorize the exchange of State lands inside Grand Teton National Park.

Grand Teton National Park was established by Congress on February 29, 1929, to protect the natural resources of the Teton range and recognize the Jackson area's unique beauty. On March 15, 1943, President Franklin Delano Roosevelt established the Jackson Hole National Monument adjacent to the park. Congress expanded the Park on September 14, 1950, by including a portion of the lands from the Jackson Hole National Monument. The park currently encompasses approximately 310,000 acres of wilderness and has some of the most amazing mountain scenery anywhere in our country. This park has become an extremely important element of the National Park system, drawing almost 2.7 million visitors in 1999.

When Wyoming became a State in 1890, sections of land were set aside for school revenue purposes. All income from these lands—rents, grazing fees, sales or other sources—is placed in a special trust fund for the benefit of students in the State. The establishment of these sections predates the creation of most national parks or monuments within our State boundaries, creating several state inholdings on federal land. The legislation I am introducing today would allow the Federal Government to remove the state school trust lands from Grand Teton National Park and allow the State to capture fair value for this property to benefit Wyoming school children.

This bill, entitled the ''Grand Teton National Park Land Exchange Act,'' identifies approximately 1406 acres of State lands and mineral interests within the boundaries of Grand Teton National Park for exchange for Federal assets. These Federal assets could include mineral royalties, appropriated dollars, federal lands or combination of any of these elements.

The bill also identifies an appraisal process for the state and federal government to determine a fair value of the state property located within the

park boundaries. Ninety days after the bill is signed into law, the land would be valued by one of the following methods: (1) the Interior Secretary and Governor would mutually agree on a qualified appraiser to conduct the appraisal of the State lands in the park; (2) if there is no agreement about the appraiser, the Interior Secretary and Governor would each designate a qualified appraiser. The two designated appraisers would select a third appraiser to perform the appraisal with the advice and assistance of the designated appraisers.

If the Interior Secretary and Governor cannot agree on the evaluations of the State lands 180 days after the date of enactment, the Governor may petition the U.S. Court of Federal Claims to determine the final value. One-hundred-eighty days after the State land value is determined, the Interior Secretary, in consultation with the Governor, shall exchange Federal assets of equal value for the State lands.

The management of our public lands and natural resources is often complicated and requires the coordination of many individuals to accomplish desired objectives. When western folks discuss Federal land issues, we do not often have an opportunity to identify proposals that capture this type of consensus and enjoy the support from a wide array of interests; however, this land exchange offers just such a unique prospect.

This legislation is needed to improve the management of Grand Teton National Park, by protecting the future of these unique lands against development pressures and allow the State of Wyoming to access their assets to address public school funding needs.

This bill enjoys the support of many different groups including the National Park Service, the Wyoming Governor, State officials, as well as folks from the local community. It is my hope that the Senate will seize this opportunity to improve upon efforts to provide services to the American public.

By Mr. DOMENICI:

S. 1106. A bill to provide a tax credit for the production of oil or gas from deposits held in trust for, or held with restrictions against alienation by, Indian tribes and Indian individuals; to the Committee on Finance.

Mr. DOMENICI. Mr. President, today I am proud to introduce legislation that would provide a Federal tax credit for oil and natural gas produced from Indian lands. This legislation will serve two important purposes. It will provide an immediate boost to tribal economies, and it will provide additional domestic sources of energy to ease our growing energy crisis.

Even though Indian lands offer a fertile source of oil and natural gas, many disincentives to exploration and production exist. For example, the Supreme Court permits the double taxation of oil and natural gas produced from tribal lands, which unfairly subjects producers to both State and tribal taxation. Furthermore, tribal economies are not sufficiently diversified to allow for tribal tax incentives for oil and natural gas development. Finally, Congress has enacted innumerable incentives for energy development on Federal lands, which has made production from this land far more profitable. As a result, Indian lands are too often overlooked as a source of domestic energy.

This legislation would remedy these disadvantages by providing Federal tax credits for oil and natural gas production on tribal lands. These tax credits would be available to both the tribe as royalty owner and the producer. Tribes would benefit in two ways: they could broaden their tax base from substantially increased oil and gas production; and they could market their share of the tax credit to generate additional revenue. These additional revenues would allow tribes to strengthen their infrastructure and improve the vital services that they provide to their citizens.

Unfortunately, the recent economic prosperity has not been extended to many Indian tribes. This is the reason why these tax incentives are so crucial. They will provide a much-needed shot in the arm to tribal economic development and will compensate for the discriminatory double taxation that hinders energy production. In recent years, many people have criticized the growth of the gaming industry on reservations. However, these critics have failed to suggest viable alternatives for tribal economic development. This legislation would supply strong opportunity for entrepreneurship in a vital national industry and would bring many more tribes into the economic mainstream.

Finally, this legislation would have the added benefit of creating an additional source of domestic energy. In our efforts to craft a comprehensive energy policy for the United States, we have been searching for additional sources of domestic energy. In this search, we must not overlook tribal oil and gas production. America's energy supply is a patchwork of various domestic and international sources, and the addition of tribal lands will only strengthen the seams of this patchwork and decrease our risky reliance on foreign sources.

Therefore, I am proud today to introduce this legislation to boost the production of oil and natural gas on Indian lands and to strengthen our domestic energy supply.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 117—HONORING JOHN J. DOWNING, BRIAN FAHEY, AND HARRY FORD, WHO LOST THEIR LIVES IN THE COURSE OF DUTY AS FIREFIGHTERS

Mrs. CLINTON (for herself, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 117

Whereas on June 17, 2001, 350 firefighters and numerous police officers responded to a 911 call that sent them to Long Island General Supply Company in Queens, New York;

Whereas a fire and an explosion in a 2-story building had turned the 128-year-old, family-owned store into a heap of broken bricks, twisted metal, and shattered glass;

Whereas all those who responded to the scene served without reservation and with their personal safety on the line;

Whereas 2 civilians and dozens of firefighters were injured by the blaze, including firefighters Joseph Vosilla and Brendan Manning who were severely injured;

Whereas John J. Downing of Ladder Company 163, an 11-year veteran of the department and resident of Port Jefferson Station, and a husband and father of 2, lost his life in the fire;

Whereas Brian Fahey of Rescue Company 4, a 14-year veteran of the department and resident of East Rockaway, and a husband and father of 3, lost his life in the fire; and

Whereas Harry Ford of Rescue Company 4, a 27-year veteran of the department from Long Beach, and a husband and father of 3, lost his life in the fire: Now, therefore, be it

Resolved, That the Senate—

(1) honors John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters, and recognizes them for their bravery and sacrifice;

(2) extends its deepest sympathies to the families of these 3 brave heroes; and

(3) pledges its support and to continue to work on behalf of all of the Nation's firefighters who risk their lives every day to ensure the safety of all Americans.

SENATE CONCURRENT RESOLUTION 55—HONORING THE 19 UNITED STATES SERVICEMEN WHO DIED IN THE TERRORIST BOMBING OF THE KHOBAR TOWERS IN SAUDI ARABIA ON JUNE 25, 1996

Mr. BOND (for himself, Mrs. HUTCHISON, Mr. DEWINE, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 55

Whereas June 25, 2001, marks the fifth anniversary of the tragic terrorist bombing of the Khobar Towers in Saudi Arabia;

Whereas this act of senseless violence took the lives of 19 brave United States servicemen, and wounded 500 others;

Whereas these nineteen men killed while serving their country were Captain Christopher Adams, Sergeant Daniel Cafourek, Sergeant Millard Campbell, Sergeant Earl Cartrette, Jr., Sergeant Patrick Fennig, Captain Leland Haun, Sergeant Michael Heiser, Sergeant Kevin Johnson, Sergeant Ronald

King, Sergeant Kendall Kitson, Jr., Airman First Class Christopher Lester, Airman First Class Brent Marthaler, Airman First Class Brian McVeigh, Airman First Class Peter Morgera, Sergeant Thanh Nguyen, Airman First Class Joseph Rimkus, Senior Airman Jeremy Taylor, Airman First Class Justin Wood, and Airman First Class Joshua Woody;

Whereas those guilty of this attack have yet to be brought to justice;

Whereas the families of these brave servicemen still mourn their loss and await the day when those guilty of this act are brought to justice; and

Whereas terrorism remains a constant and ever-present threat around the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, on the occasion of the fifth anniversary of the terrorist bombing of the Khobar Towers in Saudi Arabia, recognizes the sacrifice of the 19 servicemen who died in that attack, and calls upon every American to pause and pay tribute to these brave soldiers and to remain ever vigilant for signs which may warn of a terrorist attack.

SENATE CONCURRENT RESOLUTION 56—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED BY THE UNITED STATES POSTAL SERVICE HONORING THE MEMBERS OF THE ARMED FORCES WHO HAVE BEEN AWARDED THE PURPLE HEART

Ms. SNOWE submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 56

Whereas the Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or the Decoration of the Purple Heart;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived out of respect for the memory and military achievements of George Washington in 1932, the year marking the 200th anniversary of his birth; and

Whereas the issuance of a postage stamp commemorating the members of the Armed Forces who have been awarded the Purple Heart is a fitting tribute both to those members and to the memory of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States Postal Service should issue a postage stamp commemorating the members of the Armed Forces who have been awarded the Purple Heart; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued not later than 1 year after the adoption of this resolution.

Ms. SNOWE. Mr. President. I rise today to submit a concurrent resolution to express the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces that have been awarded the Purple Heart.

The Purple Heart, our nation's oldest military decoration, was originated by General George Washington in 1782 to recognize ''instances of unusual gallantry.'' Referred to then as the Badge of Military Merit, the decoration was awarded only three times during the Revolutionary War.

Following the war, the general order authorizing the ''Badge'' was misfiled for over 150 years until the War Department reactivated the decoration in 1932. The Army's then Adjutant General, Douglas MacArthur, succeeded in having the medal re-instituted in its modern form—to recognize the sacrifice our service members make when they go into harm's way.

Both literally and figuratively, the Purple Heart is the world's most costly decoration. However, the 19 separate steps necessary to make the medal pale in comparison to the actions and heroics that so often lead to its award. The Department of Defense does not track the number of Purple Hearts awarded, but we do know that just over 500,000 of the veterans and military personnel that have received the medal are still living. And we also know that every single recipient served this country in one form or another; a good number of the awardees even made the ultimate sacrifice—giving their lives for the liberty and freedoms that we all enjoy and often take for granted.

I am sure you will agree that these sacrifices deserve our respect and remembrance. This resolution, to express the sense of the Congress that a postage stamp honoring Purple Heart recipients should be issued by the U.S. Postal Service, is a fitting place to start. I urge my colleagues to support this effort to recognize those brave service members.

AMENDMENTS SUBMITTED AND PROPOSED

SA 813. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table.

SA 814. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1052, supra; which was ordered to lie on the table.

SA 815. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1052, supra; which was ordered to lie on the table.

SA 816. Mr. BOND proposed an amendment to the bill S. 1052, supra.

SA 817. Mr. ALLARD (for himself, Mr. BOND, Mr. SANTORUM, and Mr. NICKLES) proposed an amendment to the bill S. 1052, supra.

SA 818. Mr. KYL (for himself, Mr. NELSON of Nebraska, and Mr. NICKLES) proposed an amendment to the bill S. 1052, supra.

TEXT OF AMENDMENTS

SA 813. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table; as follows:

At the end of the bill, add the following

TITLE ____—HUMAN GERMLINE GENE MODIFICATION

SEC. 01. SHORT TITLE.

This title may be cited as the ''Human Germline Gene Modification Prohibition Act of 2001''.

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) Human Germline gene modification is not needed to save lives, or alleviate suffering, of existing people. Its target population is ''prospective people'' who have not been conceived.

(2) The cultural impact of treating humans as biologically perfectible artifacts would be entirely negative. People who fall short of some technically achievable ideal would be seen as ''damaged goods'', while the standards for what is genetically desirable will be those of the society's economically and politically dominant groups. This will only increase prejudices and discrimination in a society where too many such prejudices already exist.

(3) There is no way to be accountable to those in future generations who are harmed or stigmatized by wrongful or unsuccessful human germline modifications of themselves or their ancestors.

(4) The negative effects of human germline manipulation would not be fully known for generations, if ever, meaning that countless people will have been exposed to harm probably often fatal as the result of only a few instances of germline manipulations.

(5) All people have the right to have been conceived, gestated, and born without genetic manipulation.

SEC. 03. PROHIBITION ON HUMAN GERMLINE GENE MODIFICATION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—GERMLINE GENE MODIFICATION

''Sec.
''301. Definitions
''302. Prohibition on germline gene modification.

"§ 301. Definitions

''In this chapter:

(1) HUMAN GERMLINE GENE MODIFICATION.—The term 'human germline gene modification' means the introduction of DNA into any human cell (including human eggs, sperm, fertilized eggs, (ie. embryos, or any early cells that will differentiate into gametes or can be manipulated to do so) that can result in a change which can be passed on to future individuals, including DNA from any source, and in any form, such as nuclei, chromosomes, nuclear, mitochondrial, and synthetic DNA. The term does not include any modification of cells that are not a part

of or are not used to construct human embryos.

''(2) HUMAN HAPLOID CELL.—The term 'haploid cell' means a cell that contains only a single copy of each of the human chromosomes, such as eggs, sperm, and their precursors; the haploid number in a human cell is 23.

''(3) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having two sets of the chromosomes of almost all body cells) obtained or derived from a living or deceased human body at any stage of development; its diploid number is 46. Somatic cells are diploid cells that are not precursors of either eggs or sperm. A genetic modification of somatic cells is therefore not germline genetic modification.

''§ 302. Prohibition on germline gene modification

''(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce—

''(1) to perform or attempt to perform human germline gene modification;

''(2) to participate in an attempt to perform human germline gene modification; or

''(3) to ship or receive the product of human germline gene modification for any purpose.

''(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, to import the product of human germline gene modification for any purpose.

''(c) PENALTIES—

''(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

''(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

''16. Germline Gene Modification ..... 301''.

SA 814. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table; as follows:

On page 179, after line 14, add the following:

SEC. ___. DEFINITION OF BORN-ALIVE INFANT.

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

''§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant

''(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

''(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, caesarean section, or induced abortion.

''(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being born alive as defined in this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

''8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant.''.

SA 815. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—FAIR CARE FOR THE UNINSURED

Subtitle A—Refundable Credit for Health Insurance Coverage

SEC. ____01. REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

''SEC. 35. HEALTH INSURANCE COSTS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the amount paid during the taxable year for qualified health insurance for the taxpayer, his spouse, and dependents.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The amount allowed as a credit under subsection (a) to the taxpayer for the taxable year shall not exceed the sum of the monthly limitations for coverage months during such taxable year for each individual referred to in subsection (a) for whom the taxpayer paid during the taxable year any amount for coverage under qualified health insurance.

''(2) MONTHLY LIMITATION.—

''(A) IN GENERAL.—The monthly limitation for an individual for each coverage month of such individual during the taxable year is the amount equal to 1/12 of—

''(i) $1,000 if such individual is the taxpayer,

''(ii) $1,000 if—

''(I) such individual is the spouse of the taxpayer,

''(II) the taxpayer and such spouse are married as of the first day of such month, and

''(III) the taxpayer files a joint return for the taxable year, and

''(iii) $500 if such individual is an individual for whom a deduction under section 151(c) is allowable to the taxpayer for such taxable year.

''(B) LIMITATION TO 2 DEPENDENTS.—Not more than 2 individuals may be taken into account by the taxpayer under subparagraph (A)(iii).

''(C) SPECIAL RULE FOR MARRIED INDIVIDUALS.—In the case of an individual—

''(i) who is married (within the meaning of section 7703) as of the close of the taxable year but does not file a joint return for such year, and

''(ii) who does not live apart from such individual's spouse at all times during the taxable year,

the limitation imposed by subparagraph (B) shall be divided equally between the individual and the individual's spouse unless they agree on a different division.

''(3) COVERAGE MONTH.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'coverage month' means, with respect to an individual, any month if—

''(i) as of the first day of such month such individual is covered by qualified health insurance, and

''(ii) the premium for coverage under such insurance for such month is paid by the taxpayer.

''(B) EMPLOYER-SUBSIDIZED COVERAGE.—

''(i) IN GENERAL.—Such term shall not include any month for which such individual is eligible to participate in any subsidized health plan (within the meaning of section 162(l)(2)) maintained by any employer of the taxpayer or of the spouse of the taxpayer.

''(ii) PREMIUMS TO NONSUBSIDIZED PLANS.—If an employer of the taxpayer or the spouse of the taxpayer maintains a health plan which is not a subsidized health plan (as so defined) and which constitutes qualified health insurance, employee contributions to the plan shall be treated as amounts paid for qualified health insurance.

''(C) CAFETERIA PLAN AND FLEXIBLE SPENDING ACCOUNT BENEFICIARIES.—Such term shall not include any month during a taxable year if any amount is not includible in the gross income of the taxpayer for such year under section 106 with respect to—

''(i) a benefit chosen under a cafeteria plan (as defined in section 125(d)), or

''(ii) a benefit provided under a flexible spending or similar arrangement.

''(D) MEDICARE AND MEDICAID.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual—

''(i) is entitled to any benefits under title XVIII of the Social Security Act, or

''(ii) is a participant in the program under title XIX or XXI of such Act.

''(E) CERTAIN OTHER COVERAGE.—Such term shall not include any month during a taxable year with respect to an individual if, at any time during such year, any benefit is provided to such individual under—

''(i) chapter 89 of title 5, United States Code,

''(ii) chapter 55 of title 10, United States Code,

''(iii) chapter 17 of title 38, United States Code, or

''(iv) any medical care program under the Indian Health Care Improvement Act.

''(F) PRISONERS.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

''(G) INSUFFICIENT PRESENCE IN UNITED STATES.—Such term shall not include any month during a taxable year with respect to an individual if such individual is present in the United States on fewer than 183 days during such year (determined in accordance with section 7701(b)(7)).

''(4) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—In the case of a taxpayer who is eligible to deduct any amount under section 162(l) for the taxable year, this section

shall apply only if the taxpayer elects not to claim any amount as a deduction under such section for such year.

''(c) QUALIFIED HEALTH INSURANCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) without regard to—

''(A) paragraph (1)(C) thereof, and

''(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

''(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c)).

''(d) ARCHER MSA CONTRIBUTIONS.—

''(1) IN GENERAL.—If a deduction would (but for paragraph (2)) be allowed under section 220 to the taxpayer for a payment for the taxable year to the Archer MSA of an individual, subsection (a) shall be applied by treating such payment as a payment for qualified health insurance for such individual.

''(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under section 220 for that portion of the payments otherwise allowable as a deduction under section 220 for the taxable year which is equal to the amount of credit allowed for such taxable year by reason of this subsection.

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

''(2) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2002, each dollar amount contained in subsection (b)(2)(A) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50 ($25 in the case of the dollar amount in subsection (b)(2)(A)(iii)).''

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

''SEC. 6050T. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

''(a) IN GENERAL.—Any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

''(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe, and

''(2) contains—

''(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

''(B) the name, address, and TIN of each individual who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage, and

''(C) such other information as the Secretary may reasonably prescribe.

''(c) CREDITABLE HEALTH INSURANCE.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 35(c)) other than—

''(1) insurance under a subsidized group health plan maintained by an employer, or

''(2) to the extent provided in regulations prescribed by the Secretary, any other insurance covering an individual if no credit is allowable under section 35 with respect to such coverage.

''(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

''(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

''(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished, and

''(3) the information required under subsection (b)(2)(B) with respect to such payments.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

''(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

''(xi) section 6050T (relating to returns relating to payments for qualified health insurance),''.

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking ''or'' at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting '', or'', and by adding at the end the following new subparagraph:

''(BB) section 6050T(d) (relating to returns relating to payments for qualified health insurance).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

''Sec. 6050T. Returns relating to payments for qualified health insurance.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 35 of such Code''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

''Sec. 35. Health insurance costs.

''Sec. 36. Overpayments of taxes.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. ____02. ADVANCE PAYMENT OF CREDIT FOR PURCHASERS OF QUALIFIED HEALTH INSURANCE.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7527. ADVANCE PAYMENT OF HEALTH INSURANCE CREDIT FOR PURCHASERS OF QUALIFIED HEALTH INSURANCE.

''(a) GENERAL RULE.—In the case of an eligible individual, the Secretary shall make payments to the provider of such individual's qualified health insurance equal to such individual's qualified health insurance credit advance amount with respect to such provider.

''(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual—

''(1) who purchases qualified health insurance (as defined in section 35(c)), and

''(2) for whom a qualified health insurance credit eligibility certificate is in effect.

''(c) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement furnished by an individual to the Secretary which—

''(1) certifies that the individual will be eligible to receive the credit provided by section 35 for the taxable year,

''(2) estimates the amount of such credit for such taxable year, and

''(3) provides such other information as the Secretary may require for purposes of this section.

''(d) QUALIFIED HEALTH INSURANCE CREDIT ADVANCE AMOUNT.—For purposes of this section, the term 'qualified health insurance credit advance amount' means, with respect to any provider of qualified health insurance, the Secretary's estimate of the amount of credit allowable under section 35 to the individual for the taxable year which is attributable to the insurance provided to the individual by such provider.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

''Sec. 7527. Advance payment of health insurance credit for purchasers of qualified health insurance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

Subtitle B—Assuring Health Insurance Coverage for Uninsurable Individuals

SEC. ____11. ESTABLISHMENT OF HEALTH INSURANCE SAFETY NETS.

(a) IN GENERAL.—

(1) REQUIREMENT.—For years beginning with 2002, each health insurer, health maintenance organization, and health service organization shall be a participant in a health

insurance safety net (in this subtitle referred to as a ''safety net'') established by the State in which it operates.

(2) FUNCTIONS.—Any safety net shall assure, in accordance with this subtitle, the availability of qualified health insurance coverage to uninsurable individuals.

(3) FUNDING.—Any safety net shall be funded by an assessment against health insurers, health service organizations, and health maintenance organizations on a pro rata basis of premiums collected in the State in which the safety net operates. The costs of the assessment may be added by a health insurer, health service organization, or health maintenance organization to the costs of its health insurance or health coverage provided in the State.

(4) GUARANTEED RENEWABLE.—Coverage under a safety net shall be guaranteed renewable except for nonpayment of premiums, material misrepresentation, fraud, medicare eligibility under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), loss of dependent status, or eligibility for other health insurance coverage.

(5) COMPLIANCE WITH NAIC MODEL ACT.—In the case of a State that has not established, as of the date of the enactment of this Act, a high risk pool or other comprehensive health insurance program that assures the availability of qualified health insurance coverage to all eligible individuals residing in the State, a safety net shall be established in accordance with the requirements of the ''Model Health Plan For Uninsurable Individuals Act'' (or the successor model Act), as adopted by the National Association of Insurance Commissioners and as in effect on the date of the safety net's establishment.

(b) DEADLINE.—Safety nets required under subsection (a) shall be established not later than January 1, 2002.

(c) WAIVER.—This subtitle shall not apply in the case of insurers and organizations operating in a State if the State has established a similar comprehensive health insurance program that assures the availability of qualified health insurance coverage to all eligible individuals residing in the State.

(d) RECOMMENDATION FOR COMPLIANCE REQUIREMENT.—Not later than January 1, 2003, the Secretary of Health and Human Services shall submit to Congress a recommendation on appropriate sanctions for States that fail to meet the requirement of subsection (a).

SEC. ____12. UNINSURABLE INDIVIDUALS ELIGIBLE FOR COVERAGE.

(a) UNINSURABLE AND ELIGIBLE INDIVIDUAL DEFINED.—In this subtitle:

(1) UNINSURABLE INDIVIDUAL.—The term ''uninsurable individual'' means, with respect to a State, an eligible individual who presents proof of uninsurability by a private insurer in accordance with subsection (b) or proof of a condition previously recognized as uninsurable by the State.

(2) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term ''eligible individual'' means, with respect to a State, a citizen or national of the United States (or an alien lawfully admitted for permanent residence) who is a resident of the State for at least 90 days and includes any dependent (as defined for purposes of the Internal Revenue Code of 1986) of such a citizen, national, or alien who also is such a resident.

(B) EXCEPTION.—An individual is not an ''eligible individual'' if the individual—

(i) is covered by or eligible for benefits under a State medicaid plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.),

(ii) has voluntarily terminated safety net coverage within the past 6 months,

(iii) has received the maximum benefit payable under the safety net,

(iv) is an inmate in a public institution, or

(v) is eligible for other public or private health care programs (including programs that pay for directly, or reimburse, otherwise eligible individuals with premiums charged for safety net coverage).

(b) PROOF OF UNINSURABILITY.—

(1) IN GENERAL.—The proof of uninsurability for an individual shall be in the form of—

(A) a notice of rejection or refusal to issue substantially similar health insurance for health reasons by one insurer; or

(B) a notice of refusal by an insurer to issue substantially similar health insurance except at a rate in excess of the rate applicable to the individual under the safety net plan.

For purposes of this paragraph, the term ''health insurance'' does not include insurance consisting only of stoploss, excess of loss, or reinsurance coverage.

(2) EXCEPTION FOR INDIVIDUALS WITH UNINSURABLE CONDITIONS.—The State shall promulgate a list of medical or health conditions for which an individual shall be eligible for safety net plan coverage without applying for health insurance or establishing proof of uninsurability under paragraph (1). Individuals who can demonstrate the existence or history of any medical or health conditions on such list shall not be required to provide the proof described in paragraph (1). The list shall be effective on the first day of the operation of the safety net plan and may be amended from time to time as may be appropriate.

SEC. ____13. QUALIFIED HEALTH INSURANCE COVERAGE UNDER SAFETY NET.

In this subtitle, the term ''qualified health insurance coverage'' means, with respect to a State, health insurance coverage that provides benefits typical of major medical insurance available in the individual health insurance market in such State.

SEC. ____14. FUNDING OF SAFETY NET.

(a) LIMITATIONS ON PREMIUMS.—

(1) IN GENERAL.—The premium established under a safety net may not exceed 125 percent of the applicable standard risk rate, except as provided in paragraph (2).

(2) SURCHARGE FOR AVOIDABLE HEALTH RISKS.—A safety net may impose a surcharge on premiums for individuals with avoidable high risks, such as smoking.

(b) ADDITIONAL FUNDING.—A safety net shall provide for additional funding through an assessment on all health insurers, health service organizations, and health maintenance organizations in the State through a nonprofit association consisting of all such insurers and organizations doing business in the State on an equitable and pro rata basis consistent with section ____11.

SEC. ____15. ADMINISTRATION.

A safety net in a State shall be administered through a contract with 1 or more insurers or third party administrators operating in the State.

SEC. ____16. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to reimburse States for their costs in administering this subtitle.

SA 816. Mr. BOND proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

On page 179, after line 14, add the following:

SEC. ____. ANNUAL REVIEW.

(a) IN GENERAL.—Not later than 24 months after the general effective date referred to in section 401(a)(1), and annually thereafter for each of the succeeding 4 calendar years (or until a repeal is effective under subsection (b)), the Secretary of Health and Human Services shall request that the Institute of Medicine of the National Academy of Sciences prepare and submit to the appropriate committees of Congress a report concerning the impact of this Act, and the amendments made by this Act, on the number of individuals in the United States with health insurance coverage.

(b) LIMITATION WITH RESPECT TO CERTAIN PLANS.—If the Secretary, in any report submitted under subsection (a), determines that more than 1,000,000 individuals in the United States have lost their health insurance coverage as a result of the enactment of this Act, as compared to the number of individuals with health insurance coverage in the 12-month period preceding the date of enactment of this Act, section 302 of this Act shall be repealed effective on the date that is 12 month after the date on which the report is submitted, and the submission of any further reports under subsection (a) shall not be required.

(c) FUNDING.—From funds appropriated to the Department of Health and Human Services for fiscal years 2003 and 2004, the Secretary of Health and Human Services shall provide for such funding as the Secretary determines necessary for the conduct of the study of the National Academy of Sciences under this section.

SA 817. Mr. ALLARD (for himself, Mr. BOND, Mr. SANTORUM, and Mr. NICKLES) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

On page 148, between lines 23 and 24, insert the following:

''(D) EXCLUSION OF SMALL EMPLOYERS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, in addition to excluding certain physicians, other health care professionals, and certain hospitals from liability under paragraph (1), paragraph (1)(A) does not create any liability on the part of a small employer (or on the part of an employee of such an employer acting within the scope of employment).

''(ii) DEFINITION.—In clause (i), the term 'small employer' means an employer—

''(I) that, during the calendar year preceding the calendar year for which a determination under this subparagraph is being made, employed an average of at least 2 but not more than 50 employees on business days; and

''(II) maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including—

''(aa) a small employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

''(bb) one or more small employers or employee organizations described in section 3(16)(B)(iii) in the case of a multi-employer plan.

''(iii) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subparagraph:

''(I) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

''(II) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the

preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(III) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

On page 165, between lines 14 and 15, insert the following:

''(D) EXCLUSION OF SMALL EMPLOYERS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, in addition to excluding certain physicians, other health care professionals, and certain hospitals from liability under paragraph (1), paragraph (1)(A) does not create any liability on the part of a small employer (or on the part of an employee of such an employer acting within the scope of employment).

''(ii) DEFINITION.—In clause (i), the term 'small employer' means an employer—

''(I) that, during the calendar year preceding the calendar year for which a determination under this subparagraph is being made, employed an average of at least 2 but not more than 50 employees on business days; and

''(II) maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including—

''(aa) a small employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

''(bb) one or more small employers or employee organizations described in section 3(16)(B)(iii) in the case of a multi-employer plan.

''(iii) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subparagraph:

''(I) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

''(II) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(III) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

SA 818. Mr. KYL (for himself, Mr. NELSON of Nebraska, and Mr. NICKLES) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

Beginning on page 35, strike line 20 and all that follows through line 8 on page 36, and insert the following:

(C) NO COVERAGE FOR EXCLUDED BENEFITS.—Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, provide coverage for items or services that are specifically excluded or expressly limited under the plan or coverage and that are disclosed under subparagraphs (C) and (D) of section 121(b)(1) and that are not covered regardless of any determination relating to medical necessity and appropriateness, experimental or investigational nature of the treatment, or an evaluation of the medical facts in the case involved.

On page 37, line 16, strike ''and''.

On page 37, line 25, strike the period and insert ''; and''.

On page 37, after line 25, add the following:

''(iii) notwithstanding clause (ii), adhere to the definition used by the plan or issuer of 'medically necessary and appropriate', or 'experimental or investigational' if such definition is the same as either—

''(I) in the case of a plan or coverage that is offered in a State that requires the plan or coverage to use a definition of such term for purposes of health insurance coverage offered to participants, beneficiaries and enrollees in such State, the definition of such term that is required by that State;

''(II) a definition that determines whether the provision of services, drugs, supplies, or equipment—

''(aa) is appropriate to prevent, diagnose, or treat the condition, illness, or injury;

''(bb) is consistent with standards of good medical practice in the United States;

''(cc) is not primarily for the personal comfort or convenience of the patient, the family, or the provider;

''(dd) is not part of or associated with scholastic education or the vocational training of the patient; and

''(ee) in the case of inpatient care, cannot be provided safely on an outpatient basis;

except that this subclause shall not apply beginning on the date that is 1 year after the date on which a definition is promulgated based on a report that is published under subsection (i)(6)(B); or

''(III) the definition of such term that is developed through a negotiated rulemaking process pursuant to subsection (i).

On page 66, between lines 10 and 11, insert the following:

''(i) ESTABLISHMENT OF NEGOTIATED RULEMAKING SAFE HARBOR.—

''(1) IN GENERAL.—The Secretary shall establish, on an expedited basis and using a negotiated rulemaking process under subchapter III of chapter 5 of title 5, United States Code, standards described in subsection (d)(3)(E)(iii)(IV) (relating to the definition of 'medically necessary and appropriate' or 'experimental or investigational') that group health plans and health insurance issuers offering health insurance coverage in connection with group health plans may use when making a determination with respect to a claim for benefits.

''(2) PUBLICATION OF NOTICE.—In carrying out the rulemaking process under paragraph (1), the Secretary shall, not later than November 30, 2002, publish a notice of the establishment of a negotiated rulemaking committee, as provided for under section 564(a) of title 5, United States Code, to develop the standards described in paragraph (1). Such notice shall include a solicitation for public comment on the committee and description of—

''(A) the scope of the committee;

''(B) the interests that may be impacted by the standards;

''(C) the proposed membership of the committee;

''(D) the proposed meeting schedule of the committee; and

''(E) the procedure under which an individual may apply for membership on the committee.

''(3) TARGET DATE FOR PUBLICATION OF RULE.—As part of the notice described in paragraph (2), and for purposes of this subsection, the term 'target date for publication' (as referred to in section 564(a)(5) of title 5, United States Code, means May 15, 2003.

''(4) ABBREVIATED PERIOD FOR SUBMISSION OF COMMENTS.—Notwithstanding section 564(c) of title 5, United States Code, the Secretary shall provide for a period, beginning on the date on which the notice is published under paragraph (2) and ending on December 14, 2002, for the submission of public comments on the committee under this subsection.

''(5) APPOINTMENT OF NEGOTIATED RULEMAKING COMMITTEE AND FACILITATOR.—The Secretary shall carry out the following:

''(A) APPOINTMENT OF COMMITTEE.—Not later than January 10, 2003, appoint the members of the negotiated rulemaking committee under this subsection.

''(B) FACILITATOR.—Not later than January 21, 2002, provide for the nomination of a facilitator under section 566(c) of title 5, United States Code, to carry out the activities described in subsection (d) of such section.

''(C) MEMBERSHIP.—Ensure that the membership of the negotiated rulemaking committee includes at least one individual representing—

''(i) health care consumers;

''(ii) small employers;

''(iii) large employers;

''(iv) physicians;

''(v) hospitals;

''(vi) other health care providers;

''(vii) health insurance issuers;

''(viii) State insurance regulators;

''(ix) health maintenance organizations;

''(x) third-party administrators;

''(xi) the medicare program under title XVIII of the Social Security Act;

''(xii) the medicaid program under title XIX of the Social Security Act;

''(xiii) the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

''(xiv) the Department of Defense;

''(xv) the Department of Veterans' Affairs; and

''(xvi) the Agency for Healthcare Research and Quality.

''(6) FINAL COMMITTEE REPORT.—

''(A) IN GENERAL.—Not later than 1 year after the general effective date referred to in section 401, the committee shall submit to the Secretary a report containing a proposed rule.

''(B) PUBLICATION OF RULE.—If the Secretary receives a report under subparagraph (A), the Secretary shall provide for the publication in the Federal Register, by not later than the date that is 30 days after the date on which such report is received, of the proposed rule.

''(7) FAILURE TO REPORT.—If the committee fails to submit a report as provided for in paragraph (6)(A), the Secretary may promulgate a rule to establish the standards described in subsection (d)(3)(E)(iii)(IV) (relating to the definition of 'medically necessary and appropriate' or 'experimental or investigational') that group health plans and health insurance issuers offering health insurance coverage in connection with group health plans may use when making a determination with respect to a claim for benefits.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 26, 2001, to conduct a hearing on

the nomination of Donald E. Powell, of Texas, to be Chairman of the Board of Directors of the Federal Deposit Insurance Corporation.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 26, 2001, at 9:30 am on the nominations of Sam Bodman (DOC), Allan Rutter (FRA), Kirk Van Tine (DOT), and Ellen Engleman (DOT).

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 26 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on proposed amendments to the Price-Anderson Act (Subtitle A of Title IV of S. 388; Subtitle A of Title I of S. 472; Title IX of S. 597) and nuclear energy production and efficiency incentives (Subtitle C of Title IV of S. 388; and Section 124 of S. 472).

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

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 26, 2001 to hear testimony on the U.S. Vietnam Bilateral Trade Agreement.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 26, 2001 at 2:30 p.m. to hold a nomination hearing as follows:

NOMINEES

Panel 1: The Honorable Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador to the Kingdom of Morocco.

The Honorable C. David Welch, of Virginia, to be Ambassador to the Arab Republic of Egypt.

The Honorable Daniel C. Kurtzer, of Maryland, to be Ambassador to Israel.

Panel 2: The Honorable Robert D. Blackwill, of Kansas, to be Ambassador to India.

The Honorable Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Islamic Republic of Pakistan.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on June 26, 2001, at 10:30 a.m. in room 485 Russell Senate Building to conduct a Hearing to receive testimony on the goals and priorities of the Great Plains Tribes for the 107th session of the Congress.

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

SUBCOMMITTEE ON THE ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution be authorized to meet to conduct a hearing on ''Should Ideology Matter? Judicial Nominations 2001'' on Tuesday, June 26, 2001 at 10:00 a.m. in SD226. No witness list is available yet.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Tuesday, June 26, 2001, at 10:00 a.m. for a hearing entitled ''Diabetes: Is Sufficient Funding Being Allocated To Fight This Disease?''

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

SUBCOMMITTEE ON STRATEGIC

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 26, 2001, at 10:00 a.m., in open session to receive testimony on the Department of Energy's fiscal year 2002 budget request for the Office of Environmental Management, in review of the Defense authorization request for fiscal year 2002 and the future years defense program.

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

PRIVILEGE OF THE FLOOR

Mrs. CLINTON. Mr. President, I ask unanimous consent that Dr. Mary Catherine Beach, a legislative fellow in my office, be granted the privilege of the floor for the duration of the debate on S. 1052, the McCain-Edwards-Kennedy Patients' Bill of Rights.

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

ORDERS FOR WEDNESDAY, JUNE 27, 2001

Mr. REID. 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 Wednesday, June 27. Further, I ask consent that on Wednesday, immediately following the prayer and the pledge, the Journal of Proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Patients' Bill of Rights.

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

PROGRAM

Mr. REID. Mr. President, the Senate will convene at 9:30 a.m. and resume consideration of the Patients' Bill of Rights. There is 1 hour of debate on the Allard amendment regarding small employers, followed by a vote in relation to the amendment at approximately 10:30 a.m.

Following the Allard vote, there will be 1 hour of debate on the Nelson-Kyl amendment regarding contracts, followed by a vote in relation to the amendment. Following disposition of the Nelson-Kyl amendment, we expect Senator EDWARDS or his designee to be recognized to offer an amendment regarding medical necessity.

We are going to conclude consideration of Patients' Bill of Rights, I have been told on more than one occasion today by the majority leader, this week. We will also complete the supplemental appropriations bill and the good work that has been done preliminarily by Senators BYRD and STEVENS. This is something we will be able to do without requiring a lot of time. Then we wish to complete the organizational resolution that has been pending for several weeks.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate at 8:22 p.m., adjourned until Wednesday, June 27, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 2001:

DEPARTMENT OF TRANSPORTATION

JEFFREY WILLIAM RUNGE, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE SUE BAILEY.

DEPARTMENT OF COMMERCE

NANCY VICTORY, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE GREGORY ROHDE, RESIGNED.

DEPARTMENT OF THE TREASURY

ROBERT C. BONNER, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, VICE RAYMOND W. KELLY, RESIGNED.

ROSARIO MARIN, OF CALIFORNIA, TO BE TREASURER OF THE UNITED STATES, VICE MARY ELLEN WITHROW, RESIGNED.

DEPARTMENT OF STATE

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE LUIS J. LAUREDO.

JEANNE L. PHILLIPS, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR, VICE AMY L. BONDURANT.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EARL B. HAILSTON, 0000

EXTENSIONS OF REMARKS

HONORING GRANBY MAYOR DICK THOMPSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. McINNIS. Mr. Speaker, I stand before you today on behalf of Congress to pay tribute to a brave man, and a man who gave of himself to improve the lives of others. Mr. Speaker, the people of Colorado and of our nation lost an amazing man with the passing away of Granby Mayor Dick Thompson, but his heroic efforts will never be lost, because his actions and his character have helped shape his city and country in a positive way that can never be revoked.

In 1949, Dick married his wife Thelma, and eventually became a fantastic father to five children, Larry, Ron, Brenda, Gary, and Linda. A fine businessman, Dick started Thompson Excavating, and later, when his sons decided to join him in his successful business, changed it to Thompson and Sons Excavating.

Dick Thompson believed in self-reliance, freedom, and trust, and he took action to see these values implemented in his community, nation, and family. Dick learned firsthand the meaning of sacrifice at age 18 when he served in the South Pacific during World War II on the U.S.S. *Hazard.* He never forgot how to serve for the sake of the many, as he gave over 20 years on the town board without a single regret. Eventually, Dick took his political leadership skills to another level when he was elected Mayor in April of 2000. He won the community over with his common sense and his obvious interest for the well being of others. Middle Park Fair and Rodeo, who honored him as Pioneer of the Year, quotes him as saying, ''We've always had a lot of good people in this country.* * * That's why I like to stay involved. I like the people.'' His positive energy shone through, and helped contribute to his success and to the success of Granby.

It is without a doubt, Mr. Speaker, that Dick Thompson has earned our utmost respect and thanks for his exemplary service and honesty. Today, I ask you to join me in honoring one of Colorado's finest leaders.

IN HONOR OF THE CONSECRATION OF THE MONASTERY MARCHA CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor The Consecration of The Monastery Marcha Church for the esteemed dedication by the abess, Igumanija Ana and two sisters, Sisters Anastasia and Angelina, for their remarkable service to God and the Holy Orthodox Church.

Monastery Marcha in Richfield, Ohio is erected in remembrance of the original Monastery Marcha in Serbia, built in the 17th Century, which was destroyed during the war with Austria-Hungary. Even though it was rebuilt in 1924, it was destroyed once again in 1991. However, due to the devotion of the congregants, the Monastery Marcha in Richfield became what it is today, the first monastery established for the Serbian Orthodox nuns in the United States.

The Monastery is presently located on a beautiful 82 acre tract of land, which was purchased in 1968 for the sole purpose of building a Diocesan center. The spiritual and uplifting environmental atmosphere invites all those lost souls in need of spiritual enrichment, prayer, service, moral support, and love. The Monastery graciously houses a residence and living accommodations for monastics, a heavenly Chapel, and future plans hope to include a vast area for a cemetery and a residence for senior citizens.

Each week the Holy Services are conducted by an area Orthodox priest who graciously volunteers his priestly duties to the Monastery. The nuns derive income through the generous donations but find that the main source stems from producing vestments, making candles and selling religious articles. The nuns have hospitably provided many spiritual retreats at the Monastery and have become speakers and program presenters throughout Ohio, Pennsylvania, and New York.

The nuns have taken an active part in service to the Monastery and it is well known that the doors of the Monastery are always open for all to enter.

My fellow colleagues, please join me in honoring the Monastery Marcha Church for their many contributions to the diocese and wider religious community.

GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS (GEAR UP)

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. REYES. Mr. Speaker, the President's request for Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) is $277 million for fiscal year 2002. Funding at this level puts the GEAR UP program in my district and many others at serious risk. We should do everything in our power to protect and augment programs like GEAR UP that have proven to be effective.

As you know, GEAR UP is a nationwide program to encourage disadvantaged children to have high expectations, stay in school, study hard and make appropriate decisions that will lead them on the road to a college education. With high school dropout rates so high among Hispanics, programs like GEAR UP are critical. The program directs the Department of Education to offer competitive grants that will build partnerships while creating and expanding alliances between colleges and school districts which have at least 50 percent low-income students.

Since its enactment, GEAR UP has provided a much needed service to nearly 1.2 million children. No other federal program holds more promise for middle school children in low-income schools and does more to institutionalize the necessary reforms that provide early college awareness than GEAR UP. The 73 new partnership grants and seven new state grants awarded last year brought the two-year total to 237 GEAR UP partnerships and 28 state programs. The second year competition, like that of the first year, was extremely competitive. However, due to funding limitations, only 28 percent of the partnership applications and 33 percent of the state grant applications could be awarded. There is truly a demand for more GEAR UP money.

I believe it is critically important that we remain steadfast in our commitment to GEAR UP, which sends a message to students that a college education is indeed within their reach. I urge my colleagues to support $425 million for GEAR UP in the fiscal year 2002 Labor, HHS and Education Appropriations bill to allow GEAR UP schools to continue to operate their programs.

HONORING TEEN OUTREACH THROUGH TECHNOLOGY (TOTT)

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Teen Outreach Through Technology (TOTT) for their exemplary service to their community. TOTT is a non-profit organization with an emphasis on youth delinquency prevention.

In 1986, Faye Johnson undertook an independent study at Fresno City College to explore the use of telecommunications with at-risk or troubled teens. Her study showed very positive results and shortly thereafter, a formal program was put in operation, volunteers were recruited, and TOTT became a non-profit organization. TOTT's purpose is to reduce juvenile delinquency by redirecting negative energy into a positive outcome through computer technology. Through the use of a computer network, newsletter and trained volunteer programs, youth are involved in the process of educating the public to their needs, exploring solutions to their problems, and improving their understanding of themselves and others.

Mr. Speaker, I rise today to congratulate Teen Outreach Through Technology for their innovative use of technology to serve young people in the Fresno area. I urge my colleagues to join me in wishing TOTT many more years of continued success.

TRIBUTE TO CORPORAL KELLY STEPHEN KEITH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Corporal Kelly Stephen Keith. Kelly Stephen Keith was born in 1978, the son of Donna Harter of Florence and Billy Keith of Cheraw, and stepson of Ronald Harter and Connie Keith. His siblings are Andy and Jay Keith of Cheraw and Dustin Brasington of Florence.

Kelly Keith joined the Marine Corps on December 17, 1996 shortly after graduating from Cheraw High School where he had received the ''Spirit of the Brave Award'' in his senior year. During his high school years, Kelly played in the marching band, was an avid fisherman and hunter, and enjoyed golf, music, and scuba diving. He was a Boy Scout for ten years, and a member of First Baptist Church of Cheraw.

Over the course of his first three years in the Marines, Keith was promoted four times and received numerous awards for good conduct and advanced to the rank of Corporal. He was assigned to Naval Aircrew Training, and later joined the Osprey Unit team. Before joining the Osprey Unit, Kelly was with the Marine Squadron assigned to transport the U.S. President and his staff.

Corporal Keith distinguished himself as the only Corporal, and the youngest officer, to be named crew chief on the Osprey test team. Keith was killed with eighteen other Marines on April 9, 2000 when their aircraft crashed in Arizona on a training exercise.

The South Carolina General Assembly passed a resolution on March 6, 2001 naming a portion of U.S. Highway 52 in honor of Corporal Keith. Corporal Kelly Stephen Keith was a man of integrity, honor, and respect. The service that he rendered for our nation was invaluable, and the memory of this soldier and great American should never die.

Mr. Speaker, please join me and my fellow South Carolinians in honoring Corporal Kelly Stephen Keith.

TRIBUTE TO JESSE GALLARDO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor Jesse Gallardo as he recently celebrated the end of his tenure at Major Farms Inc. in Soledad, California. Mr. Gallardo retired on March 31, 2001 bringing an end to sixty-four years of service to Major Farms Inc. and the entire Soledad community.

After moving from Orange County to Soledad as a young boy, Mr. Gallardo grew up living on the property of Major Farms. When he was fourteen years old, he began working full time on the farm, which at that time was barely one year into operation. Until his retirement at the age of seventy-eight, Mr. Gallardo continued to work ten hour days, six days a week, and in distant years past, it was common practice during the spinach harvests for Mr. Gallardo to work seventeen hour days. After twenty-three years at Major, Mr. Gallardo moved into Soledad, yet continued to work at Major Farms while simultaneously raising six children.

Mr. Gallardo's dedication and hard work was not exclusively held to Major Farms, rather his positive influence has infiltrated the entire city of Soledad. To honor Jesse Gallardo's dedication to the community of Soledad, the city of Soledad presented Mr. Gallardo with a plaque and even designated a baseball park in his honor. Every Fourth of July, Mr. Gallardo participates in a softball game at Jesse Gallardo Park.

Mr. Speaker, the service of local members of the community are an asset to this nation, and I applaud Mr. Gallardo's contributions. The retirement of Mr. Gallardo signifies the end to a dedicated sixty-four years of service to Major Farms and the entire Soledad community. It is clear that Jesse Gallardo's dedication has made a lasting impact on his community, and I join the city of Soledad in honoring Mr. Gallardo.

PERSONAL EXPLANATION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. ISRAEL. Mr. Speaker, I was absent from votes on June 21, 2001 due to my daughter's graduation. I would have voted as follows:

Roll call vote: 178 ''Yea''; 179, ''No'', 180, ''Yea'', 181, ''Yea'', 182, ''Yea'', 183, ''Yea'', 184, ''No'', 185, ''Yea''.

IN MEMORY OF ROBERT M. MCKINNEY: 1910–2001

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise before the House of Representatives today to mark the passing of an important American, Robert Moody McKinney, editor and publisher of the Santa Fe New Mexican, the west's oldest newspaper.

Over my years of serving the people of New Mexico, I came to know and respect Mr. McKinney. I saw embodied in him the principles of a dedicated public servant and many of the high standards that we expect from a newspaper editor and publisher. He was a man of great wit, humility, intelligence and integrity, and his many contributions to his country will never be forgotten.

I join many in mourning the death of Robert M. McKinney and send my heartfelt condolences to his family. I am including for the RECORD a copy of his obituary, which details his extraordinary career.

[From The Santa Fe New Mexican, June 25, 2001]

ROBERT M. MCKINNEY: 1910–2001, PAPER'S OWNER DEAD AT 90

ROBERT MOODY MCKINNEY, editor and publisher of THE SANTA FE NEW MEXICAN, died of pneumonia Sunday night at New York Hospital. He was 90. His daughter, Robin McKinney Martin of Nambé, was with him. He was a diplomat, corporate director, conservationist, veteran and poet.

During a distinguished career, McKinney served as assistant secretary of the U.S. Department of Interior, U.S. ambassador to the International Atomic Energy Agency at Vienna, Austria, and as U.S. ambassador to Switzerland.

McKinney purchased The Santa Fe New Mexican in 1949 and was its editor and publisher for 52 years. Due to health problems from the high altitude of Santa Fe, McKinney sold the company to Gannett Co. in 1976, retaining the right to continue as editor and publisher.

After a protracted and celebrated court battle, which he won, McKinney resumed management of the newspaper in 1987 and repurchased the property in 1989.

Through his friendship with U.S. Sen. Clinton P. Anderson, McKinney was instrumental in securing the San Juan Chama water-diversion project. He also persuaded St. John's College of Annapolis, Md., to open its western campus in Santa Fe.

As publisher, he supported John Crosby's efforts to launch The Santa Fe Opera and staged conferences in the early 1960s on the advantages of managed municipal growth in Santa Fe.

Born in Shattuck, Okla., Aug. 28,1910, McKinney grew up in Amarillo, Texas, and graduated from Amarillo High School in 1928. As a teen-ager, he was a cub reporter for the Amarillo Globe News.

He received a bachelor's degree, graduating Phi Beta Kappa from the University of Oklahoma in 1932 with a major in literature.

Upon graduation, he worked in New York City as an investment analyst at Standard Statistics, now Standard and Poor's. He served as a partner in his cousin Robert Young's investment firm from 1934 to 1950 and became financially successful by investing in bankrupt railroad stock at the depth of the Depression.

During World War II, McKinney, was,.a lieutenant junior grade in the U.S. Navy. He helped develop and manufacture the Tiny Tim rocket and participated in D–Day to observe how the devices pierced the armor of German tanks.

In 1943, he married Louise Trigg, the daughter of a ranching family from eastern New Mexico.

His career in government included appointments by five presidents.

President Harry S. Truman appointed him assistant secretary of the Department of Interior in 1951. President Dwight D. Eisenhower named him U.S. ambassador to the International Atomic Energy Commission. He was editor and principal author of a multivolume work on the peaceful uses of atomic energy.

President John F. Kennedy appointed him U.S. ambassador to Switzerland in 1961.

Under Presidents Lyndon B. Johnson and Richard M. Nixon, he held appointments in the U.S. Treasury Department. He was awarded the Treasury Department's Distinguished Service Medal.

Because of Santa Fe's proximity to the National Atomic Weapons Laboratory at Los Alamos, McKinney became interested in peaceful uses of atomic energy, became an authority in that field and published several books on the subject.

McKinney served on the board of directors of several major corporations, including the Rock Island Railroad, International Telephone & Telegraph, Trans World Airlines and Martin Marietta.

He was a classical scholar, having mastered Latin at Amarillo High School and Greek at the University of Oklahoma. He

was a published poet; his book Hymn to Wreckage was rated by The New York Times as one of the 10 best poetry books published in 1947.

McKinney's hobby was landscape architecture. Farms he owned in Nambé and Middleburg, Va., were testament to his design skill.

McKinney was divorced from Louise Trigg in 1970 and later married Marielle de Montmollin, who died in 1998.

He is survived by his daughter, Robin Martin and her husband, Meade Martin; grandchildren Laura and Elliott of Nambé; stepson Laurent de Montmollin of Florida; and stepdaughter Edmee Firth of New York and her children, Marie Louise Slocum and Olivia Slocum, both of New York, and John Slocum of Newport, R.I.

Funeral services are pending.

HONORING ELMER JOHNSON FOR HIS WORK WITH COLORADO LEADERSHIP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. McINNIS. Mr. Speaker, I stand here today to honor and remember Elmer A. Johnson, who gave of himself throughout his life to serve his country and the citizens of Colorado. Elmer was a patriot, a giving man, and a man blessed with outstanding leadership and business skills.

Elmer, a devoted husband and father, was married to Philomena Mancini for fifty years until her death. He gave his wife, his son, Robert, and his two granddaughters much to be proud of. His patriotism drove him to enlist in the Army Air Forces in 1941, where he eventually served as master sergeant in the China-Burmuda-India theater during World War II. He then began running his father-in-law's printing business and edited a weekly newspaper.

Then, in 1958, he was elected for the first of three times to the Colorado House. He earned a distinguished reputation with those who knew and worked with him there, including former state Rep. Wayne Knox whom the The Denver Post quotes as saying, ''He was a very well-respected, reasonable, moderate legislator'' and ''a nice guy, a very good guy.'' Elmer had the honor of chairing the House Finance Committee and served on the Joint Budget Committee as well as on the Legislative Council.

His drive to serve didn't stop there, however. In 1963, he began working as a city official as manager of revenue and director of budget and management. He also served on the executive board of the Colorado Municipal League, and became its president in 1970. Incredibly, he also found time to serve on the executive board and as president of the Colorado Municipal League, become a board member of the Regional Transportation District, and become a member of the Sons of Norway. In addition, his leadership stretched to serving for a term as the international president of the Municipal Finance Officers of the United States and Canada.

Mr. Speaker, Elmer Johnson was a distinguished veteran, a devoted father and husband, and a selfless leader. Today, I would like pay him tribute on behalf of Congress for his lifelong dedication to honest leadership and to the people of the United States.

HONORING THE 60TH ANNIVERSARY OF THE UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. BENTSEN. Mr. Speaker, I rise today to honor the University of Texas M.D. Anderson Cancer Center on its 60th Anniversary on June 30, 2001. Although I will not be present at this Ceremony, I would like to honor this distinguished institution which is one of the world's top tier of institutions devoted to the conquest of cancer.

Throughout its history, M.D. Anderson Cancer Center has set the standard for excellence in cancer patient care, research, education and prevention. Named for its benefactor, Monroe Dunaway Anderson, the hospital was designated one of the first three comprehensive cancer centers in the United States by the National Cancer Act of 1971, and has continued to be the model of other centers seeking such recognition. In 2000, M.D. Anderson was ranked by U.S. News & World Report magazine as the nation's best cancer hospital.

Since the first patient was registered in temporary quarters in 1944, nearly 500,000 people have been served at M.D. Anderson facilities in Houston, and patients everywhere have benefited from research-based discoveries made or inspired by the M.D. Anderson faculty and staff.

More than 40,000 physicians, scientists, nurses and health care professionals have trained at M.D. Anderson, where education is fully integrated with superb research, compassionate patient care and far-reaching cancer prevention programs.

Today, M.D. Anderson's public education and community service initiatives help thousands of people reduce their risk of cancer and learn more about the disease.

The outstanding basic, translational and clinical research conducted at M.D. Anderson has been supported in recent years with the highest number of grants awarded to any institution by the National Cancer Institute and the American Cancer Society.

Translational research that applies new laboratory findings to improve patient treatments as quickly as possible has flourished under the leadership of Dr. John Mendelsohn, a distinguished clinical scientist who became M. D. Anderson's President in 1996. Dr. Mendelsohn has recruited a visionary management team and established bold new priorities for M. D. Anderson in the 21st century.

Dr. John Mendelsohn is the third president of the institution. Dr. R. Lee Clark was named the first full-time director and surgeon-in-chief in 1946, two years after the first patient was admitted. Dr. Clark was succeeded by Dr. Charles A. LeMaistre, who was instrumental in recruiting many leading physicians and surgeons. Dr. Mendelsohn took over in 1996 after Dr. LeMaistre's retirement.

Since celebrating its 50th anniversary a decade ago, the major research accomplishments made by M.D. Anderson scientists and physicians include: The first successful correction of a defective p53 tumor suppressor gene in human lung cancer has led to pioneering gene therapy for lung, head and neck, prostate, bladder and several other forms of cancer; Identification of the defective PTEN gene is providing new ways to target therapy for a usually fatal form of brain cancer and other malignant tumors; Expanded landmark chemoprevention studies showing that drugs can prevent first or second primary cancers in individuals at high risk—and also reverse some pre-malignant lesions; Designed a rapid laboratory method to pinpoint gene abnormalities in chromosomes, thereby improving diagnosis and treatment monitoring of many diseases, including cancer; Developed a gene expression technique to predict which cancers will escape primary sites and spread to other organs of the body; Identified genetic variants of components for a common brain chemical, dopamine, that are associated with nicotine addiction; Reported the first separation of human malignant cells from normal blood cells with a technique that allows studying the intrinsic electrical properties of cells; Documented a molecular link between cigarettes and lung cancer from studies showing a carcinogen in tobacco smoke binds to key mutagenic sites in the p53 gene.

Over the years, M.D. Anderson has conducted extensive clinical trials that have led to more effective anti-cancer drugs and biologic compounds, less-invasive surgical procedures and more precise radiation techniques. Many standard cancer therapies now available around the world were originally evaluated, wholly or in part, through such clinical research studies at M.D. Anderson.

Research discoveries and inventions by M.D. Anderson faculty and staff have been responsible for important technology development partnerships with industry. Fifteen company have been created as spinoffs from M.D. Anderson research projects.

While research advances at M.D. Anderson over the past 60 years have helped turn the tide against cancer, the current outlook for better methods to diagnose, treat and, ultimately, prevent cancer is even more optimistic because of emerging knowledge about the molecular defects responsible for the disease. Last month, we learned that a clinical trial at M.D. Anderson was part of the landmark study which discovered a new treatment for a rare form of leukemia. This new drug therapy actually works to reduce the replication of cancer cells so that patients can recover. I am proud that much of this initial work was done by M.D. Anderson clinicians and their staffs.

Mr. Speaker, today I recognize with profound gratitude all of the accomplishments made at The University of Texas M.D. Anderson Cancer Center. And, I warmly congratulate the dedicated faculty, staff, volunteers and supporters on the occasion of this remarkable institution's 60th anniversary.

IN TRIBUTE TO ALFRED RASCON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. GALLEGLY. Mr. Speaker, I rise for the second time in two years to pay tribute to Alfred Rascon, who was recently confirmed as the 10th director of the Selective Service System.

Alfred is a remarkable man. Born in Mexico, he moved to Oxnard, California, in my district,

with his family when he was a small child. His family raised him there and instilled in him the values of honor, integrity, a love of his adopted land and a reverence for life and his fellow human beings.

At age 17, he left Oxnard and joined the Army. He trained to be a medic and a paratrooper. On March 16, 1966, in the jungles of Vietnam, Alfred was severely and repeatedly wounded as he crawled from comrade to comrade to render aid, to protect his comrades and to retrieve weapons and ammunition needed in the firefight they were in.

By the time Alfred was loaded into a helicopter, he was near death. A chaplain gave him last rites. He survived. Because of his efforts, so did his sergeant and at least one other in his platoon.

But the Medal of Honor Alfred was due was lost in red tape, until two years ago, when the record was corrected.

He returned to civilian life, became a naturalized citizen and rejoined the Army. After another tour of duty in Vietnam and achieving the rank of lieutenant, Alfred again became a civilian. But he continued to serve his country, with posts in the Department of Justice, where he served with the Immigration and Naturalization Service, the Drug Enforcement Administration and INTERPOL. Prior to his appointment as director of the Selective Service System, he served for five years as its Inspector General.

He is married to the former Carol Lee Richardson. They have two children.

Mr. Speaker, Alfred Rascon is a humble man who achieved greatness by quietly and unselfishly doing what he believed was right. He is the right man to head up the Selective Service System. I know my colleagues will join me in congratulating Alfred on his selection and give him our full support in achieving the goals of his new position.

A SPECIAL TRIBUTE TO ALVIN JACKSON, MD, A ROBERT WOOD JOHNSON COMMUNITY HEALTH LEADER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize Dr. Alvin Jackson of Fremont, Ohio. The Robert Wood Johnson Foundation has chosen Dr. Jackson as a 2001 Robert Wood Johnson Community Health Leader.

The Robert Wood Johnson Foundation's mission is to enrich the health and healthcare of all Americans. Their efforts promote healthier lifestyles, improved health care, and better access to health care. The Foundation seeks to ensure that all Americans have access to basic health care at reasonable cost and to improve care and support for people with chronic health conditions. The Foundation promotes health and prevent disease by reducing the harm caused by substance abuse—tobacco, alcohol, and illicit drugs.

Each year, the Community Health Leadership Program honors ten outstanding individuals who have found innovative ways to bring health care to communities whose needs have been ignored or unmet. As one of the ten recipients of this recognition, Dr. Jackson and his program have been awarded a grant of $100,000.

Dr. Jackson has been honored for his tireless efforts in providing health care to migrant workers in numerous Ohio counties. As Medical Director of the Community Health Services, Dr. Jackson travels by mobile clinic to reach the 8,500 migrant farm workers and their families. Dr. Jackson, the son of a migrant worker himself, takes the clinic from camp to camp providing medical care to those who would otherwise go without.

Mr. Speaker, Dr. Alvin Jackson is an example for us all. He has recognized a problem in his community and has worked to solve it. I ask my colleagues in joining me in applauding Dr. Jackson for his efforts and selfless dedication to the care and well being of migrant workers and their families.

IN HONOR OF MS. SUSAN CULVER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize a fine individual and exceptional teacher, Ms. Susan Culver of Olmsted Falls Middle School, for her outstanding dedication to the education of young students.

Ms. Culver has spent the past few months organizing and planning a project for her seventh grade classes at Olmsted Falls Middle School. Because of her time and dedication to enriching her students, Ms. Culver has received a grant that will enable her to analyze and research pollution in the Olmsted Falls community. Over the past few years, air and water pollution have become important issues in Olmsted Falls, and Ms. Culver has taken it upon herself to analyze this problem. With the help of 140 seventh-graders, Ms. Culver will test pH levels in local ponds, analyze animal specimens, research the food web, and so much more. This program will give students an opportunity to experience their community in a hands-on environment.

This program materialized only through hours of hard-work, planning and researching. Because of her efforts, Ms. Culver's program has been chosen to receive a G.I.F.T., Growth Initiatives for Teachers grant. With this grant, Ms. Culver is offering students a wonderful leaming experience that will broaden their educational horizons. Ms. Culver is also planning on taking courses at Cleveland State University about computers and will attend numerous conferences of the Environmental Education Council of Ohio.

Ms. Culver holds a bachelors degree in middle school math/science and is working toward a masters degree in instructional technology. In 1998, she began her teaching career as a tutor at Olmsted Falls Middle School and joined the full-time faculty in 1999. She teaches science in the classroom, but her influence extends much beyond simple biology and chemistry. Ms. Culver is giving students information that is not only pertinent to where they live, but that will be relevant for their entire lifetime.

Mr. Speaker, please join me in honoring a young teacher that is touching the lives of hundreds of students, Ms. Susan Culver. She has given her time and dedication to Olmsted Falls Middle School, and has earned the respect of students, faculty, and the entire Olmsted Falls community.

READING IS FUNDAMENTAL

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. REYES. Mr. Speaker, as our First Lady Laura Bush said in April of this year ''Early reading isn't just good medicine, it's an important part of a child's daily activities. Children benefit greatly from reading activities starting at a very young age.'' Mr. Speaker, our First Lady is absolutely right!

Unfortunately, in the 2002 budget, President Bush cut all federal funding for a 35-year-old nationwide reading program. The program which is know as Reading is Fundamental (RIF) is supported through the U.S. Department of Education's Inexpensive Book Distribution Program (IBDP). RIF provides free, new books and family literacy services to 18,000 school and community sites with the vital help of more than 310,000 local volunteers.

RIF has a proven record and should not be destroyed or altered. For 35 years, it has given free paperback books to poor children in all 50 states, the District of Columbia, and U.S. offshore territories. If the federal government gives states reading grants, as President Bush wants, there is no guarantee that this kind of program, which is badly needed, will continue.

My district of El Paso, Texas is an impoverished area of our country. Programs like Reading is Fundamental may not make much of a difference in more affluent areas, but they certainly do in El Paso. For some kids, a free book is the only access to reading that they have.

RIF programs operate in schools, libraries, community centers, child-care centers, Head Start and Even Start centers, hospitals, migrant worker camps, homeless shelters, and detention centers. Today, thanks to public-private partnerships, RIF is the nation's largest child and family literacy organization. RIF has placed more than 200 million books in the hands and homes of America's children.

Now, President Bush has proposed a five-year plan to improve young children's reading ability by cutting all funding for IBDP and consolidating the funding into state-level reading grants. This is simply not the answer. The answer is RIF.

I respectfully request that the Administration restore the RIF program in the 2002 budget. The RIF program is an example of a program that is working and making a real difference in the lives of countless children across the country. It would be a travesty to destroy it.

HONORING HIS HOLINESS KAREKIN II NERSISSIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor His Holiness Karekin II Nersissian, the Supreme Patriarch and Catholicos of All Armenians. Karekin II traveled to the United States last month and visited Armenian churches, schools and a retirement home in Fresno, California and surrounding communities.

Karekin II was born in the village of Voskehat, in 1951, in the Etchmiadzin Region of Armenia. He entered the Theological Seminary of the Mother See of Holy Etchmiadzin in 1965 and graduated in 1971. In 1970 he was ordained a Deacon, and in 1972 he was ordained a Celibate Priest. Karekin II then left for Germany to serve as a pastor, while continuing his theological education at the University of Bonn.

In 1979, Karekin II returned to the Mother See of Holy Etchmiadzin, and thereafter, left for Russia to study at the Theological Academy of the Russian Orthodox. In 1980, he was appointed Assistant to the Vicar General of the Araratian Pontifical Diocese. In 1983, he was appointed to Vicar General of the Araratian Pontifical Diocese. Karekin II was ordained a Bishop in October of 1983 and was granted the title Archbishop in November of 1992. In 1998, Karekin II was appointed to the Vicar General of the Catholicos.

On Wednesday, October 27, 1999, Karekin II was elected as the 132nd Supreme Patriarch and Catholicos of All Armenians. Since his ascension to the head of the Armenian Church, Karekin II has actively rejuvenated the Theological Seminary. He has been instrumental in the construction of new churches and the building of St. Gregory the Illuminator Mother Cathedral in Yervan, Armenia. Many new priests have been ordained and assigned to churches in Armenia and Diaspora under the leadership of Catholicos Karekin II.

Mr. Speaker, I urge my colleagues to join me in honoring His Holiness Karekin II Nersissian for his spiritual leadership to all Armenians.

TRIBUTE TO PAUL BEAZLEY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dear friend, a former colleague, and fellow South Carolinian, Paul W. Beazley. On July 16th, Paul will retire from South Carolina State government. It is a retirement well deserved and he will be sorely missed.

Before coming to this august body, I served as Human Affairs Commissioner for the State of South Carolina. I was fortunate to have Paul among my support staff. Paul joined the State Human Affairs Commission in January of 1973. Upon my arrival in October 1974, I named him Director of the Technical Services Division where he served for five years before becoming Deputy Commissioner.

During my nearly 18-year tenure at the Commission, Paul was an invaluable colleague, and became an expert on the issues of equal opportunity and diversity, particularly in the workplace. He supplemented his vast experience in this area with several published works including: Think Affirmative; The Blueprint, which became the leading affirmative action planning manual in the 1970's and 1980's. He recently wrote, The South Carolina Human Affairs Commission: A History, 1972–1977; and Who Gives a Hoot at the EEOC?, a public policy case study.

An active member in his community both professionally and personally, Paul currently serves on the Board of Directors of the Midlands Marine Institute, and is president of the Alumni Association of South Carolina State Government's Executive Institute. Paul is also chairman of the State Appeals Board for the United States Selective Service System.

In addition, Paul is a member of various professional associations, and works as a volunteer for many non-profit organizations. He is also a member of the Eau Claire Rotary Club of Columbia, and has served as President and Secretary of the National Institute for Employment Equity, and as Chairman of the Greater Columbia Community Relations Council. He has also served on the Board of Directors of the Family Services Center of Columbia, the Board of Visitors of Columbia College, the Board of Directors of Leadership South Carolina and numerous task forces at the state and local level.

Prior to joining the Commission in 1973, Paul was a Presbyterian Minister. He served as a pastor, a Conference center Director, and an Educational Consultant. He has also worked as a Consultant for the University of South Carolina General Assistance Center, teaching in the field of test taking and problem-solving. He designed an experimental school and directed an experimental reading program for the Columbia Urban League.

Paul received his Bachelor of Arts degree from East Tennessee State University, his Master of Divinity from Union Theological Seminary in Virginia, and a Masters of Education from the University of South Carolina, where he also completed Doctoral studies. Paul is also a graduate of the South Carolina Executive Institute (1992), and Leadership South Carolina (1987).

Paul, a longtime resident of my current hometown, Columbia, South Carolina, is married to the former Marcia Rushworth. They have one son, Paul Derrick Beazley, who lives in Charleston. Paul is a competitive tennis player, and we share yet another common interest and pastime, golf.

Mr. Speaker, I ask you to join me in saluting one of our nation's authorities on diversity, one of my State's most highly respected professionals, one of my Community's finest citizens, and one of my good friends, Paul W. Beazley, upon his retirement. Please join me in wishing him good luck and Godspeed.

IN TRIBUTE TO STEPHEN WALPOLE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. FARR of California. Mr. Speaker, I rise this evening to join with my friend and colleague, Congressman MIKE HONDA of the 15th District of California, in honoring a dedicated public servant. Stephen Walpole, Chief of Police for the Scotts Valley Police Department, will be retiring on July 6, 2001, bringing an end to 30 years of service to his community.

Chief Walpole is a constituent of Congressman HONDA, since part of Santa Cruz County is in his congressional district. However, Chief Walpole and I came to know each other well during my years serving in the California Assembly. His work on behalf of the residents of Scotts Valley is an amazing reminder of the importance of public service in our nation. When Chief Walpole's career began as a reserve officer in 1970 with the Scotts Valley Police Department his potential was quickly realized. He was promoted to Sergeant in 1974, Lieutenant in 1979, and Chief of Police in 1986. Besides his focus on the community of Scotts Valley, Chief Walpole has also served in several County and State-wide positions, bringing his experience and leadership to others in law enforcement and government.

Chief Walpole has also been the recipient of many awards and recognitions, including the Exchange Club Officer of the Year in 1973 and 1983; the Meritorious Service Award from the Scotts Valley City Council in 1989 for his efforts during the 1989 Loma Prieta earthquake which devastated many parts of Santa Cruz County; and was named as the Scotts Valley Chamber of Commerce Man of the Year in 1989.

Mr. Speaker, when he retires on July 6, 2001, Chief Walpole will be leaving behind a three-decade legacy of excellence and professionalism. It has been a pleasure for myself and Congressman HONDA to work with him and other members of the Scotts Valley community, and it is an honor to be able to pay tribute to him here. We wish him well in his upcoming retirement, but we know that he will always remain an active member of the community.

HONORING JORDAN HENNER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Jordan Henner. This young man has received the Eagle Scout honor from his peers in recognition of their achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100

man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Jordan and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to you and your family.

JIM ROPER, INDUCTEE TO THE NEW MEXICO-BROADCASTING ASSOCIATION'S HALL OF FAME

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise to honor one of the outstanding citizens of the northeast corner of my home state of New Mexico—Jim Roper, who was recently inducted into the New Mexico Broadcasting Association's Hall of Fame. As a pioneer with more than 50 years in the industry, he is eminently deserving of this prestigious honor.

Mr. Roper is the chief executive officer of Raton Broadcasting and head of KRTN–AM and FM. These stations bring music and important news to the citizens of Colfax, Union, and Harding Counties as well as southeastern Colorado. In northeastern New Mexico, I cannot emphasize how important the medium of radio is as a critical news source. Mr. Roper and his team have served its citizens well.

Jim's career began in 1948, while still in high school. And it all started because the station's general manager had laryngitis. Jim and his family lived in the now abandoned town of Brilliant, not far from Raton, where radio was one of the only sources of entertainment. During a high school basketball game, Stan Brown, then the general manager of KRTN, had lost his voice and could not broadcast the game report. Jim said, ''I don't know, but I'll try.'' One thing led to another, and soon he was spinning records at the station. In less than two decades, he was the station's owner.

Jim has seen vast changes in the radio broadcasting business since he began. Tape recorders replaced wire recorders, compact discs replaced records and satellites replaced disc jockeys. However, at KRTN on-site folks still operate the station, and despite lucrative offers to purchase the small station, Roper has refused to sell.

Jim has always been committed to providing quality service to the listeners of KRTN and capturing the essence of rural New Mexico. His dedication and commitment have made him an important part of the community. Jim has served as the city commissioner, the president of the Raton Chamber of Commerce, as a member of the city parks and recreation board and as the president for the Raton water board.

There have been two constants that have run throughout Jim's life: the radio station and his loving family. He is a proud husband and father, whose family has kept him focused and grounded.

Mr. Speaker, Jim Roper is a champion of his community and is completely deserving of being named as one of the first inductees into the New Mexico Broadcasting Association's Hall of Fame. I urge my colleagues to join me in saluting Jim Roper for his vast accomplishments.

HONORING MAYOR JOHNNY ISBELL OF PASADENA, TEXAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. BENTSEN. Mr. Speaker, I rise today to recognize Mayor Johnny Isbell of Pasadena, Texas. On June 30, 2001, Mayor Isbell will conclude his third four-year term as mayor of the city.

Mayor Isbell is a dedicated public servant, whose career began on the Pasadena City Council in 1969. He served on the Council until 1978 and returned from 1989–1993. He served his first term as the city's mayor in 1981 and returned to the post in 1993.

Mayor Isbell was born in San Antonio, Texas in 1938, and has lived in Pasadena for more than 55 years. He was educated at the University of Houston. He and his wife Jeanie are the proud parents of Leesa, Johnny Jr., and Kenny Isbell. In addition to his public service, Johnny serves as the President of Apache Oil Company and Chief Executive Officer of Texas Transeastern, a fuels trucking business. He is also the President of Isbell Equipment Company and Isbell Interest.

As Mayor, Johnny Isbell sought to enhance the image of Pasadena as a community of neighbors. He opened the doors of City Hall to all of the town's residents and welcomed all concerns. With an eye on the future, Mayor Isbell brought his administration online, providing constituent services via the worldwide web. During the last six years of his administration, crime rates have dropped by 30 percent and property taxes have been reduced to some of the lowest levels in the Harris County Metropolitan area.

A businessman by trade, Mayor Isbell placed a strong emphasis on the importance of bolstering local enterprise, and putting the satisfaction of his constituents at the forefront. For more than thirty years Johnny has brought his competence, dedication and lofty principle to the public purpose. Under Johnny Isbell's leadership as mayor, Pasadena has vaulted boldly into the 21st Century as a model American city. His compassion and generosity has enlivened the spirit of Pasadena. I commend Johnny Isbell for his outstanding service to our community, and wish him continued happiness as he returns to his private life with his wife Jeanie and children; Leesa, Johnny Jr., and Kenny.

IN HONOR OF TANYA PARISI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize a fine individual and exceptional teacher, Ms. Tanya Parisi of Olmsted Falls Middle School, for her outstanding dedication to the education of young students.

Ms. Parisi is one of two teachers that have organized a program that will enrich students and address concerns pertinent to the Olmsted Falls community. Within the past few years, pollution has become a growing concern for the small suburb of Olmsted Falls, and Ms. Parisi has taken it upon herself to analyze this problem. With the help of 140 seventh-graders, Ms. Parisi will be researching water and air pollution, studying water samples, researching the food web, identifying living specimens, and so much more. Throughout this entire project, students will maintain a computer portfolio of their research and publish their results online.

This program materialized only through the tireless efforts of Ms. Parisi. Her love and dedication to enriching the lives of her students has earned her the very prestigious G.I.F.T., Growth Initiatives for Teachers grant. Ms. Parisi also will be taking courses in computers and technology at Cleveland State University and attending conferences of the Environmental Education Council of Ohio.

Ms. Parisi holds a bachelors degree in education and is now pursuing a dual masters degree in science and technology. She began teaching in 1996 and has been with Olmsted Falls Middle School since 1999. She teaches math in the classroom, but her influence extends much beyond numbers and calculations. Ms. Parisi is giving students information that is not only pertinent to where they live, but that will be relevant for their entire lifetime.

Mr. Speaker, please join me in honoring a young teacher that is touching the lives of hundreds of students, Ms. Tanya Parisi. She has given her time and dedication to Olmsted Falls Middle School, and has earned the respect of students, faculty, and the entire Olmsted Falls community.

ENCOURAGING MEMBERS OF CONGRESS AND THEIR STAFFS TO HAVE SCREENINGS FOR PROSTATE CANCER

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. REYES. Mr. Speaker, as we begin to celebrate Men's Health Week, the week leading up to Father's Day, I rise today to applaud the efforts of my colleagues to bring attention to many issues surrounding men's health.

I would like to encourage my colleagues and members of their staffs to have screenings for prostate cancer. Except for lung cancer, prostate cancer is the greatest cause of cancer deaths among American men. At highest risk are African-Americans and those with a family history of prostate cancer. One in

five men will develop prostate cancer in his lifetime and the American Cancer Society estimates that over 32,000 men will die from the disease this year, a mortality rate approaching that of breast cancer in women. It is recommended that men at high risk begin annual prostate cancer screenings at age 40, and that all other men begin at age 50.

As one of my former colleagues and good friend, Bill Richardson once said, ''Recognizing and preventing men's health problems is not just a man's issue. Because of its impact on wives, mothers, daughters and sisters, men's health is truly a family issue.'' We owe it to our families to have our prostrate screenings. A tiny bit of discomfort is worth saving your life and sparing your families from the pain of an untimely death.

RECOGNIZING JOHN G. TAYLOR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize John G. Taylor for being selected as the Person of the Year 2000 for his accomplishments in the area of religious journalism. The Muslim Public Affairs Council-Fresno will present the award to Taylor on Saturday, April 28, 2001 at their annual awards dinner.

John G. Taylor is a first-generation American. He was born in Brooklyn, New York in 1950. He worked as a reporter for a weekly newspaper and as a correspondent for the New York Times while he earned a degree in journalism at New York University. After college, he worked as a desk editor at newspapers in Hartford and New London, Connecticut.

In 1981, John and his family relocated to Fresno, where he began a 20-year career working with the community paper, the Fresno Bee. Most recently, John's reporting focused on issues of religious significance to the Fresno community, including Pope John Paul II's World Youth Day gathering in Denver and the ''Stand in the Gap'' million-man Christian march in Washington, D.C. He eagerly pursued stories about people and matters of faith for the Fresno Bee until January of this year. John accepted a position as a senior communications specialist/senior writer with Community Medical Centers. John and his wife Judy have six children and seven grandchildren.

I urge my colleagues to join me in praising Mr. Taylor's literary contribution to the city of Fresno and in wishing him continued success in the future.

TRIBUTE TO SAMETTA TAYLOR

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Sametta Alicia Taylor. Ms. Taylor recently qualified as a National Finalist in the 2001 Pre-Teen America Scholarship and Recognition Program to be held on July 3 in Baton Rouge, Louisiana. Sametta is the 12-year-old daughter of Sammie and Michelle B. Taylor of Moncks Comer, South Carolina. She will represent our state in the speech category as South Carolina's Miss Pre-Teen.

She participated in the South Carolina Pre-Teen Scholarship and Recognition Program held September 2–4, 2000 in Greenville, South Carolina. Young ladies, ages seven to twelve, were invited who have been recognized publicly for their outstanding personal achievements, volunteer services, school involvement, leadership abilities, and creative talents. State finalists were judged on similar categories including communicative ability, general knowledge, onstage expression, and acknowledgment of accomplishments.

Local participants were selected primarily from public announcements of achievements, by teachers, guidance counselors, and recommendations from past participants. Over 120 South Carolinians participated in the event.

Sametta received a $1,000 educational bond, $100 educational bond for winning the speech competition, and 4 trophies for the highest scholastic average of all the participants.

Sametta has a 10-year-old brother, Sammie Taylor, III. She is the granddaughter of Joseph and Emily J. Brown of Moncks Comer, and Sammie Taylor, Sr. and Josephine Sanders of Rembert, South Carolina. Her godparents are Carl and Altrise Weldon of Bowie, Maryland. Mr. Speaker, please join me and my fellow South Carolinians in honoring Sametta Taylor for her outstanding achievements.

IN HONOR OF JOSEPH J. GARRY, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Joseph J. Garry, Jr. on his remarkable accomplishment of instilling joy and laughter through theater arts in Cleveland for over 34 years.

Joe Garry, who performs side by side with David Frazier, was just honored by the award-winning actress Patricia Neal with the Signstage Theater's annual Spotlight award, which recognizes individuals for their contributions to the arts and culture in Cleveland.

Gary and Frazier, well-known in the local and national entertainment circles, were instrumental in the success of many long running productions. They are best known to Cleveland audiences for their landmark musical ''Jacques Brel is Alive and Well and Living in Paris'' which ran for two and a half years, and by supporting the restoration of the Playhouse State complex in Cleveland.

Garry, director and former professor and head of the Theater Department at Cleveland State University has written, directed, and produced plays, musicals, and operas. Together with his partner, they have actively produced 15 musicals. They have received many prestigious awards, including being inducted into The Cleveland Play House Hall of Fame for their many years as actors in repertory there, and for performing both nationally and internationally.

Recently, they have performed on the Cunard liners, QE2, Caronia and Seabourn Sea. There they sail the world first class and perform on the bill with many theater legends, while hosting a group of Cleveland friends and including them in on the performances.

Joseph Garry has proved to help cultivate not only the Cleveland arts community, but locations throughout the world via his musical theatrical abilities and inspiration. I ask my colleagues to rise in recognizing this great man, Joseph J. Garry Jr. for his remarkable contributions to the theater arts.

IN HONOR OF THE 226TH BIRTHDAY OF THE UNITED STATES ARMY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. REYES. Mr. Speaker, on Thursday, June 14th, we celebrated the 226th birthday of the United States Army. The Army's proud tradition, which dates back to 1775, has always stood tall, both in times of peace, and times of conflicts which placed American men and women in harm's way. For more than two centuries, the soldiers of the Army have been poised and ready to answer the call of duty to defend this great nation. The military is a noble profession and those who have served have demonstrated their patriotism and selflessness. The Army has always been relevant and remains relevant today. With the Transformation of the Army to a leaner, lighter, and more lethal force, the Army will continue to be relevant in the future. As we forge into the future, let us reflect on the great legacy the Army has given this nation, through the great men and women who were and are proud to be Americans.

EXTENDING APPRECIATION TO THE MEMBERS OF THE SUBCOMMITTEE ON AGRICULTURE APPROPRIATIONS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. RADANOVICH. Mr. Speaker, I wish to extend my appreciation to our fine chairman, the ranking member, and all of the members of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies for their good work on the agriculture spending bill and the accompanying report that passed the full committee on June 13th. In particular, I am thankful that the Subcommittee has recognized the important contributions made by the Valley Children's Hospital located in California's Central Valley.

Valley Children's Hospital (VCH) is the only freestanding children's hospital in a rural area in the United States. VCH serves the 10-county, 60,000 square mile region between Los Angeles and the San Francisco Bay, and it functions as a ''safety-net'' health care provider to all children of Central California. The facility provides services regardless of an individual's race, religion or ability to pay, with over 70 percent of its patients on MediCal.

As you can imagine, VCH faces many challenges to its ability to provide health care. These challenges include inadequate transportation, shortages of health professionals, high poverty and unemployment, and the fact that there are 93 different spoken languages and dialects in the region. Each of the 10 counties that VCH serves is federally designated as medically underserved.

In light of budget realities, we must continue to carefully define our appropriations priorities. I appreciate the Subcommittee's recognition that Valley Children's Hospital is a meritorious organization with projects that deserve special consideration.

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. FORD. Mr. Speaker, due to a commitment in my Congressional District, I was absent on Monday, June 25th for three recorded votes. Had I been present, I would have voted ''aye'' on rollcall votes, No. 186, H.Res 160, No. 187, H. Res. 99, and rollcall vote No. 188, H. Con. Res. 161.

HONORING CHARLOTTE KEYS

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. SHOWS. Mr. Speaker, I rise today to congratulate Charlotte Keys, who was recently honored as a 2001 Robert Wood Johnson Community Health Leader. Ms. Keys is one of only 10 individuals from around the country to receive this distinguished award, which includes a $100,000 grant to help further her work.

Ms. Keys is the founder of an organization called Jesus People Against Pollution, located in Columbia, Mississippi, which works to mobilize the community to improve health and environmental justice. Her early efforts focused on those in the community who suffered severe health problems as a result of a major explosion at a chemical plant in Columbia in 1977. She mobilized the community and advocated for them.

As a result of her activism, she was asked to leave her job and she endured threats on her life. Undaunted by this experience, and moved by the extensive health needs of her neighbors, many of whom were children or senior citizens, Ms. Keys formed Jesus People Against Pollution, or JPAP, in 1992. She created JPAP to help educate the community about environmental health threats and to advocate for cleanup and redevelopment.

Today, JPAP offers training and advocacy programs and has co-hosted a regional summit on environmental justice with participation by both the state and federal governments. In addition, Ms. Keys has become a trusted leader, and the community looks to her as a resource for assistance in other social issues, such as housing, food stamps and disability benefits.

One of her nominators described Ms. Keys as a ''long distance runner who possesses a profound commitment to the cause of justice.'' It is my hope that she continues to run this race for justice. It is clear that she has covered quite a distance, but the road still stretches out ahead.

Mr. Speaker, it is a privilege today to honor Charlotte Keys for this well deserved leadership award. I am confident that it will help to strengthen and sustain her important work.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. COBLE. Mr. Speaker, on Monday, June 25, 1 missed rollcall votes 186–188. Had I been present on this date, I would have voted ''aye'' on rollcall Nos. 186, 187, and 188. On this date, I had committed to participating in an event in my congressional district prior to the scheduling of votes.

REGARDING FAIR LAWN MAYOR DAVID GANZ

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today as the U.S. Mint is poised to issue the 14th in a series of State Quarters that started in 1999 and which will continue through at least the year 2008.

On June 4, 2001, 1 read an interesting article in the The Record, the largest newspaper in my Congressional District, about the origins of the state quarter, which came about because of the legislative vision of my colleague from Delaware, Representative MICHAEL CASTLE and the tenacity of the Mayor of my hometown, the Borough of Fair Lawn, David Ganz.

Mayor Ganz is not a stranger to the congressional legislative process. In 1973, while still a student at Georgetown University here in Washington, he was admitted to the Periodical Press Gallery of the United States Senate as a Special Correspondent for Numismatic News Weekly, a hobby publication based in Wisconsin. He went on to become a member of the Board of Governors of the American Numismatic Association, a Congressionally-chartered group sometimes referred to as the National Coin Club. In 1993, U.S. Treasury Secretary Lloyd Bentsen, named him among the first six members of the newly-created Citizens Commemorative Coin Advisory Committee.

Both as President of the American Numismatic Association, and as a columnist for various coin collecting hobby publications, David had long advocated for a return to commemorative coinage [for which there had been a hiatus from 1954 until 1981], but also for truly circulating commemorative coins. He testified before the House & Senate Banking Committees on numerous occasions in the quarter century following his first appearance in March of 1974.

Mr. Speaker, bureaucracy is often afraid of change for no reason beyond the fact that it is not familiar, not predictable, or not safe. Mayor Ganz had a vision that circulating commemorative coinage would be good for our nation's coin collectors, good for our nation's coffers, and ultimately, educational to all Americans. From the time that he joined the Citizens Commemorative Coin Advisory Committee in 1993 until he departed in January of 1996, he began a drum beat for what eventually became the American's State Quarters Program. That singular drum beat, initially opposed by the U.S. Mint and certain federal bureaucrats, eventually became an orchestra playing the same tune—and as a result of the efforts of my colleague from Delaware, Representative Castle, and others, the state quarter program was born.

Mayor Ganz recently wrote a book entitled The Official Guide to America's State Quarters, published by Random House, as a mass-market paperback which tells the compelling story of initially being a voice in the wilderness, and later finding that if defeat is an orphan, victory has a thousand fathers.

The story about Mayor Ganz which appeared in the June 4, 2001, edition of The Record is a fascinating and interesting one, and I ask that it be reprinted in the CONGRESSIONAL RECORD.

Mr. Speaker, The Record editorial about Mayor Ganz that was printed on June 5, 2001, says that one man can make a difference, and he certainly has. I am proud to call this man my Mayor, and proud to have him as a friend. I ask that this editorial be reprinted in the CONGRESSIONAL RECORD as well.

A GREAT TWO-BIT IDEA

It would be an exaggeration to say that David Ganz's achievement reflects the power of one man to change history.

But it would not be overstated to say that Fair Lawn's mayor has brightened everyone's life a little—not to mention the not inconsequential achievement of adding roughly $5 billion a year to the nation's Treasury.

Mr. Ganz, a 49-year-old lawyer and lifelong numismatist, was the engine behind all those fascinating, new quarters we've been finding in our pockets over the last two years—the ones celebrating the nation's 50 states. The commemorative coins have been issued at the rate of five a year since 1999, and the U.S. Mint will continue issuing new coins through 2008, when there will be one for each state.

The achievement has added a little adventure to the otherwise unremarkable task of handling change, and it has regenerated interest in coin collecting. By setting the Mint's presses into overtime in production of five times more quarters than usual to meet demand, the new coins have added $5 billion a year to the Treasury's coffers. Each quarter costs 3 cents to produce, leaving 22 cents as profit for the Mint.

Mr. Ganz's idea wasn't unusual. A lot of people have over the years recommended that the Mint spice up the nation's stodgy coin and currency by putting commemorative issues into general circulation. But the bureaucrats resisted, content to issue the occasional limited-production commemorative that only collectors would buy and save,

Mr. Ganz's prominence, energy, and perseverance as a member of former Treasury Secretary Lloyd Bentsen's Citizens Commemorative Coin Advisory Committee dismantled those bureaucratic hurdles. By doing so, the Fair Lawn mayor has added this sort of color to our lives: Trips to change makers at the laundromat now have possibilities of becoming serendipitous encounters with pieces of history instead of hurried chores to feed the dryer.

JA ELEMENTARY VOLUNTEER OF THE YEAR

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise to speak today about a distinguished member of my district who is being honored by an organization which has had an immeasurable impact on America. Jeannine Howard, a retired Bell Atlantic Pioneer from Rumford, Rhode Island, is Junior Achievement's National Elementary School Classroom Volunteer of the Year. She has volunteered for Junior Achievement for four years and taught 25 classes in that time. Ms. Howard always goes above and beyond her classroom duties, as she works to gradually increase the amount of programs Junior Achievement offers in Rhode Island. She even serves as the volunteer for those new programs herself, always with great enthusiasm and energy.

The history of Junior Achievement is a true testament to the indelible human spirit and American ingenuity. Junior Achievement was founded in 1919 by Horace Moses, Theodore Vail, and Senator Murray Crane of Massachusetts, as a collection of small, after-school business clubs for students in Springfield, Massachusetts.

As the rural-to-city exodus of the populace accelerated in the early 1900s, so too did the demand for workforce preparation and entrepreneurship. Junior Achievement students were taught how to think and plan for a business, acquire supplies and talent, build their own products, advertise, and sell. With the financial support of companies and individuals, Junior Achievement recruited numerous sponsoring agencies such as the New England Rotarians, Boy Scouts, Girl Scouts, Boys & Girls Clubs, the YMCA, local churches, playground associations and schools to provide meeting places for its growing ranks of interested students.

In a few short years JA students were competing in regional expositions and trade fairs and rubbing elbows with top business leaders. In 1925, President Calvin Coolidge hosted a reception on the White House lawn to kick off a national fundraising drive for Junior Achievement's expansion. By the late 1920s, there were nearly 800 JA Clubs with some 9,000 Achievers in 13 cities in Massachusetts, New York, Rhode Island, and Connecticut.

During World War II, enterprising students in JA business clubs used their ingenuity to find new and different products for the war effort. In Chicago, JA students won a contract to manufacture 10,000 pants hangers for the U.S. Army. In Pittsburgh, JA students developed made a specially lined box to carry off incendiary devices, which was approved by the Civil Defense and sold locally. Elsewhere, JA students made baby incubators and used acetylene torches in abandoned locomotive yards to obtain badly needed scrap iron.

In the 1940s, leading executives of the day such as S. Bayard Colgate, James Cash Penney, Joseph Sprang of Gillette and others helped the organization grow rapidly. Stories of Junior Achievement's accomplishments and of its students soon appeared in national magazines of the day such as TIME, Young America, Colliers, LIFE, the Ladies Home Journal and Liberty.

In the 1950s, Junior Achievement began working more closely with schools and saw its growth increase five-fold. In 1955, President Eisenhower declared the week of January 30 to February 5 as ''National Junior Achievement Week.'' At this point, Junior Achievement was operating in 139 cities and in most of the 50 states. During its first 45 years of existence, Junior Achievement enjoyed an average annual growth rate of 45 percent.

To further connect students to influential figures in business, economics, and history, Junior Achievement started the Junior Achievement National Business Hall of Fame in 1975 to recognize outstanding leaders. Each year, a number of business leaders are recognized for their contribution to the business industry and for their dedication to the Junior Achievement experience. Today,there are 200 laureates from a variety of businesses and industries that grace the Hall of Fame.

By 1982, Junior Achievement's formal curricula offering had expanded to Applied Economics (now called JA Economics), Project Business, and Business Basics. In 1988, more than one million students per year were estimated to take part in Junior Achievement programs. In the early 1990s, a sequential curriculum for grades K–6 was launched, catapulting the organization into the classrooms of another one million elementary school students.

Today, through the efforts of more than 100,000 volunteers in the classrooms of America, Junior Achievement reaches more than four million students in grades K–12 per year. JA International takes the free enterprise message of hope and opportunity even further . . . to more than 1.5 million students in 111 countries. Junior Achievement has been an influential part of many of today's successful entrepreneurs and business leaders. Junior Achievement's success is truly the story of America—the fact that one idea can influence and benefit many lives.

Mr. Speaker, I wish to extend my heartfelt congratulations to Jeannine Howard of Rumford for her outstanding service to Junior Achievement and the students of Rhode Island. I am proud to have her as a constituent and congratulate her on her accomplishment.

TRIBUTE TO DOROTHY STEVENS ENOMOTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. MATSUI. Mr. Speaker, I rise in tribute to Dorothy Stevens Enomoto, the first African American woman to manage a California Department of Corrections institution. Mrs. Enomoto, one of Sacramento's most notable citizens, will receive an honorary Doctor of Humane Letters degree from California State University, Sacramento on May 25th, 2001. As her friends and family gather to celebrate Mrs. Enomoto's outstanding achievement, I ask all of my colleagues to join with me in saluting this truly remarkable citizen of Sacramento.

Born in Atlanta, Georgia, Mrs. Enomoto graduated from Booker T. Washington Senior High School, where she shared valedictorian honors with the late Dr. Martin Luther King, Jr. Mrs. Enomoto attended Clarke College, now Clarke Atlanta University, where she attained Senior status before she was forced to withdraw for family and economic reasons.

In hopes of securing a better future for herself and her children, Mrs. Enomoto moved to California. In time, Mrs. Enomoto obtained a Correctional Officer's position with the California Department of Corrections, where she rose through the ranks and became a trailblazing pioneer. During her tenure at the California Department of Corrections, Mrs. Enomoto became the first African American woman to manage a California Department of Corrections institution, the Women's Civil Addict Unit at the California Rehabilitation Center. In addition, Mrs. Enomoto was also the first African American woman to hold the position of Deputy Director in the Department.

Following her retirement, Mrs. Enomoto has remained active and dedicated to making Sacramento a better place for all. Mrs. Enomoto is currently a Commissioner on the Sacramento City and County Human Rights/Fair Housing Commission, having served as Chair in 1997. In addition, Mrs. Enomoto is also co-chair of the Greater Sacramento Area Hate Crimes Task Force. Mrs. Enomoto's considerable expertise on the issue of hate crime prevention prompted her appointment by President Clinton to a national hate crime conference.

Widely touted as one of Sacramento's most cherished and prominent citizens, Mrs. Enomoto has been recognized with numerous awards over the years. Some of these include the United Negro College Fund Frederick V. Patterson ''Outstanding Individual of the Year'' award in 1994 and her induction into the African American Criminal Justice ''Hall of Fame'' in 1994. In addition, she is the recipient of the ''Bridgebuilder'' award from the Jewish Community Relations Council in 1997 and the 1994 Sacramento YWCA ''Outstanding Woman of the Year'' award.

Mr. Speaker, as Mrs. Dorothy Enomoto's friends and family gather for the commencement exercises, I am honored to pay tribute to one of Sacramento's most honorable citizens. Her successes are unparalleled, and it is a great honor for me to have the opportunity to pay tribute to her contributions to the city of Sacramento. I ask all of my colleagues to join with me in wishing Mrs. Enomoto continued success in all her future endeavors.

HONORING JOHN S. KOZA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. LEACH. Mr. Speaker, I rise today to introduce my colleagues to John S. Koza of Iowa City, Iowa, Junior Achievement's National Middle School Volunteer of the Year.

Over the past 12 years, John has taught 38 classes in basic business methods as a Junior Achievement instructor. His open, honest and caring teaching style creates a fun, relaxed environment in which students both learn the skills needed to be successful entrepreneurs and are imbued through John's example with the importance of giving back to your community.

John's work in the Junior Achievement exemplifies the history of program as a quintessential American success story.

As the exodus from farm to city accelerated in this country at the beginning of the 20th century, so did the need to prepare young people for the demands of a changing workplace. Junior Achievement was founded in Massachusetts in 1919 as a collection of small, after school business clubs to help meet that need, with students learning how to create business plans, to set up appropriate accounting procedures, and to learn basic manufacturing, advertising and marketing techniques.

In 1925, President Calvin Coolidge hosted a White House reception to kickoff a national fundraising drive for Junior Achievement, and by the late 1920s there were nearly 800 JA Clubs with 9,000 participants in 13 cities throughout New England.

During World War II, enterprising students in JA business clubs applied their ingenuity to aid the war effort. In Chicago, JA students won a contract to manufacture 10,000 pants hangers for the Army; in Pittsburgh, JA students developed a specially lined box to dispose of incendiary devices which was approved by Civil Defense and sold locally; elsewhere, they organized drives to obtain badly needed scrap metal.

The 1950s saw Junior Achievement increase five-fold, with President Eisenhower declaring the week of January 30 to February 5, 1955, ''National Junior Achievement Week.'' By then, Junior Achievement was operating in 139 cities in most of the 50 states. By 1982, JA's formal curricula had expanded to Applied Economics, Project Business and Business Basics; by 1988, more than one million students were participating in its programs.

Today, through the efforts of more than 10,000 volunteers like John Koza in the classrooms of America, Junior Achievements reaches over 4 million students in grades K to 12 annually. JA International takes the free enterprise message of hope and opportunity to more than 1.5 million students in 111 countries.

Mr. Speaker, I congratulate John Koza of Iowa City for his outstanding service to Junior Achievement and the young people of Iowa. He is a wonderful example for us all.

TRIBUTE TO LOLA QUESENBERRY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. ANDREWS. Mr. Speaker, I rise today to honor Lola Quesenberry as she celebrates 19 years of service with the USDA Natural Resources Conservation Service (NRCS) through the Earth Team volunteer program. Lola has logged over 18,000 hours of service since she began volunteering in Blythe, California where she worked with the Palo Verde Resource Conservation District.

While in California, Lola assisted with the development of an intensive agricultural irrigation water management program. Her primary role was to operate a Campbell Pacific Nuclear neutron probe, which is an accurate method of monitoring soil moisture, at over 200 sites. Lola also assisted with the evaluation of over 50 irrigation systems, helping the farmers to optimize their water use and thereby conserve our precious water resources. She was also involved with the development of the McCoy Wash PL566 Small Watershed project—a project that is currently under construction.

Upon moving to New Jersey in 1987 to help care for her invalid mother-in-law, Lola continued her Earth Team involvement by volunteering for the South Jersey Resource Conservation, and Development Council. Lola's major responsibility is assisting with the development of the Resource Information Serving Everyone (R.I.S.E.) program. This fully functional program includes operation of eighteen Campbell Scientific weather stations located in seven southern New Jersey counties and four Campbell Scientific water quality stations. R.I.S.E. features a comprehensive Internet web site to disseminate irrigation scheduling to farmers, homeowners, and facilities managers, while also providing environmental education to interested organizations and schoolchildren.

Lola actively participates in numerous watershed projects in New Jersey. She attends meetings and provides a unique perspective to the NRCS-led Millstone watershed project, the proposed Repaupo Creek watershed project, and the Delaware Valley Regional Planning Commission's two projects—Crosswicks WMA20 and the Lower Delaware Tributaries WMA 18.

Lola has volunteered time to assist the Bear Creek Conservancy/Stewardship Association with the creation and maintenance of a fresh water marsh for waterfowl habitat. She also volunteers to the South Jersey Chapter of Quail Unlimited to help create upland wildlife habitat.

For over 19 years, Lola Quesenberry's volunteer spirit, together with the synergy gained from working with other Earth Team members and resource conservation professionals, has helped to conserve resources and improve the environment in California and New Jersey.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, due to business in my district, on Monday, June 25, 2001, I missed rollcall votes Nos. 186, 187, and 188. Had I been present, I would have voted ''Aye'' on rollcall No. 186, ''Aye'' on rollcall No. 187, and ''Aye'' on rollcall No. 188.

IN HONOR OF DAVID O. FRAZIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of David O. Frazier, on his incredible accomplishments in the arts and contributions to theater in Cleveland.

Frazier began his musical profession the old-fashioned way by performing in a recital for his piano teacher. Little did he know that this was the starting point of an amazing career that would span more than five decades and take him around the world. Fate eventually led him to Cleveland where his professional career took off with his performance at the Cleveland Playhouse, America's oldest resident professional theater. His dedicated work kept him busy at the Playhouse for 34 years during which he performed in over 150 productions.

When Cleveland's Playhouse Square was threatened with demolition, Frazier took a leave of absence from his career to aid in rescuing it. He appeared in the record breaking production of ''Jacques Brel is Alive and Well and Living in Paris'', which became the longest running show. The production saved Playhouse Square. Now 27 years later, Playhouse Square has become the second largest performing arts center in America.

Together with his partner and collaborator Joe Garry, they have accomplished many awestruck performances. Recently, they have performed on the Cunard liners, QE2, Caronia and Seaboun Sea, There they sail the world first class and perform on the bill with many theater legends, while hosting a group of Cleveland friends and including them in the performances.

Frazier, being privileged to perform one man concerts at private functions for diverse people like Pulitzer Prize Playwright John Patrick, has produced plays, musicals, and operas. Together with his partner, they have actively produced 15 musicals. They have received many prestigious awards, including being inducted into The Cleveland Play House Hall of Fame for their many years as actor in repertory there, and for performing both nationally and internationally.

Mr. Speaker, I ask all members of the House of Representatives to join with me in recognizing David O. Frazier, a man who exemplifies the best that Cleveland's stages have to offer.

CONGRATULATIONS TO THE HONORABLE JOE KELLEJIAN

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. CUNNINGHAM. Mr. Speaker, I rise today to commend the Honorable Joe Kellejian, a member of the Solana Beach City Council, who recently received a President's Service and Safety Award from Amtrak. Councilman Kellejian was recognized as a State Partner, which means that he has been a leader in promoting the growth and expansion of passenger rail service at a regional and state level. Joe has been a constituent and personal friend to me for many years, and it is an honor to see him recognized for his contributions to rail service in California.

Promotion and expansion of mass transportation is an important part of the continued growth of the economy in southern California, and Councilman Kellejian has been a champion of this effort. As Chairman of the North County Transit Development Board, he played a key role in the development of the Coaster, a successful commuter service for southern California that is run by Amtrak and owned by the North County Transit District. Councilman Kellejian also serves as a member of the San Diego Association of Governments, and chaired the High-Speed Rail Task Force sub-

committee, which provides recommendations for the 20-year Regional Transportation Plan for San Diego County.

As a member of these organizations and as an individual advocate for the enhancement of the passenger rail service in southern California, Councilman Kellejian has raised millions of dollars for the funding of various rail projects. Recently, Joe and I were successful in obtaining a $1 million appropriation for the Solana Beach Intermodal Transit Station Structure. This money is to be used to initiate a funding package for parking expansion and other improvements at the Solana Beach station, in order to help increase the use of the San Diego Coaster.

Since much of southern California and especially San Diego County are such large, sprawling areas, finding efficient public transportation methods proves to be a challenge. Thanks to the efforts of citizens like Councilman Kellejian, above-ground commuter rail service has flourished in recent years, providing, for less congested roads, cleaner air, a healthier environment and an overall better quality of life. I hope that everyone in the city of Solana Beach as well as the 51st District will join me in congratulating Joe for his achievements in improving rail service in San Diego County.

HOUSE COMMITTEE ON THE BUDGET HEARING ON ECONOMIC AND BUDGETARY EFFECTS OF NATIONAL ENERGY POLICY

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. CRENSHAW. Mr. Speaker, last week, the House Budget Committee held an informative hearing on the economic and budgetary effects of our nation's energy policy. Energy has always been a necessary ingredient—either directly or indirectly—to all our goods and services. Particularly as our economy becomes more and more dependent on technology, energy is increasingly the crucial ingredient.

As if to punctuate this point, the Energy Information Administration at the Department of Energy has concluded through its research that falling energy prices can enhance economic growth by about 0.3 percentage points over a 2-year period. Furthermore, stable energy prices that are not fluctuating widely may enhance growth by as much as 0.7 percentage points over 2 years. Only a few tenths of a percent can make a world of difference, particularly for small businesses, small investors, and working families.

The President began speaking about the need to develop a national energy policy that addresses both long-term and short-term problems and solutions long before the energy crisis in California became apparent. The plan of action that he has presented to the nation through his National Energy Policy Development Group is responsible, sound, and comprehensive. It includes suggested solutions to our lack of domestic energy supply and our dependence on foreign sources, as well as recommendations for the development of energy supplies for the 21st Century.

Furthermore, for the most part, the President has made a serious effort to take into account local concerns and interests where they intersect with the nation's interest in an energy policy that crosses geographic boundaries. I do, however, hope to have the opportunity to work with the President and his administration to find a compromise to the proposals to develop oil and gas exploration in the Eastern Gulf of Mexico that is consistent with the wishes of Floridians.

Florida is renowned for its pristine and beautiful beaches and oceans. Our economy relies upon that reputation remaining intact and vibrant. In fact, 40 million tourists traveled to Florida in 1999, spending $46 billion in Florida's hotels, shops, restaurants, and attractions. It is because of our commitment to the environmental and economic health of our state that Floridians have consistently opposed oil and gas development less than 100 miles off the shores of Florida. This is a position that has had the support of Republicans and Democrats alike.

There is currently under consideration within the Administration proposals to explore within this safe harbor that Florida has requested. While I am pleased by the healthy and productive ongoing debate on this matter, I remain opposed to drilling within this safe harbor. I have been encouraged by the seeming willingness of the Bush Administration to work with the State of Florida to seek further moratoriums in the Straits of Florida region by the famous Florida Keys. And, I am very hopeful that the Administration will work with the State to consider restricting lease sales in the Eastern Gulf so that oil and gas exploration can be pursued for the nation while respecting the concerns of Florida.

A TRIBUTE TO JOEL BUCKWALD, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to Joel Buckwald, a Senior Archivist in the New York office of the National Archives and Records Administration whose service to this country spans the past sixty years. Mr. Buckwald began working for the National Archives on June 3, 1941 after two weeks with the Public Buildings Administration. Hired under the first Archivist of the United States as a Junior Professional Assistant, he quickly rose to the rank of Junior Archivist before enlisting in the Navy at the end of 1942. During World War II, Mr. Buckwald was assigned to the United Nations Central Training Film Committee. Afterwards he studied at the City College of New York and in 1947 returned to the National Archives, where he has worked for the past fifty-four years.

In 1950 Mr. Buckwald moved backed to the New York area to help establish the agency's first regional records center. Thirteen years later he was a consultant to the Organization of American States in archives and records management, spending three months advising the Ministry of Foreign Affairs in Lima, Peru. In 1970 he became the first head of the archives branch for New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands, a post he held for seventeen years before becoming Senior Archivist in what is now the Northeast Region of the National Archives and Records Administration.

Today the National Archives and Records Administration will honor Mr. Buckwald's distinguished career, and tomorrow Mr. Buckwald will celebrate his 84th birthday. For his many years of exceptional leadership and dedication, I congratulate and thank Mr. Buckwald, and I wish him many happy and rewarding years to come.

IN RECOGNITION OF STEPHEN K. WOODLAND

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. PHELPS. Mr. Speaker, today I rise to recognize the achievements of Stephen K. Woodland. Mr. Woodland is a 29 year veteran teacher, military retiree, coach, mentor, and friend to hundreds of students who have passed through his regimen of algebra, geometry, and calculus. He drives forward with an energy level undiminished by many years of hard work. For twenty one years, the math teams he has coached and/or helped prepare for state competition have finished first, second, or third. Mr. Woodland maintains the challenge is not the competition, it is the preparation. This is where teaching and learning happen.

Mr. Woodland is the first to tell students that high school math is only the beginning. He encourages students to light their torch of learning in high school and carry it on to college. Mr. Woodland refuses the spotlight but his opinion is highly respected, his integrity is beyond reproach, and his influence mighty. When he speaks, students heed his words.

Many teachers will be successful during their careers, but very few will match the level of success and expertise achieved by Mr. Woodland. He is tenacious in his pursuit of excellence. He set his goals and then drives forward. He exhibits the qualities to set himself above the crowd. Clearly, he has distinguished himself in his profession.

TRIBUTE TO MR. LARRY L. GRIMES

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. PENCE. Mr. Speaker, I rise today to honor the life of the late Mr. Larry L. Grimes, an outstanding citizen and dedicated community leader in southwest Indiana, but most importantly, a dear friend. I join his lovely wife, Nancy, and daughter, Cassie, in expressing our gratitude for his loyal service to the State of Indiana.

Mr. Speaker, Larry Grimes left this earth in November of 2000, just hours after his overwhelming election to the Warrick Circuit Court in Warrick County, Indiana. His election was a fitting tribute to the Christian character and servant's attitude that animated his life.

Mr. Speaker, I am proud to announce that this past Sunday, June 24, 2001, the town of

Newburgh, Indiana held a hose cutting ceremony to dedicate its new fire and EMS stations in the name of Former Fire Chief Larry Grimes.

Mr. Speaker, it is written that a good name is more precious than rubies. The good people of Newburgh have put a good name on this new facility.

Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to this esteemed man and cherished friend who as a family man, an educator, an attorney and a fireman, made southwestern Indiana a better place for his having been there.

CALLING ON CHINA TO RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION

SPEECH OF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. PASCRELL. Madam Speaker, I thank my colleague from New Jersey (Mr. SMITH) for his laudable work in the area of human rights and injustice worldwide.

This matter we discuss today hits particularly close to home. Li Shaomin is an American citizen that China is holding hostage.

Sal Cordo, from Bloomfield, was his supervisor when Dr. Li worked for AT&T in New Jersey. Now Sal faces the unimaginable task of leading the charge to get his friend freed from a Chinese prison, where Dr. Li faces trumped up charges.

In a recent article, China's Foreign Minister stated that, ''In China, observance of human rights is now in its historically best period.''

If China is at its best when it is detaining American citizens without just cause, and waiting three months to press charges, then I cannot imagine them at their worst.

We granted China permanent most favored nation (MFN) status. This trade we grant China has a price. MFN for China costs our nation both our values and our dignity.

I would think they would be walking on eggshells to not act in such an offensive manner as they are by detaining Dr. Li. The Chinese government seems as determined as ever to quash expressions of personal freedom.

In yesterday's Washington Post, there was an article entitled ''China Growing Uneasy about U.S. Relations.''

The Chinese government should note that the people of New Jersey are not just uneasy about their actions, they are outraged!

Those in the Chinese government should note that the U.S. Congress has not forgotten about Li Shaomin.

The Bush administration should use every avenue at their disposal to encourage the Administration to place pressure on the Chinese government in asking for the release of Dr. Li and the other U.S. hostages.

Before granting annual MFN, before we decide an official position on their Olympic bid, the Administration must convince the Chinese government that it is in their best interest to do as we ask, and they do it now.

HONORING LINDA ENGELHART FOR HER WORK WITH THE ELDERLY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to commend Linda Engelhart for working selflessly to improve the lives of the elderly, especially the work she did at Columbine Manor in Salida, Colorado. Linda believes, as Arlene Shovald of the Mountain Mail quotes, that if everybody ''would do one kind thing a day,'' then ''it would be a better world.'' Linda, whose actions demonstrate her commitment to such kindness, has improved this world for many.

Linda, who has also worked for Area Agency on Aging, has acted as admissions and marketing director at Columbine Manor for three years. In order to ensure that each resident always has something to look forward to, Linda initiates many projects at the Manor. For instance, she holds a weekly meeting called ''Conversations with Linda,'' to which she brings a tasty cuisine like lemon meringue pie or crab cakes to spice up the normal meal schedule. The meeting offers more than just a delicious treat, however. Each Tuesday, according to Linda, the residents ''share beautiful stories about their past.'' In addition, she has involved herself with a committee that plans activities for residents and their families such as Operation Christmas Child, which creates shoeboxes full of gifts for small children. Also, she helps hold a party for every holiday, and a barbecue every month. Linda, always a good listener, makes sure that her events bring what her residents desire. For instance, she says, ''Today, we're helping the residents make potato salad . . . . They wanted homemade potato salad, so we let them do it.''

Linda has helped transform the Columbine Manor into a rehabilitation center, sending home about 40 percent of its residents within a month or two. Perhaps the rehabilitation rate at Columbine Manor is so high because Lisa has treated her job as an opportunity to increase morale, to work alongside, and to generally get to know the residents there.

As you can see, Mr. Speaker, Linda Engelhart has acted with compassion, and has served as a model for the young and old of our nation. Today, I would like to thank and honor her on behalf of Congress for all that she has done for her residents and for humanity.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 173—THE INTERNATIONAL HUMAN RIGHTS EQUALITY RESOLUTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. LANTOS. Mr. Speaker, today with the support of 26 of our colleagues—including both Republicans and Democrats—I introduced House Concurrent Resolution 173, the ''International Human Rights Equality Resolution,'' a Resolution decrying human rights violations based on real or perceived sexual orientation and gender identity. We introduced this legislation Mr. Speaker, because we believe very strongly that we must send a strong message that gay, lesbian, bisexual and transgendered people must be treated with dignity and respect, not with hatred and violence.

Mr. Speaker, it is appropriate that we have introduced our Resolution today, which is the U.N. International Day in Support of Survivors of Torture. This Resolution, together with Amnesty International's newly released report, ''Breaking the Silence,'' highlights the use of torture against people based on sexual orientation and condemns governments who perpetrate these outrageous human rights violations, or fail to do anything to prosecute the perpetrators. All around the world, unacceptable violations of human rights have taken place against individuals solely on the basis of their real or perceived sexual orientation. These ongoing persecutions against gay people include arbitrary arrests, rape, torture, imprisonment, extortion, and even execution.

The scope of these human rights violations is staggering, and for the victims, there are few avenues for relief. Mr. Speaker, some States create an atmosphere of impunity for rapists and murderers of gays and lesbians by failing to prosecute or investigate violence targeted at these individuals because of their sexual orientation. These abuses are not only sanctioned by some States, often, they are perpetrated by agents of the State.

Mr. Speaker, in Afghanistan, men convicted of sodomy by Taliban Shari'a courts are placed next to standing walls by Taliban officials and are subsequently executed as the walls are toppled upon them and they are buried under the rubble. In Guatemala and El Salvador, individuals are either tortured or killed by para-military groups because of their real or perceived sexual identity. In Saudi Arabia, Yemen, Kuwait, Mauritania, and Iran persons are summarily executed if they are convicted of committing homosexual acts. In Pakistan, individuals are flogged for engaging in sexual conduct with same-sex partners, and in Uganda and Singapore individuals engaging in such conduct are sentenced to life in prison. In Brazil, a lesbian couple was tortured and sexually assaulted by civil police. Despite the existence of medical reports and eye-witness testimony, the perpetrators of these heinous crimes are never prosecuted.

Mr. Speaker, around the world, individuals are targeted and their basic human rights are denied because of their sexual orientation. The number and frequency of such grievous crimes against individuals cannot be ignored. Violence against individuals for their sexual orientation violates the most basic human rights.

House Concurrent Resolution 173, puts the United States on record against such horrible human rights violations. As a civilized country, we must speak out against and condemn these crimes. Our Resolution details just a few examples of violence against gays and lesbians in countries as wide ranging as Saudi Arabia, Mexico, China, El Salvador, and other countries. By calling attention to this unprovoked and indefensible violence, the International Human Rights Equality Resolution will broaden awareness of human rights violations based on sexual orientation.

House Concurrent Resolution 173 reaffirms that human rights norms defined in international conventions include protection from violence and abuse on the basis of sexual identity, but it does not seek to establish a special category of human rights related to sexual orientation or gender identity. Furthermore, it commends relevant governmental and non-governmental organizations (such as Amnesty International, Human Rights Watch, and the International Gay and Lesbian Human Rights Commission) for documenting the ongoing abuse of human rights on the basis of sexual orientation. Our Resolution condemns all human rights violations based on sexual orientation and recognizes that such violations should be equally punished, without discrimination.

This legislation is endorsed by a broad coalition of international human rights groups, gay rights groups, and faith-based organizations, among others. They include: Amnesty International, International Gay and Lesbian Human Rights Commission, Human Rights Watch, National Gay and Lesbian Taskforce, Human Rights Campaign, Log-Cabin Republicans, Justice and Witness Ministries of the United Church of Christ, and the National Organization of Women.

I would also like to extend my gratitude to the United States Department of State and the United Nations for documenting the ongoing abuse of human rights on the basis of sexual orientation and gender identity.

Mr. Speaker, the protection of gender identity is not a special right or privilege, but it should be fully acknowledged in international human rights norms. I ask that my colleagues join with me in wholeheartedly embracing and supporting human rights for all people, no matter what their sexual orientation might be. It is the only decent thing to do.

COMMEMORATING THE 50TH ANNIVERSARY OF THE LAURA INGALLS WILDER LIBRARY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mrs. EMERSON. Mr. Speaker, it is with great honor and pride that I stand before the House today in observance of the 50th Anniversary of the Laura Ingalls Wilder Library. The Laura Ingalls Wilder Library is located in Mansfield, Missouri, a small town in Missouri's Eighth Congressional District.

Many will remember with great fondness the Laura Ingalls Wilder books. In fact many of us or our children grew up reading her accounts of life in the great outdoors. She wrote simply and vividly—with such detail that her accounts of pioneer life have become the way that many of us view life on the Midwestern frontier. Through her writing, Laura Ingalls Wilder provided us with a chronology of life during the Pioneer days that has allowed us to preserve a lost era in American history.

But Laura Ingalls Wilder did more than just evoke a love for the rural way of life in her writing. Through her writing, she instilled a love of reading and over time that love of reading was translated into action as she became a tireless advocate for our public libraries.

In rural America, public libraries are not just a luxury or a convenience, they are a way of life. Most small towns don't have a Barnes and Noble and many folks don't have access to Amazon.com.

As a result, the tireless endeavors of the Laura Ingalls Wilder's of today are keeping Ms. Wilder's efforts alive. In Wright County, the community is working in a cooperative and most inspiring manner to create the Laura Ingalls Wilder Library and Community Center, an expanded library that will provide a technology and community center. The center will give folks the opportunity to embark on a journey of learning and to inspire adults and children with a love for reading.

Mr. Speaker, on this very special occasion, I ask that all of my colleagues join me in recognizing the 50th Anniversary of the Laura Ingalls Wilder Library. May the blessings of the last 50 years serve as a vision for the next 50 years.

IN HONOR OF WILLIAM E. MARTIN, PRESIDENT OF UNITED WAY OF HUDSON COUNTY, UPON HIS RETIREMENT AFTER 45 YEARS OF SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor William E. Martin, who will be recognized by the United Way of Hudson County, New Jersey. On Wednesday, June 27, 2001, the City of Jersey City will honor Mr. Martin during a dedication ceremony to rename Vroom Court the William E. Martin Way. A luncheon in honor of Mr. Martin will follow the ceremony.

William martin began his distinguished career with the United Way Foundation in 1956, serving as President of the United Way in Hudson County, New Jersey. During his tenure, Mr. Martin was instrumental in establishing over 30 Tri-State United Way agencies. As a result of his hard work and dedication, United Way now provides social services in over 700 communities throughout the Tri-State area, lending assistance to over 8 million people a year.

Beyond his administrative duties, William Martin has also served as an ambassador for the United Way Foundation. In 1988, he was chosen by his peers to set up United Way services in Beijing, China and Hong Kong. In addition, he has assisted in the implementation of United Way services in Vietnam, Pakistan, Egypt, and the Philippines.

Youth outreach and community service initiatives have also been top priorities in William Martin's life. Prior to his tenure with United Way, he was Director of Human Services at Camp Crowder in Missouri and served as Athletic Director at the CYO Center in Jersey City, New Jersey for nine years.

Today, I ask my colleagues to join me in honoring William Martin for his distinguished service on behalf of the United Way of America and the residents of New Jersey.

MARVIN OLINSKY: VISIONARY, PUBLIC SERVANT, AND HUMANITARIAN

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to Marvin Olinsky, who is retiring after serving 14 years as chief executive of the Five Rivers MetroParks, a regional park system in Dayton and the Miami Valley, Ohio. Marvin has been an extraordinary steward of the park system and a tireless advocate for clean, safe parks for us and future generations.

Ten years ago, the park district managed 6,900 acres. Under Marvin's leadership, Metroparks has grown to an 11,000 acre system with an annual attendance of 5.6 million visitors. He increased law enforcement within the parks, expanded educational programs and recreational facilities, and made the parks cleaner. These improvements have made the park system enormously popular among residents of the Miami Valley.

Marvin has been more than a park system director to the community. He has been a true visionary, helping to make the physical surroundings in the Dayton area more attractive and friendly. He was a moving force behind the current downtown Dayton renaissance and he has actively participated formally and informally in a broad range of civic activities.

Beyond Dayton and this country, Marvin's spirit of helping stretches to the war-torn West African nation of Sierra Leone. As a private citizen, he has visited the country on a regular basis to bring much-needed books, medicine, clothing, and food. I have traveled with him to Sierra Leone on a humanitarian mission. It has been an honor to work with him in the struggle for justice in that country.

I have had the privilege of working with Marvin on other projects, including the Hope Foundation, which he chairs. This group supports needy citizens in Africa and around the world.

For me, Marvin is more than just a partner in public service. I am proud that he is my friend.

Dayton is fortunate that Marvin plans to stay in the area and continue his civic involvement. His creativity, vision, and energy can always be used here.

TRIBUTE TO THE REV. DAVID KALKE

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. BACA. Mr. Speaker, I rise to salute a constituent of mine, the Reverend David Kalke, recipient of a 2001 Robert Wood Johnson Community Health Leadership Award, for his work in creating a ''safe zone'' for our youth. The award is the nation's highest honor for community health leadership and includes a $100,000 program grant.

The Reverend Kalke has done remarkable work with teen health and education programs in an area of San Bernardino, CA, known to have the state's highest teen pregnancy and

STD rates and marked incidents of violence. The original core of 12 teens has since grown to over 100 youths a year.

Because of these efforts, he is one of 10 outstanding individuals selected this year to receive a $100,000 Robert Wood Johnson Community Health Leadership Program award.

You know, Mr. Speaker, it is important that we give the children hope. That we give them a chance. A helping hand up. A chance to have a mentor, to have someone believe in them. Because through that confidence in them comes confidence in themselves. The Reverend Kalke has done that. I think we must all remember the role models in our lives, and remember those who inspired us to see the possibilities. So we can all understand what it is for a child to have the sort of opportunities, the sort of chance that the Reverend Kalke has given them.

The Reverend Kalke has a long history of public service and involvement with serving our youth. His deeply held beliefs that the church should be actively involved in the community began with a mission to Chile during the 1970s. He eventually returned to New York City where he led a Lutheran church congregation and initiated a broad array of community programs in the South Bronx.

In 1996, he was asked by the Lutheran church to revive a struggling church in a poverty-stricken section of San Bernardino, CA, known to have the State's highest teen pregnancy and sexually transmitted disease rates, as well as one of the highest incidences of gang-related violence.

From the beginning, his vision faced obvious risks. His church, the Central City Lutheran Mission (CCLM), was abandoned with no established community ties and a regular risk of violence from area youth gangs. To gain the neighborhood's trust, Kalke hired local teens to help clean up the site, offering to pay small salaries while they undertook peer HIV/AIDS health educator training. The original core of 12 teens has since grown to over 100 youths a year, working, learning and volunteering in what has become a gang-free, safe space in the midst of a devastated neighborhood.

Admirers have observed: ''Not since Escalante worked his magic in teaching calculus to poor minority kids in East Los Angeles has anyone witnessed the dedication, caring, knowledge and skills of David Kalke in assisting 'throw away' kids in a 'throw away' neighborhood to learn ways to improve their own and the neighborhood's existence.''

CCLM's programs now include: an adolescent health program which employs peer educators to teach HIV, STD and teen pregnancy prevention; an after school program for 50 children between the ages of 5–12 to help with homework and nutrition; and, a teen day-school for suspended, expelled or home-study students. CCLM's cultural programs include art, writing and photography. Teens publish a newsletter of poems, drawings and photographs on the realities of inner city life.

The Reverend Kalke has also raised federal and city funding to rehabilitate abandoned homes and turn them into transitional housing for homeless HIV+ persons.

In order to create these programs he has effectively pulled together numerous partners including other churches, California State University at San Bernardino (Cal State) and the city council. Cal State's Social Work, Public Health and Communications Departments regularly send interns and nursing students to conduct 9-month internships at CCLM.

The CCLM programs have transformed hundreds of individual lives, giving food, shelter, education, safety and hope where there was none.

And so we honor the Reverend Kalke, and we salute him, for his achievement and his commitment to our youth.

TRIBUTE TO HUGO NEU

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. PALLONE. Mr. Speaker, I would like to ask my colleagues to join me in congratulating Hugo Neu Schitzer East, one of the largest scrap metal recyclers in New Jersey, for their proactive efforts to improve industrial recycling.

The Hugo Neu Schitzer East Company has been operating in Port Liberté, New Jersey for the last 40 years. They have invested several million dollars in research and development, attempting to find new and better ways to mine and recycle waste metal. They have done so with the goal of reducing the amount of scrap metal that needs to be disposed of in landfills.

For example, almost a quarter of the metal produced by the shredding of an automobile cannot be recycled and needs to be disposed of in a landfill. Hugo Neu is working to dispose these waste materials in a more environmentally sound manner, as well as find ways to recycle and reuse a larger portion of scrap material.

I ask to submit an article from the Business News New Jersey that better outlines Hugo Neu's efforts on behalf of the environment.

[From the Business News New Jersey, Jersey City, NJ, June 5, 2001]

SCRAPPING OLD WAYS AND LOOK FOR NEW ONES

(By Geeta Sundaramoorthy)

John Neu and Robert Kelman like to say jokingly that they are still trying to figure out how to make money after being in the scrap metal recycling business for 40 years. As part owner and general manager, respectively, of Hugo Neu Schnitzer East, one of the biggest recyclers in the region, they may only be half joking.

Jersey City-based Hugo Neu buys scrap metal from auto dealers and construction companies, then shreds, processes and ships it to customers for use as raw material in making steel. With international prices of scrap funding to historic lows and costs going up, scrap metal recyclers, including Hugo Neu, are finding it hard to keep the revenue flowing in from their core business.

The company has annual revenues of about $170 million, 225 employees, and handles 1.3 million tons of scrap annually in the New York metro region. It says it is the region's largest exporter of processed scrap.

According to Kelman, in the last 18 months scrap prices have dropped from about $130 per gross ton to less than $80, a 38% falloff. International demand for scrap has also fallen as Asian economies hit hard times, competition increased from Russia and domestic demand decreased as cheap imports of steel pushed many U.S. steel makers near bankruptcy. Strict environmental standards for the disposal of waste and higher wage and energy costs are also pushing the costs up, he points out. ''We are squeezed into a box,'' says the 62-year-old Neu.

Their neighbors, which in Hugo Neu's case include the residents of the Port Liberté condominium complex, on the Jersey City waterfront also don't much appreciate the noise and grit associated with recycling operations.

So Neu and Kelman, as well as other recyclers, are now busy looking for ways to diversify their revenue stream. Hugo Neu is looking for ways to recycle new materials, especially the waste left behind after the current processing is done, and for new lines of business to enter.

Hugo Neu is spending $20 million to dredge the channel leading to its Claremont terminal pier facility in Jersey City to a depth of 34 feet so it can use its port and crane facilities to off load freighters carrying break bulk metal cargoes such as rods, rails and other steel products. The company is splitting the cost of the dredging project with the state and work is slated to be finished in 18 months.

Hugo Neu is not the only scrap recycler looking to diversify into break bulk cargo. Newark-based Naporano Iron and Metal, a unit of Chicago's Metal Management which is close to emerging out of Chapter 11 bankruptcy, also plans to boost its stevedoring business and handle break bulk cargo at its Port Newark facility. Last month, the company won a battle against the International Longshoremen's Association to use its own labor for loading and unloading some break bulk cargo.

John Neu's father, Hugo Neu, who is considered a pioneer in the scrap recycling industry, started the family business in the early 1960s. It split in 1994, after Hugo Neu's death, with John Neu getting the scrap metal operations and half the real estate business. John Neu, now CEO of Manhattan-based Hugo Neu Corporation, formed Hugo Neu Schnitzer East in 1998—as a 50% joint venture with Schnitzer Steel Industries of Portland, Oregon. It is now Hugo Neu's largest operation, and is run by Kelman, 38, who is Neu's brother-in-law.

Kelman concedes the scrap business is dusty and noisy and some neighbors have a legitimate grouse about noise. Port Liberty is about 1,000 feet from Hugo Neu's Claremont terminal, and is separated by a channel, where the recent dredging work has only increased residents ire. Our business involves processing and transportation. It is an environmental issue. ''People say why do we need to have a scrap processing business in a residential area?'' says Neu, adding that most scrap is generated in the New York metro area. ''It has to get out of the city and come to the docks in the New York harbor.''

Kelman says his company's port has been operating for more than 40 years, whereas the Port Liberty residents came only 12 years ago. ''There is only so much we can do to minimize the impact,'' he says, adding the company has even built a container wall to keep the operations out of the sight of residents. The question is whose impact will be greater for the economy, ours or the residential units, he asks.

Jersey City has, in a way, answered that question by choosing to keep that part of waterfront reserved for industrial use. AnneMarie Uebbing, director of the city's department of housing, economic development and commerce, says it has supported Hugo Neu's dredging project, recognizing the importance of Claremont as an international port, especially when Hugo Neu starts bringing in more ships carrying break bulk cargo. Uebbing says the city supports industrial development that can arise around the port, including warehousing and manufacturing.

''We see port activity in the New York harbor increasing. It is imperative that we maintain our competitive edge.''

Hugo Neu has also invested several million dollars in research and development to find new ways to ''mine'' the waste metal it produces. About 25% of every automobile that is shredded can't be recycled and has to be disposed of at an environmentally approved landfill, an expensive proposition for many recyclers.

A year ago, Hugo Neu entered into a joint-venture project with Daimler Chrysler and set up a facility in Utah to do research on recycling plastics. Kelman hopes to announce the results of that research in the next two months. In addition, the company is converting waste from the auto shredding process into landfill cover that reduces its tipping fee—money charged by landfill companies for dumping waste. Kelman hopes in the next few years the company will be able to reduce its waste by 50%, with the ultimate goal of producing zero waste.

CORRIDORONE FUNDING

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. GEKAS. Mr. Speaker, I am joined in my remarks by my fellow colleagues from Pennsylvania, Representative PITTS and Representative PLATTS. We would like to take this opportunity to note that language was included in the FY'02 Transportation Appropriations bill that reallocated unexpended funds from previous appropriations acts for various projects around the country. Much to our surprise, and disappointment, a project which is critical to the central Pennsylvania region—the CORRIDORone project—was on the list to be rescinded.

The report language from the Committee states ''these sums are not needed due to changing local circumstances or are in excess of project needs.'' Upon further inquiry, I was informed by the Subcommittee that these funds for the CORRIDORone project were being reallocated because it was presumed the funds would not be obligated by the September 30, 2001 deadline. However, this is not the case. Capital Area Transit (CAT), the local agency responsible for the project, is proceeding through the Federal Transit Administration (FTA) approval process and is expected to obligate the funds within a few short weeks, well before the September 30 deadline. I am at a loss as to why it was thought that these funds would not be obligated. How this misinformation came to be I do not know, but it saddens me that such a vital project for the central Pennsylvania region, and one which has the support of state, local, business, and environmental leaders would suffer such a serious setback due to faulty information.

Representatives GEKAS, PITTS, and PLATTS have written to Chairman ROGERS requesting that the project be removed from the reallocation list or at the very least be granted an extension of one year in order to utilize funds already appropriated and desperately needed. We have also written to the FTA requesting an explanation of their decision to recommend that CORRIDORone's FY '99 funds be reallocated.

Mr. Speaker, if FY '99 funds were reallocated, CAT would lose half of all federal funds appropriated for CORRIDORone to date. Coupled with the fact that no additional funds were appropriated for the project this year, reallocation of half its federal funds would almost certainly prevent CAT from completing the CORRIDORone project. If central Pennsylvania is to successfully move into the 21st century, such an investment in Pennsylvania's future can not be abandoned at this crucial hour.

We look forward to working with the Appropriations Committee to rectifying the situation, but hope that FTA approval to obligate funds will satisfy the Committee and prevent reallocation.

TRIBUTE TO COLONEL JOHN COLEMAN

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. HALL of Ohio. Mr. Speaker, it is my honor to note the long-term record of selfless service by one of Ohio's own, and a member of the ''greatest generation,'' Colonel John Coleman, United States Army, Retired. This year marks the 50th anniversary of Colonel Coleman's election as National President of the Reserve Officers Association and the 73rd anniversary of his acceptance of the oath of office as a commissioned military officer.

Mr. Speaker, few American's can claim such a rich legacy of service to country and countrymen. We all know the excellent work that is done every day by the staff of the Reserve Officers Association and their numerous volunteer members. But few of us know the significant achievements of Colonel John Coleman in his role as national president of the Reserve Officers Association.

During 1951, Colonel Coleman worked closely with the Marine Corps Reserve Association to gain passage of the Armed Forces Reserve Act of 1952 which became Public Law 476. That act provided the framework for a fully integrated and fully capable reserve force working as partner with the regulars in meeting the nation's defense needs. As a result of the legislation passed, the reserve force became a critical resource for all military engagements that followed.

Colonel Coleman's record of military service began with his commissioning as a second lieutenant of the Field Artillery in 1928. His record is marked by selfless service in numerous staff and command positions including service in combat during World War II. Among his many awards and recognition is his membership in the Honorable Order of Saint Barbara for his contributions to the Army Field Artillery.

Mr. Speaker, Colonel Coleman fully represents the spirit of the Reserve Officers Association and its model, the Minuteman. Just across the street from the East front of the Capitol building stands the Association's headquarters, the Minuteman Memorial Building: an edifice that is aptly named as it represents the acts and sacrifices of so many of its members personified in the nature and deeds of Colonel Coleman.

Just like the Minuteman, who came forward in a time of crisis to help his nation, so did Colonel Coleman come forward when his nation and his Association needed him. Mr. Speaker, I ask all Americans to join me in a grateful salute to both Colonel John Coleman and his devoted wife, Julia. We are all grateful not only for his service but also to the thousands of men and women who so admirably follow the traditions of one of Dayton, Ohio's greats: Colonel John Coleman.

TO RECOGNIZE THE TEACH OUR CHILDREN FOUNDATION AND THE THIRD ANNUAL BART OATES/RICK CERONE CELEBRITY GOLF OPEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Bart Oates and Rick Cerone, the co-founders of the Teach Our Children Foundation in Newark, New Jersey. On Monday, June 25, 2001, Mr. Oates and Mr. Cerone hosted their Third Annual Oates/Cerone Celebrity Golf Open at the Mountain Ridge Country Club in West Caldwell, New Jersey. This charity event raised funds for the Teach Our Children Foundation, benefiting underprivileged children living in Newark.

The Teach Our Children Foundation, a non-profit organization founded by Bart Oates and Rick Cerone, provides educational and developmental opportunities for children living in Newark. The foundation aims to address problems children face in urban America today, including the presence of drugs, the breakdown of the familial structure, and the difficulties urban schools face in handling these and other issues.

Bart Oates and Rick Cerone are very well known throughout New Jersey for their successful careers in professional football and baseball. Bart Oates, who is a former New York Giant, graduated from Seton Hall's School of Law, and currently is Vice President for Marketing and Client Service at the Gale & Wentworth Real Estate Company. Rick Cerone is a former New York Yankee, an alumnus of Seton Hall University, and founder and president of the Newark Bears Minor League baseball team.

Today, I ask my colleagues to join me in honoring Bart Oates and Rick Cerone, along with the Teach Our Children Foundation of Newark, New Jersey, for providing children with a brighter future and real educational opportunities.

CALLING ON CHINA TO RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. CROWLEY. Mr. Speaker, I want to thank Mr. SMITH of New Jersey for authoring this crucial and timely resolution.

It troubles me to report that one of my constituents is among the many Chinese-Americans being held without cause by the government of the People's Republic of China.

As an author and scholar, Mr. Wu would often travel to the land of his ancestry for business and research.

However, on April 8th, Wu Jianming (Woo John-Ming) of Elmhurst, New York was detained by security forces while traveling in the People's Republic of China. He was taken to an isolated house outside the city of Guangzhou for questioning.

Chinese authorities detained Mr. Wu for nearly a week before finally notifying the American consulate of the arrest in violation of standard protocol.

Though the Consul General was finally granted access to assess the physical and emotional well being of Mr. Wu, the circumstances surrounding his captivity are simply unacceptable. He has now been held for nearly three months without being formally charged with any crime.

Chinese diplomats here in Washington argue that Mr. Wu's case is a matter of national security, and provided no further details.

Mr. Wu is a husband, a scholar, and a U.S. citizen. He is not a subversive element.

For the sake of Sino-American relations, it is essential that he be immediately and unconditionally released.

It troubles me to report that Mr. Wu's story is not an isolated incident. The recent detention of Chinese-American scholars has strained our relationship with Beijing.

As members of the international community and partners of the United States, it is imperative that they be held to the same standards as all other nations.

Therefore, I proudly join Mr. SMITH in supporting the release of these men without further delay, and I urge my colleagues to join us in that endeavor.

HERSHEY INTERMODAL CENTER FUNDING

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. GEKAS. Mr. Speaker, I would like to express my disappointment that funding for the Hershey Intermodal Center was not included in the FY 2002 Transportation Appropriations bill. Hershey, PA is in need of a modernized central business district with a vibrant center of activity to meet the transportation and commercial realities of the 21st Century. To address this need, local government officials have been working with private concerns in a public-private partnership to renovate downtown Hershey. At the heart of the downtown improvement plan is the construction of an intermodal transportation center. This facility will link bus transit, park and ride, and transit parking in a central location. It will also provide parking for the overall downtown development and is situated to provide a stop for the commuter rail service that is envisioned in the CORRIDORone long-term plan. I strongly support this regional economic development project and believe that funding for this important project should have been included in the Transportation Appropriations bill.

Although $2.5 million was not added to this year's House version of the Transportation Appropriations bill, I plan to continue my efforts to seek funds which are seriously needed to revitalize central Pennsylvania. I hope the Senate will correct this oversight, and recognize the needs of the hard working people of our commonwealth.

TRIBUTE TO PAUL BEAZLEY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dear friend, a former colleague, and fellow South Carolinian, Paul W. Beazley. On July 16th, Paul will retire from South Carolina State government. It is a retirement well deserved and he will be sorely missed.

Before coming to this august body, I served as Human Affairs Commissioner for the State of South Carolina. I was fortunate to have Paul among my support staff. Paul joined the State Human Affairs Commission in January of 1973. Upon my arrival in October 1974, I named him Director of the Technical Services Division where he served for five years before being named Deputy Commissioner.

During my nearly 18-year tenure at the Commission, Paul was an invaluable colleague, and became an expert on the issues of equal opportunity and diversity, particularly in the workplace. He accentuated his vast experience in this area with several published works including: Think Affirmative; The Blueprint, which became the leading affirmative action planning manual in the 1970's and 1980's. He recently wrote, The South Carolina Human Affairs Commission: A History, 1972–1977; and Who Give a Hoot at the EEOC?, a public policy case study. He played a key organizing the State's first Human Affairs Forums, two of which were nationally televised.

An active member in his community both professionally and personally, Paul currently serves on the Board of Directors of the Midlands Marine Institute, and is president of the Alumni Association of South Carolina State Government's Executive Institute. Paul is also chairman of the State Appeals Board of the United States Selective Service System.

In addition, Paul is a member of various professional associations, and works as a volunteer for many non-profit organizations. He is also a member of the Eau Claire Rotary Club of Columbia, and has served as President and Secretary of the national Institute for Employment Equity, and as Chairman of the Greater Columbia Community Relations Council. He has also served on the Board of Directors of the Family Services Center of Columbia, the Board of Visitors of Columbia College, the Board of Directors of Leadership South Carolina and numerous task forces at the state and local level.

Prior to joining the Commission in 1973, Paul was a Presbyterian Minister. He served as a pastor, a Conference center Director, and an Educational Consultant. He has also worked as a Consultant for the University of South Carolina General Assistance Center, teaching in the field of test taking and problem-solving. He designed an experimental reading program for the Columbia Urban League.

Paul received his Bachelor of Arts degree from East Tennessee State University, his Master of Divinity from Union Theological Seminary in Virginia, and a Masters of Education from the University of South Carolina, where he also completed Doctoral studies. Paul is also a graduate of the South Carolina Executive Institute (1992), and Leadership South Carolina (1987).

Paul, a longtime resident of my current hometown, Columbia, South Carolina, is married to the former Marcia Rushworth. They have one son, Paul Derrick Beazley, who lives in Charleston. Paul is a competitive tennis player, and we share yet another common interest and pastime, golf.

Mr. Speaker, I ask you to join me in saluting one of our nation's authorities on diversity, one of my State's most highly respected professionals, one of my communities finest citizens, and one of my good friends, Paul W. Beazley, upon his retirement from South Carolina State government. Please join me in wishing him good luck and Godspeed.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my district on Monday, June 25, 2001 and the morning of Tuesday, June 26, 2001, and I would like the record to indicate how I would have voted had I been present.

For rollcall vote No. 186, the resolution calling on the Government of China to Release Li Shaomin and all other American scholars being held in detention, I would have voted ''aye.''

For rollcall vote No. 187, the resolution expressing the sense of the House that Lebanon, Syria and Iran should call upon Hezbollah to allow the Red Cross to visit four abducted Israelis held by Hezbollah forces in Israel, I would have voted ''aye.''

For rollcall vote No. 188, the resolution honoring the 19 U.S. servicemen who died in the terrorist bombing of the Khobar Towers in Saudi Arabia on June 25, 1996, I would have voted ''aye.''

For rollcall vote No. 189, on approving the Journal, I would have voted ''aye.''

IN HONOR OF THE EIGHTH ANNUAL PUERTO RICAN INTERNATIONAL FESTIVAL OF HOBOKEN, NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the participants and sponsors of the Eighth Annual Puerto Rican International Festival of Hoboken, New Jersey. This dynamic event is part of a week-long celebration that pays tribute to Puerto Rican culture and the achievements of Puerto Ricans all around the

globe. This year's festivals were held in Church Square Park on Sunday, June 24, 2001. The Puerto Rican Cultural Committee of Hoboken and the Hoboken Office of Hispanic and Minority Affairs cosponsored the event.

The Puerto Rican Cultural Committee of Hoboken and the Hoboken Office of Hispanic and Minority Affairs did a marvelous job in coordinating and planning this year's festivities. For years, these organizations have promoted cultural and community events in Hoboken, which showcase the heritage, pride, and uniqueness of each nationality or ethnic group in Hoboken. In addition, these two organizations provide essential social and professional guidance for Latinos in Hoboken.

This lively and spirited festival features artists and musicians from all around the world, as well as Puerto Rican music and dance. The Festival is a place where the entire family can enjoy activities, such as animal rides, a petting zoo, outdoor concerts, and over a hundred food vendors serving appetizing Caribbean cuisine.

Hoboken's Puerto Rican Community has been an integral part of the city, and has contributed economically, culturally, and socially to the well-being of our District and State.

Today, I ask my colleagues to join me in honoring the participants and co-sponsors of the Eighth Annual Puerto Rican International Festival of Hoboken, New Jersey.

INDIAN GOVERNMENT CAUGHT RED-HANDED TRYING TO BURN DOWN SIKH HOMES, GURDWARA IN KASHMIR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. TOWNS. Mr. Speaker, in March 2000 when President Clinton was visiting India, 35 Sikhs were murdered in cold blood in the village of Chithi Singhpora in Kashmir. Although the Indian government continues to blame alleged ''Pakistani militants,'' two independent investigations have proven that the Indian government was responsible for this atrocity.

Now it is clear that this was part of a pattern designed to pit Sikhs and Kashmiri Muslims against each other with the ultimate aim of destroying both the Sikh and Kashmiri freedom movements. The Kashmir Media Service reported on May 28 that five Indian soldiers were caught red-handed in Srinagar trying to set fire to a Gurdwara (a Sikh temple) and some Sikh homes. The troops were overpowered by Sikh and Muslim villagers as they were about to sprinkle gunpowder on Sikh houses and the Gurdwara. Several other troops were rescued by the Border Security Forces. The villagers even seized a military vehicle, which the army later had to come and reclaim.

At a subsequent protest rally, local leaders said that this incident was part of an Indian government plan to create communal riots. As such, it fits perfectly with the Chithi Singhpora massacre.

Mr. Speaker, India has been caught red-handed trying to commit an atrocity to generate violence by minorities against each other. Now that the massive numbers of minorities the Indian government has murdered have been exposed, it is trying to get the minorities to kill each other. Instead they are banding together to stop the government's sinister plan. The plan to create more bloodshed is backfiring on the Indian government.

Such a plan is a tyrannical, unacceptable abuse of power. As the superpower in the world and the leader of the forces of freedom, we must take a stand against this tyrannical, terrorist activity. First, President Bush should reconsider the idea of lifting the sanctions against India. Those sanctions should remain in place until the Indian government learns to respect basic human rights. Until then, the United States should provide no aid to India. And to ensure the survival and success of freedom in South Asia, we should go on record strongly supporting self-determination for all the peoples and nations of South Asia in the form of a free and fair, internationally-monitored plebiscite on the issue of independence for Khalistan, Kashmir, Nagalim, and all the nations seeking their freedom. This is the best way to let freedom reign in all of South Asia and to create strong allies for America in that troubled region.

Mr. Speaker, I would like to place the May 28 Kashmir News Service article on the Indian forces trying to burn the Gurdwara into the RECORD at this time for the information of my colleagues, especially those who defended India at the time of the Chithi Singhpora massacre.

[From the Kashmir Media Service, May 28, 2001]

ATTEMPT TO SET ABLAZE SIKH HOUSES IN IHK FOILED

SRINAGAR—Evil forces behind incidents like collective murder of Sikhs in Chatti Singhpora were publicly exposed when the people frustrated the Task Forces' designs to set ablaze Sikh houses and Gurdwara in Srinagar late Saturday night.

According to Kashmir Media Service, Muslims and Sikhs came out of their houses in full force and over powered five of the Indian troops who were about to sprinkle gun powder on Sikhs' houses and adjoining Gurdwara in Alucha Bagh locality with an intention to set them on fire.

The people also seized a military vehicle, the Task Force personnel were riding in. Twelve troops, however, succeeded to escape. Later, the Border Security Force personnel rescued the Task Force personnel. However, the captured vehicle was retained by the people from which, petrol, hand grenades and hundreds of tear gas shells were recovered.

Former APHC Chairman, Syed Ali Gilani led an APHC delegation, including Qazi Ahadullah and Abdul Khaliq Hanif, to the site of the incident. A protest procession was taken out in the locality. The protestors were addressed by Syed Ali Gilani, Ranjiet Singh Sodi, Sardar Bali, Qazi Ahadullah and Abdul Khaliq Hanif.

Syed Ali Gilani recalled the collective murder of Sikhs in Chatti Singhpora and said, now that India has invited Pakistan's Chief Executive General Musharraf for talks, this sinister plan had been hatched to vitiate the atmosphere by creating communal riots.

HONORING JANE E. NORTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize a woman that has made numerous contributions to the State of Colorado and the United States. Jane Norton has served the State in various capacities over the years, and is currently being recognized by her alma mater Colorado State University for her varied accomplishments. As her friends, family and classmates gather to honor Jane Norton, I too would like to pay tribute to Jane. Clearly her hard work is worthy of the praise of Congress.

Jane Norton received her Bachelor of Science in Health Sciences from Colorado State University in 1976. She went on to earn her Masters in Management from Regis University. After graduation Jane held many positions in the government. Most notably Jane was the regional director of the U.S. Department of Health and Human Services, under the administrations of President Ronald Reagan and President George Bush. While serving as the regional director, Jane received the U.S. Public Health Service Assistant Secretary's Award for Outstanding Accomplishment for increasing immunization rates. This is only one of many awards Jane received during her tenure as the regional director of the U.S. Department of Health and Human Services.

Currently Jane runs a number of broad-based health and environmental protection programs ranging from disease prevention, family and community health services and emergency medical services and prevention. Jane is also Secretary of the State Board of Health, a Commissioned Officer for the Food and Drug Administration, and serves on the Board of Directors for the Regional Air Quality Council and Natural Resource Damages Trustee. Throughout her distinguished career, Jane has been and still is known to her friends and colleagues as a team player. Jane is not only a bright and intelligent woman, but also a woman with incredible people skills.

As Jane receives distinction among her former classmates, Mr. Speaker, I would like to take this opportunity to thank her for her service to the United States of America. She has worked hard for this country, and her hard work is deserving of the recognition of Congress.

CESAR CHAVEZ DAY OF SERVICE AND LEARNING

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today with my colleague Mr. BERMAN, to congratulate Governor Davis on the first annual Cesar Chavez Day of Service and Learning, funded through the Governor's Office on Service and Volunteerism (GO SERV).

Cesar E. Chavez, a civil rights leader and community servant, committed his life to empowering people. He championed the cause of thousands of farm workers in order to improve their lives and communities and to work for social justice. Chavez believed that service to others was a way of life, not merely an occupation of an occasional act of charity. He forged a legacy of service, conviction and principled leadership. Californians celebrate and

learn about the life and works of Chavez annually through civic engagement.

On March 30, 2001, the Governor's Office on Service and Volunteerism commemorated the first annual Cesar Chavez Day of Service and Learning by involving K–12 students in service and teaching children about the life and work of Cesar E. Chavez. Individuals, business and community members, teachers and school children came together to perform meaningful service projects to honor the principles by which Chavez conducted his life. GO SERV awarded grants to 71 projects which performed community activities, such as community garden projects, mural painting, theater/teatro performances, environmental restoration projects, community beautification activities, and agricultural/farmworker projects. As a result of these partnerships, over 300,000 students engaged in service activities to honor Cesar E. Chavez.

One striking example was a program in Orange County. At the Orange County Cesar Chavez Day initiative, over 500 4th grade students participated in gleaning fields and harvesting crops. All of the food gathered was donated to the Second Harvest Food Bank which distributed the food locally. Over 25,000 pounds of cabbage, radishes, carrots, onions, romaine, iceberg and butter lettuce was gathered as a result of the program. In addition to gathering food, students planted over 800 seedlings. In June, the program will engage over 400 additional 4th grade students in the program to harvest crops for donation to the Food Bank. The activities are a fitting introduction for students to the life and work of Cesar E. Chavez.

Another program called Barrios Unidos, a nonprofit organization dedicated to violence prevention, developed Cesar Chavez service clubs to commemorate Cesar Chavez Day. Barrios Unidos commemorated the day in seven sites statewide including Santa Cruz, San Mateo, Salinas, Fresno, Santa Monica, Venice, and San Diego. Through these Cesar Chavez clubs, youth participated in community beautification projects while learning about the life and values of Chavez. In Santa Monica for example, people joined to celebrate the day by cleaning up Virginia Avenue Park and painting a 20-foot long mural depicting city life.

GO SERV worked in conjunction with Senator Richard Polanco's office, the Cesar E. Chavez Foundation, the Chavez family, and the Department of Education to promote the first annual Cesar Chavez Day of Service and Learning. We are proud of the undertakings of the first annual Cesar Chavez Day of Service and Learning and look forward to continuing to seeing the impact GO SERV will have in our community while commemorating and teaching Californians about the legacy of Cesar E. Chavez.

WOMEN AND CHILDREN IN AMERICA DENIED VITAL MEDICAL AND FOOD BENEFITS BECAUSE OF IMMIGRATION STATUS

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. REYES. Mr. Speaker, I am here to convey my strong support for the ''Healthy Solutions for America's Hardworking Families'' package developed to provide critical health, nutrition, and protection benefits to legal permanent resident children and women. This package includes three pieces of legislation that take steps to address some of the most blatant gaps in our nation's effort to help those legally here in our country in times of greatest need.

As Chair of the Congressional Hispanic Caucus and as a Member whose district includes a large Hispanic community, one of my top priorities is to advocate for the fair treatment of hard-working, tax paying families. The Immigrant Children's Health Protection Improvement Act, H.R. 1143, gives States the option of providing basic health care coverage to legal permanent resident children and pregnant women who arrived in the U.S. after August 22, 1996. As a result of the 1996 reforms, lawfully present children and pregnant women who arrived in the US after 1996 must wait five years before they can apply for basic health care.

Because many of these recent immigrants are concentrated in low-paying, low-benefit jobs, these hard-working, tax-paying families, like so many citizens in our country, simply cannot afford private health care coverage. Thus, this vulnerable population cannot obtain proper health treatment such as preventative and prenatal care. Many are forced to delay care and rely on emergency room services to receive treatment. I believe this is an unacceptable risk for any American, as well as for current legal immigrants and their future American children.

The Congressional Budget Office estimated last year that this legislation would provide coverage to insure 130,000 children and 50,000 mothers per year who have followed the rules and are in this country legally. In light of the fact that the Hispanic population is the most uninsured in our country, with over 33 percent having no coverage, this legislation is a critical step in meeting this need.

A second component of this package is the Nutrition Assistance for Working Families and Seniors Act, H.r. 2142, which would permit qualified legal immigrants to obtain food stamps regardless of their date of entry. The majority of those impacted would be in low-income families with children and elderly. I have seen first hand, in my district, the detrimental affects of hunger and under-nutrition. Hungry children are more likely to suffer from adverse health effects and studies show that hunger has a negative impact on a child's ability to learn. Furthermore, pregnant women who are undernourished are more likely to have children with low birth weights, Likely leading to developmental delays.

This important bipartisan legislation is widely supported and endorsed by many, including the National Conference of State Legislatures, National Association of Counties, U.S. Conference of Mayors, and the National Governor's Association. Restoring this component of our nation's safety net system is not only critical step toward ending hunger in our country, it is just simply the right thing to do.

Finally, the third bill in the Healthy Solutions package is the Women Immigrant's Safe Harbor Act, H.R. 2258, which would allow legal immigrants who are victims of domestics violence to apply for critically needed safety services. These victims are frequently economically dependent on their abusers and isolated from their support networks. I believe we must do everything we can to support victims of abuse and get them on a path toward a better life.

Mr. Speaker, restoring Medicaid and SCHIP, nutrition, and protection services to this group is simply good public policy, but more importantly, the provisions in the ''Healthy Solutions for America's Hardworking Families'' packages can mean the difference between life and death. We cannot let these children and mothers down. I urge my colleagues to support this important package.

WOMEN AND CHILDREN IN AMERICA DENIED VITAL MEDICAL AND FOOD BENEFITS BECAUSE OF IMMIGRATION STATUS

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. ORTIZ. Mr. Speaker, I commend my colleague from Texas for organizing this Special Order to bring the attention of the House of Representatives to the state of health care—or lack thereof—along the Southwest Border of the United States.

I represent a South Texas district that abuts the international border with Mexico. This part of the country is unique in so many ways, including the health needs and rampant poverty. Currently, the greatest health need in my district is the need for a comprehensive response to the rampant spread of tuberculosis in South Texas and elsewhere along the Southwest Border.

Just today, the Centers for Disease Control announced that the rate of tuberculosis cases in Brownsville, Texas, is nearly five times the national rate.

At least one doctor in the South Texas area has told me that there is a particularly frightening multiple-drug resistant form of tuberculosis that antibiotics just won't kill. I am told that this is spreading fast and is a nightmare for public health officials. It's an enormous problem. Cross-border dwellers, according to the medial community, are not good about following up on medical care and often do not finish drug therapies such as antibiotics. If you only take a little bit of antibiotics, it only takes care of a little bit of the problem and leaves the tuberculosis strong enough to come back again another day.

I supported a resolution in the House that recognizes the importance of substantially increasing United States investment in international tuberculosis control in the Fiscal year 2002 foreign aid budget, which is what it will take to deal with the problem. This resolution also recognizes the importance of supporting and expanding domestic efforts to eliminate tuberculosis in the United States and calls on local, national and world leaders, including the President, to commit to putting an end to the worldwide tuberculosis epidemic.

But as we all know, resolutions have no affect of law; they are merely words on paper on which all of us can agree. But the most fundamental job of Congress is to determine spending priorities, and we will not move forward on finding solutions to this problem without the full attention of Congress and other public policymakers.

Our migration patterns, be they associated with economic circumstances, immigration between countries or just travel between countries, have made this challenge more significant. Today it is only tuberculosis, but that may not be the case tomorrow. This portends a real crisis for health care along the border if other simple or chronic diseases become resistant to medicine we have used so far to eradicate them.

Another unique problem to the border and South Texas is the issue of safe water to drink. Often the people who are low-income and who live in the colonias, the unincorporated neighborhoods that have sprung up around municipalities, have no running water to drink. Generally, they will drink unsafe, unhealthy water and they get sick from it. These are the people least likely to have any kind of health insurance and are usually not even aware of programs like Medicaid that provide the most basic help for them.

Mr. Speaker, I would like to pay special tribute to two great women who have gone to great lengths to ensure that the patients who need medications for tuberculosis get them: Dr. Elena Marin of Su Clinica Familiar and Paula Gomez, the Executive Director of the Brownsville Community Health Center. They have been an excellent source of information to me and other Members of Congress who share an interest in matters relating to health care, and I am enormously grateful to them for their service to South Texas and the nation.

I join my colleague CIRO RODRIGUEZ in support of the ''Healthy Solutions for America's Hardworking Families'' agenda. No agenda can fix everything, but it takes steps to address some of the most egregious gaps in our nation's effort to help new immigrants and those who have lived here for a while along the U.S.-Mexico border.

I thank my colleague from Texas, the Chairman of the Congressional Hispanic Caucus Task Force on Health, for his diligence in bringing these matters before the House of Representatives.

HONORING THE MEMORY OF MR. KENNETH KRAKAUER

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2001

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor Kenneth Krakauer, whose death on June 16 is an incalculable loss to his loving family, cherished friends, and to our community. Ken touched the lives of many people through the inexhaustible energy and caring that he brought to every aspect of his life. He was a lifelong Kansas City resident and the great grandson of Bernhard Ganz, one of the first Jewish sellers in Kansas City.

Throughout his life, Ken Krakauer remained extremely dedicated to his faith, country, and community. He served in the U.S. Army Air Corps where he flew 27 missions in the European Theatre and was awarded the Air Medal with Five Oak Leaf Clusters for his bravery. He played a significant role in and was devoted to many organizations in our community, including: Director of the Menorah Medical Center for 42 years, Secretary of the Kansas City Crime Commission, Chairman and Co-founder of the Kansas City Chapter of the American Jewish Community, Co-chairman of the Kansas City Chapter of the National Conference of Christians and Jews, and a Director of the Barstow School, Visiting Nurses Association, Blue Cross and Blue Shield, UMKC University Associates, Jewish Family Services, and the Jewish Community Relations Bureau to name a few. Ken Krakauer also was an important part of the Kansas City business community. After his Presidency of the Greater Kansas City Chamber of Commerce, The Kansas City Star praised him as ''an unqualified success.'' His grandfather, Bernhard Adler, founded Adler's in 1894, and Ken became owner and President in 1956. Adler's was the place women of all ages shopped to find the latest in fashion. It was always a special occasion for me because of the high standard of service and quality in his stores. His staff reflected his love of helping people find the uniqueness in themselves.

Ken Krakauer was instrumental in the founding of the Committee for County Progress (CCP) with community and civic leaders Bernie Hoffman, Jim Nutter, Sr., Charles Curry, Alex Petrovic, Sr., and Frank Sebree. The government reform movement in Jackson County resulted from their efforts. A charter form of government—modern, open and accessible—was created which was responsive to its citizens and inspired future generations of county leaders. I became active in the CCP, volunteering in local elections to keep the reform alive that Ken Krakauer achieved in the mid '60s as Chairman of the CCP. Through my friendship in high school with his daughter, a treasured relationship that has endured to this day, I came to revere Ken Krakauer for his sage political skills as well as his mentoring during my service in the Missouri General Assembly and my work in the United States Congress. I could always rely on his sound judgment and wisdom to assist me in sorting through the challenges I faced.

Ken Krakauer's dedication to his community was matched only by his love for golf. He was a talented golfer at the University of Missouri where he was a captain of the golf team before graduating in 1938 from the School of Journalism. His passion for golf remained undiminished throughout his life as he served in leadership capacities in the Kansas City Golf Foundation, the Kansas City Golf Association, the Missouri Golf Association, the Junior Golf Foundation of Greater Kansas City, and the Missouri Seniors Golf Association. Ken Krakauer also authored numerous golf articles in ''Golf Digest'' and ''Golf Journal,'' as well as the book, ''When Golf Came to Kansas City,'' the 1986 winner of the National Golf Foundation's Eckhoff Award. He was instrumental in sponsoring college scholarships for area caddies through his participation as a member of the Western Golf Association's Evans Scholars program.

Mr. Speaker, former U.S. Senator, Thomas F. Eagleton enjoyed Ken's friendship throughout his outstanding service to the people of Missouri. I wish to share his reflections with my colleagues:

Ken Krakauer was a marvelous, steadfast friend. When I was young and in my first statewide race for Attorney General of Missouri, he supported me not for what I had done, but for what he hoped I might do. Later when I was in the United States Senate, he would occasionally drop me a note saying he disagreed with a certain vote I had cast. Ken Krakauer believed that an important part of friendship was candor. I have enormous affection for Ken and his wife, Jane, and for Randee and Rex. All of us will dearly miss this wonderful, intelligent man, Ken Krakauer.

Ken Krakauer loved his family and friends with a passion even death cannot diminish. Mr. Speaker, please join me in expressing our deepest sympathy to his devoted wife of 55 years, Jane Rieger Krakauer, his son and daughter-in-law, Rex Rieger and Xiaoning Krakauer, his daughter and son-in-law, Randee Krakauer Kelley and Michael J. Kelley, and his beloved grandchildren, who loved him as KK, Tyler Randal Greif and Eli Jordan Greif. Their unqualified love of ''KK'' was shared with neighborhood children, untold schoolmates and friends as you will find in the remarks by Georgia Lynch which follow.

Mr. Speaker, I ask unanimous consent that the attached testimonial given by Georgia Lynch at the memorial service on Tuesday, June 19th follow my statement in the CONGRESSIONAL RECORD.

OUR SWEET BELOVED UNCLE KEN, JUNE 17, 2001

For those of you whom I do not know, I am Georgia Lynch. Jim and I moved next door to Ken and Jane 27 years ago. We had two little girls Megan and Kara, ages 5 and 3, and a black lab named Ned. We had no family in Kansas City. Immediately, Uncle Ken and Aunt Jane wrapped their arms around us and for the next 27 years we had family, just across the driveway. They have always been there for us, taking the place of the family we lacked.

Our little girls stopped at their back door to ask for cookies, to show off their Halloween costumes, their Easter dresses, their prom dresses, their wedding dresses. Uncle Ken was there to talk about the problems of the day, to give advice and direction, or just to give a hug and a kiss. He was always there willing to be interviewed for school projects and essays, a wealth of knowledge on the most interesting subjects. He asked about their day, their friends, their sports, their boyfriends and was important in their lives. Dogs Megan and Charlie and then Jocko lived there too and were the girls' playmates. Our dog Ned was a problem when we first moved into our house. Our yard was not fenced and he was running the neighborhood. Uncle Ken to the rescue. He arranged for a man who lived in the country to take Ned and care for him. Uncle Ken was forever retrieving balls from his back yard that wandered over the fence, moving bicycles from his driveway, buying cups of lemonade from the girls' lemonade stands. Uncle Ken could always be counted on to buy school trash bags, flowers, candy, help with Brownie and Girl Scout projects, put a Band-Aid on a scratched knee. How wonderful to have Uncle Ken across the driveway. The girls knew he could look in our kitchen window and that he knew everything that went on in the house next door.

Ken loved the Kansas City Chiefs, and always listened with great interest and concern to Jim's tales of adventure on the gridiron. He seldom missed a game and was always there to boost our spirits when we lost or give a strong pat on the back when we won. He followed the children's little sports too, gave directions on the art of roller skating and mastering a bicycle. He could always be counted on to help perfect a golf swing. His stories on Kansas City golf history were amazing. His stories on Kansas City in general were amazing. We listened and we learned.

Our son Jake was born 19 years ago; Ken and Jane were at the door when we brought him home from the hospital. Ken asked us to reconsider calling the baby Jake, ''Sounds too much like an old Jewish man rather than an Irish Catholic baby boy.'' Ken said. ''Call him Michael or Patrick.'' But no, it would stay Jake.

Jake loved his Uncle Ken, as did Megan and Kara. He too would knock on the back door asking for cookies and a chat. Uncle Ken was so sweet with Jake, such a wonderful role model for our young boy. A pat on the back, a bear hug, always a ''How's it going Jake?'' And then, he would listen.

Most days, when Jim was out of town, my newspapers would be at my back door when I came down to the kitchen. How many many mornings did I see the top of his head walk past my kitchen window and hear the slight thump of Uncle Ken in his bathrobe, delivering the news to the kitchen door? How many times did I call him when the power went out, the alarms went off, a strange sound was heard? He would show up at my back door to see if we were OK, one time at 1:00 in the morning dressed in his trench coat over his pajamas with a butcher knife up his sleeve, ready to protect the children and me from an intruder.

Two weeks ago, Jim was babysitting our two-year-old granddaughter Morgan Grace, on a Saturday afternoon. They too, knocked on the Krakauers' back door. Aunt Jane was not home but Uncle Ken was, and of course he brought them to the kitchen table for a big chocolate brownie and milk. Papa Lynch, Uncle Ken and now our grandbaby Morgan, continuing the tradition of so many years with our next generation. Jim said, as always, Uncle Ken talked with little Morgan one on one, giving her his full and loving attention, and a great time was had by all.

What an anchor in our lives our Uncle Ken has been. He is more than a neighbor, more than a friend, he is our Uncle Ken, and we love him deeply and completely. He will always be a part of our lives. How we will miss his wave across the driveway. The last thing he ever did when entering his house was always to glance at our kitchen window before the garage door would come down. Always checking on us in his loving way. How I will miss those taillights pulling into the garage, the sound of the car door slamming, and that sweet smile and wave across the drive.

Daily Digest

HIGHLIGHTS

The House passed H.R. 2299, Transportation Appropriations Act for Fiscal Year 2002.

Senate

Chamber Action

Routine Proceedings, pages S6869–S6936

Measures Introduced: Nine bills and three resolutions were introduced, as follows: S. 1098–1106, S. Res. 117, and S. Con. Res. 55–56. **Page S6920**

Patients' Bill of Rights: Senate continued consideration of S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage, taking action on the following amendments proposed thereto: **Pages S6870–85, S6887–S6913**

Adopted:

Edwards (for McCain/Edwards) Amendment No. 812, to express the Sense of the Senate with regard to the selection of independent review organizations. **Pages S6870, S6901**

By 93 yeas to 6 nays (Vote No. 198), Bond Amendment No. 816, to limit the application of the liability provisions of the Act if the General Accounting Office finds that the application of such provisions has increased the number of uninsured individuals. **Pages S6895–S6901**

Rejected:

By 39 yeas to 61 nays (Vote No. 196), Frist (for Grassley) Modified Motion to Commit to the Committee on Finance, the Committee on Health, Education, Labor and Pensions, and the Committee on the Judiciary with instructions to report back not later than that date that is 14 days after the date on which this motion is adopted. **Pages S6870–84**

By 43 yeas to 57 nays (Vote No. 197), Gramm Amendment No. 810, to exempt employers from certain causes of action. **Pages S6870, S6984–85**

Kyl Amendment No. 818, to clarify that independent medical reviewers may not require coverage for excluded benefits and to clarify provisions relating to the independent determinations of the reviewer. **Pages S6902–09**

Allard Amendment No. 817, to exempt small employers from certain causes of action. **Pages S6909–13**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, June 27, 2001, with 60 minutes for debate in relation to the Allard Amendment No. 817 (listed above), prior to a vote in relation to the amendment, and 60 minutes for debate in relation to the Kyl Amendment No. 818 (listed above), followed by a vote in relation to the amendment, with no second degree amendments in order to either amendment prior to the votes. **Page S6901**

Nominations Received: Senate received the following nominations:

Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration.

Nancy Victory, of Virginia, to be Assistant Secretary of Commerce for Communications and Information.

Robert C. Bonner, of California, to be Commissioner of Customs.

Rosario Marin, of California, to be Treasurer of the United States.

Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

1 Marine Corps nomination in the rank of general. **Page S6936**

Messages From the House: **Pages S6919–20**

Measures Referred: **Page S6920**

Statements on Introduced Bills: **Pages S6921–29**

Additional Cosponsors: **Pages S6920–21**

Amendments Submitted: **Pages S6930–34**

Additional Statements: Page S6919

Enrolled Bills Presented: Page S6920

Authority for Committees: Pages S6934–35

Privilege of the Floor: Page S6935

Record Votes: Three record votes were taken today. (Total—198) Pages S6884–85, S6901

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:22 p.m., until 9:30 a.m., on Wednesday, June 27, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6935.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—CAPITOL ARCHITECT

Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings on proposed budget estimates for fiscal year 2002 for the Architect of the Capitol, after receiving testimony from Alan M. Hantman, Architect of the Capitol.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Strategic concluded hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on the Department of Energy's Office of Environmental Management, after receiving testimony from Carolyn L. Huntoon, Assistant Secretary of Energy for Environmental Management.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nomination of Donald E. Powell, of Texas, to be a Member and Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, after the nominee, who was introduced by Senator Hutchison and Representatives Combest and Thornberry, testified and answered questions in his own behalf.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nominations of Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of Commerce, and Allan Rutter, of Texas, to be Administrator of the Federal Railroad Administration, Kirk Van Tine, of Virginia, to be General Counsel, and Ellen G. Engleman, of Indiana, to be Administrator of the Research and Special Programs Administration, all of the Department of Transportation, after the nominees testified and answered questions in their own behalf.

NATIONAL ENERGY SECURITY AND NUCLEAR ENERGY PRODUCTION

Committee on Energy and Natural Resources: Committee concluded hearings to examine certain provisions relating to the renewal of the Price-Anderson Act to provide liability coverage for Department of Energy nuclear activities, and nuclear energy production and efficiency incentives as contained in S. 472, to ensure that nuclear energy continues to contribute to the supply of electricity in the United States, S. 597, to provide for a comprehensive and balanced national energy policy, and S. 388, 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, after receiving testimony from Eric J. Fygi, Deputy General Counsel, Department of Energy; Joseph R. Gray, Associate General Counsel For Licensing and Regulation, Nuclear Regulatory Commission; John Bradburne, Fluor Fernald, Inc., Cincinnati, Ohio, on behalf of Energy Contractors Price-Anderson Group; Marvin S. Fertel, Nuclear Energy Institute, and Erich Pica, Friends of the Earth, both of Washington, D.C.; and John L. Quattrocchi, American Nuclear Insurers, West Hartford, Connecticut.

U.S./VIETNAM BILATERAL TRADE AGREEMENT

Committee on Finance: Committee held hearings to examine the thoroughness of the United States-Vietnam Bilateral Trade Agreement in order to normalize relations between the two countries, provide a guide to commercial relations, and pave the way for an eventual WTO-based relationship, receiving testimony from Peter B. Davidson, General Counsel, Office of the United States Trade Representative; Ralph L. Boyce, Deputy Assistant Secretary of State for East Asian and Pacific Affairs; Virginia B. Foote, U.S.-Vietnam Trade Council, and Lionel C. Johnson, Citigroup, Inc., both of Washington, D.C.; and Mark Levinson, Union of Needletrades, Industrial and Textile Employees, New York, New York.

Hearings recesses subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador to the Kingdom of Morocco, C. David Welch,

of Virginia, to be Ambassador to the Arab Republic of Egypt, Daniel C. Kurtzer, of Maryland, to be Ambassador to Israel, Robert D. Blackwill, of Kansas, to be Ambassador to India, and Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, after the nominees testified and answered questions in their own behalf. Mr. Blackwill was introduced by Senator Brownback.

DIABETES RESEARCH FUNDING

Committee on Governmental Affairs: Permanent Subcommittee on Investigations concluded hearings to examine the adequacy of federal funding allocated to fight diabetes, the impact of the disease on society, and current research opportunities to find a cure, after receiving testimony from Allen M. Spiegel, Director, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Department of Health and Human Services; Captain James Lovell, Lake Forest, Illinois, Mary Tyler Moore and Kevin Kline, both of New York, New York, Jonathon Lipnicki, Tessa Wick, and Katie Zucker, all of Los Angeles, California, Hugh Auchincloss, Jr., Massachusetts General Hospital and Harvard Medical School, Boston, James Robbins, Cox Communications, Atlanta, Georgia, Greg Brenneman, The Woodlands, Texas, Rachel Dudley, Southfield, Michigan, Andrew Webber, Steep Falls, Maine, Michelle and Eliza Jayne Kiley, Tarentum, Pennsylvania, Daniel and Jessica Thaller, Burlington, North Carolina, and Caroline Rowley, Houston, Texas, all on behalf of the Juvenile Diabetes Research Foundation International.

GREAT PLAINS TRIBES

Committee on Indian Affairs: Committee concluded oversight hearings to examine the goals and priorities of the Great Plains Tribes for the 107th Congress, after receiving testimony from Gregg Bourland, Cheyenne River Sioux Tribe, Eagle Butte, South Dakota; Tex G. Hall, Three Affiliated Tribes, New Town, North Dakota; Thomas Ranfranz, Flandreau Santee Sioux Tribe, Flandreau, South Dakota; Mike Jandreau, Lower Brule Sioux Tribe, Lower Brule, South Dakota; William Kindle, Rosebud Sioux Tribe, Rosebud, South Dakota; Phillip Longie, Spirit Lake Dakota Nation, Fort Totten, North Dakota; Richard Monnette, Turtle Mountain Chippewa Tribe, Belcourt, North Dakota; Roger Trudell, Santee Sioux Tribe, Niobrara, Nebraska; and John Steele, Oglala Sioux Tribe, Pine Ridge, South Dakota.

JUDICIAL NOMINATION PROCESS

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts held hearings to examine the role that ideology should play in the selection and confirmation of Federal judges, receiving testimony from Lloyd N. Cutler, Constitution Project, and C. Boyden Gray, Wilmer, Cutler & Pickering, both former White House Counsels, Marcia D. Greenberger, National Women's Law Center, and Clint Bolick, Institute for Justice, all of Washington, D.C.; Laurence H. Tribe, Harvard Law School, Cambridge, Massachusetts; Stephen B. Presser, Northwestern University School of Law, and Cass R. Sunstein, University of Chicago Law School and Department of Political Science, both of Chicago, Illinois; and Eugene Volokh, University of California School of Law, Los Angeles.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 16 public bills, H.R. 2309–2324; and 4 resolutions, H. Con. Res. 173–174, and H. Res. 179–180, were introduced. **Pages H3617–18**

Reports Filed: Reports were filed as follows:

H.R. 2213, to respond to the continuing economic crisis adversely affecting American agricultural producers, amended (H. Rept. 107–111);

H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002 (H. Rept. 107–112);

H. Res. 179, providing for consideration of motions to suspend the rules (H. Rept. 107–113); and H.Res. 180, providing for consideration of H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002 (H. Rept. 107–114). **Page H3617**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today. **Page H3521**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Lawson Anderson, Canon Pastor, Episcopal Diocese of Arkansas, Little Rock, Arkansas. **Page H3522**

Journal: The House agreed to the Speaker's approval of the Journal of Monday, June 25 by a yea and nay vote of 346 yeas to 45 nays with 1 voting ''present'', Roll No. 189. **Pages H3522–23**

Recess: The House recessed at 9:08 a.m. and reconvened at 10 a.m. **Page H3522**

Member Sworn—Fourth District of Virginia: Representative-Elect J. Randy Forbes presented himself in the well of the House and was administered the Oath of Office by the Speaker. **Page H3523**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Disaster Relief Assistance Provided to Houston During Tropical Storm Allison: H. Res. 166, recognizing the outstanding and invaluable disaster relief assistance provided by individuals, organizations, businesses, and other entities to the people of Houston, Texas, and surrounding areas during the devastating flooding caused by tropical storm Allison (agreed to by a yea and nay vote of 411 yeas with none voting ''nay'', Roll No. 192); **Pages H3526–33, H3549–50**

2001 Crop Year Economic Assistance: H.R. 2213, amended, to respond to the continuing economic crisis adversely affecting American agricultural producers; and **Page H3533–39**

150th Anniversary of the YMCA: H. Con. Res. 172, amended, recognizing and honoring the Young Men's Christian Association on the occasion of its 150th anniversary in the United States. **Pages H3595–97**

Transportation Appropriations Act for Fiscal Year 2002: The House passed H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002 by a yea and nay vote of 426 yeas to 1 nay, Roll No. 194. **Pages H3550–81, H3582–94**

Agreed To:

DeFazio amendment that makes $720,000 available for a toll-free airline consumer hotline; **Page H3569**

Rogers en bloc amendment that removed authorizing language on page 16 dealing with the Highway Trust fund, page 19 dealing with Highway Traffic Safety Grants, page 25 dealing with the Highway Trust Fund, page 55 dealing with Secretary of Transportation oversight activities, and Section 336 dealing with Amtrak services the General Services Administration; **Page H3572**

Andrews amendment No. 1 printed in the Congressional Record of June 25 that reduces funding for the Amtrak Reform Council by $335,000; **Pages H3577–78**

Traficant amendment No. 5 printed in the Congressional Record of June 25 that prohibits funding to persons or entities convicted of violating the Buy American Act; **Pages H3585–86**

Schiff amendment that prohibits funding for the freeway extension project through El Sereno, South Pasadena, and Pasadena, California; and **Page H3586**

Sabo amendment that prohibits funding to process applications by Mexico-domiciled motor carriers to operate beyond municipalities and commercial zones adjacent to the United States-Mexico border (agreed to by a recorded vote of 285 ayes to 143 noes, Roll No. 193). **Pages H3586–93**

Rejected:

Jackson-Lee amendment No. 3 printed in the Congressional Record of June 25 that sought to strike Section 329 that prohibits funding for a light rail system in Houston, Texas. **Pages H3578–81**

Withdrawn:

Olver amendment was offered but subsequently withdrawn that sought to allow funding for activities related to the Kyoto Protocol that are otherwise authorized by law. **Pages H3582–85**

Points of Order Sustained:

Against LoBiondo en bloc amendment that sought to increase funding for the Coast Guard by $250 million; **Pages H3566–67**

Against language on pages 13 line 24, beginning with ''for administration'' through ''section 40117'' on line 25; and on page 14 beginning with ''Provided'' on line 12, through line 20 dealing with airport and airway program administration and the small community air service pilot program; **Pages H3568–69**

Against Young of Alaska amendment that sought to make available $10 million for the Small Community Air Service Development Pilot Program; **Pages H3569–70**

Against language beginning on page 15 line 9 through line 14 dealing with the Federal Motor Carrier Safety Administration; **Page H3571**

Against Jackson-Lee amendment No. 4 printed in the Congressional Record of June 25 that sought to make available $5 million for the operation of the control center that monitors traffic in Houston, Texas, known as ''Houston TransStar''; **Pages H3571–72**

Against language on Page 23 line 20 beginning with ''Provided'' through page 24 line 2 dealing with the Federal Transit Administration, Capital investment grants; **Page H3573**

Against language on Page 26 lines 9 and 10, "That notwithstanding any other provision of law" and lines 15 and 16 dealing with the Federal Transit Administration, Formula Grants; **Page H3574**

Against language on Page 31 line 9 through "as amended" on line 10 dealing with Public Law 105–178; **Page H3574**

Against Section 310, page 38 line 23 through page 45 line 2, dealing with Federal-aid Highways; **Page H3576**

Against Section 323, page 50 line 22 through page 51 line 15 dealing with motor carrier safety grants; **Page H3577**

Against Section 334, page 55 lines 6 through 13 dealing with the Mohall Railroad, Inc. in North Dakota; and **Page H3585**

Against Section 339, page 56 line 16 through page 57 line 2 dealing with an FAA project to add critical airport capacity to the national air transportation system. **Page H3585**

Agreed to H. Res. 178, the rule that provided for consideration of the bill by a yea and nay vote of 219 yeas to 205 nays, Roll No. 191. Earlier, the House agreed to consider the rule by a yea and nay vote of 219 yeas to 202 nays, Roll No. 190. Representative Moran of Virginia had raised a point of order against its consideration pursuant to Sec. 426 of the Congressional Budget Act. **Pages H3539–49**

Consideration of Suspensions: Agreed that it be in order at any time on Wednesday, June 27 for the Speaker to entertain motions that the House suspend the rules relating to the following measures: H. Res. 172, H.R. 2133, and H.R. 691. **Page H3595**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H3619–20.

Quorum Calls—Votes: Five yea and nay votes and one recorded vote developed during the proceedings of the House today and appears on pages H3522–23, H3543–44, H3549, H3549–50, H3593, and H3594. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:06 p.m.

Committee Meetings

RURAL DEVELOPMENT REVIEW

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development and Research held a hearing to review on rural development. Testimony was heard from Blaine Stockton, Acting Administrator, Rural Utilities Service, USDA; and public witnesses.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on the Library of Congress, the GPO, the GAO and on the CBO. Testimony was heard from James H. Billington, The Librarian of Congress; Michael F. DiMario, Public Printer, GPO; David M. Walker, Comptroller General, GAO; and Dan L. Crippen, Director, CBO.

NATIONAL NUCLEAR SECURITY ADMINISTRATION MANAGEMENT

Committee on Armed Services: Special Oversight Panel on Department of Energy Reorganization held a hearing on the management of the National Nuclear Security Administration. Testimony was heard from John S. Foster, Chairman, Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile, Department of Energy.

READINESS POSTURE—MILITARY SERVICE

Committee on Armed Services: Subcommittee on Military Readiness held a hearing on the readiness posture of the military service. Testimony was heard from the following officials of the Department of Defense: Gen. John M. Keane, USA, Vice Chief of Staff, Department of the Army; Adm. William J. Fallon, USN, Vice Chief of Naval Operations, Department of the Navy; Gen. John W. Handy, USAF, Vice Chief of Staff, Department of the Air Force; and Gen. Michael J. Williams, USMC, Assistant Commandant, Headquarters, U.S. Marine Corps.

DEFENSE SCIENCE AND TECHNOLOGY PROGRAM

Committee on Armed Services: Subcommittee on Military Research and Development held a hearing on the Defense Science and Technology Program. Testimony was heard from the following officials of the Department of Defense: E.C. Aldridge, Under Secretary (Acquisition, Technology and Logistics); Delores Etter, Deputy Under Secretary (Science and Technology); Michael Andrews II, Deputy Assistant Secretary, Army (Research and Technology); Rear Adm. Jay Cohen, USN, Chief of Naval Research, Department of the Navy; Donald Daniel, Deputy Assistant Secretary, Air Force (Science, Technology and Engineering); Anthony J. Tether, Director; and Jane Alexander, Deputy Director, both with the Defense Advanced Research Projects Agency; Tim Coffey, Director of Research, Naval Research Laboratory; Walt Morrow, MIT/Lincoln Laboratory; and a public witness.

TRADE IN FINANCIAL SERVICES

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade held a hearing entitled "Trade in Financial Services—Current

Issues and Future Developments.'' Testimony was heard from public witnesses.

CAPITAL FORMATION—SEC's ROLE

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''The SEC's Role in Capital Formation: Help or Hindrance?'' Testimony was heard from public witnesses.

D.C. SUPERIOR COURT—REFORM FAMILY DIVISION

Committee on Government Reform: Subcommittee on the District of Columbia held a hearing on the Reform of the Family Division of the District of Columbia Superior Court-Improving Services to Families and Children. Testimony was heard from Representative DeLay; the following officials of the District of Columbia: Rufus King III, Chief Judge, Superior Court; Kathy Patterson, Chair, Committee on the Judiciary, City Council; and Olivia A. Golden, Director, Child and Family Services Agency; and public witnesses.

CRIMINAL LAW TECHNICAL AMENDMENTS; FAMILY SPONSOR IMMIGRATION ACT

Committee on the Judiciary: Ordered reported the following bills: H.R. 2137, Criminal Law Technical Amendments Act of 2001; and H.R. 1892, amended, Family Sponsor Immigration Act of 2001.

INTERNET TAX NONDISCRIMINATION ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the following bills: H.R. 1552, Internet Tax Nondiscrimination Act; and H.R. 1675, Internet Tax Nondiscrimination Act. Testimony was heard from Representative Cox; James S. Gilmore III, Governor, State of Virginia, and Chairman, Advisory Commission on Electronic Commerce; John Engler, Governor, State of Michigan; and a public witness.

MINERAL LEASING ACTIVITIES RECEIPTS

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on H.R. 2187, to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves. Testimony was heard from Representative Hefley; and Pete Culp. Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management, Department of the Interior.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands approved for full Committee action the following bills: H.R. 271, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada; H.R. 695, amended, Oil Region National Heritage Area Act; H.R. 1491, Utah Public Lands Artifact Preservation Act of 2001; and H.R. 1628, El Camino Real de los Tejas National Historic Trail Act of 2001.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour debate on H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in the Rules Committee report accompanying the rule shall be considered as adopted. The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill), except as specified in the rule. The rule provides that the bill shall be considered for amendment by paragraph. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Callahan, Visclosky, Berkley and Davis of Florida.

MOTIONS TO SUSPEND THE RULES

Committee on Rules: Granted, by voice vote, a resolution providing that certain suspensions will be in order at any time on the legislative day of Wednesday, June 27, 2001.

REINVENTING THE INTERNET: PROMOTING INNOVATION IN IT

Committee on Science: Subcommittee on Research held a hearing on Reinventing the Internet: Promoting Innovation in IT. Testimony was heard from public witnesses.

SPACE TOURISM

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Space Tourism. Testimony was heard from Mike Hawes, Deputy Associate Administrator, Space Station, NASA; and public witnesses.

ADMINISTRATION's TRADE AGENDA

Committee on Small Business: Held a briefing on the Administration's Trade Agenda: How Does Small Business Fit In? The Committee was briefed by Ambassador Robert Zoellick, U.S. Trade Representative.

ACCESS TO CAPITAL

Committee on Small Business: Subcommittee on Tax, Finance and Exports and the Subcommittee on Workforce, Empowerment and Government Programs held a joint hearing on access to capital. Testimony was heard from public witnesses.

RUNWAY INCURSIONS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Runway Incursions, Focusing on the Technology to Prevent Collisions. Testimony was heard from Carol Carmody, Acting Chairman, National Transportation Safety Board; the following officials of the Department of Transportation: Kenneth R. Mead, Inspector General; and William S. Davis, Director, Runway Safety, FAA; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *of June 8, 2001, p. D553)*

H.R. 1914, to extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. Signed on June 26, 2001. (Public Law 107–17)

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 27, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings on the nomination of Dionel M. Aviles, of Maryland, to be Assistant Secretary of the Navy for Financial Management and Comptroller, the nomination of Reginald Jude Brown, of Virginia, to be Assistant Secretary of the Army for Manpower and Reserve Affairs, the nomination of Stephen A. Cambone, of Virginia, to be Deputy Under Secretary for Policy, the nomination of Michael Montelongo, of Georgia, to be Assistant Secretary of the Air Force for Financial Management and Comptroller, and the nomination of John J. Young, Jr., of Virginia, to be Assistant Secretary of the Navy for Research, Development and Acquisition, all of the Department of Defense, 10 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy, to hold hearings on proposed legislation authorizing funding for the Defense Production Act, 2 p.m., SD–538.

Committee on the Budget: to hold hearings to examine the outlook of the U.S. economy, 10 a.m., SD–608.

Committee on Energy and Natural Resources: to hold hearings on the nomination of Vicky A. Bailey, of Indiana, to be Assistant Secretary of Energy for International Affairs and Domestic Policy; and the nomination of Frances P. Mainella, of Florida, to be Director of the National Park Service, and the nomination of John Walton Keep III, to be Commissioner of the Bureau of Reclamation (pending receipt by the Senate), both of the Department of the Interior, 9:30 a.m., SD–366.

Committee on Finance: to hold hearings to examine prescription fraud, focusing on consultants selling doctors bad billing advice, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings on the nomination of Clark T. Randt, Jr., of Connecticut, to be Ambassador to the People's Republic of China; the nomination of Douglas Alan Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic and the nomination of Charles J. Swindells, of Oregon, to be Ambassador to New Zealand, and to serve concurrently and without additional compensation as Ambassador to Samoa, 9:45 a.m., SD–419.

Full Committee, to hold hearings on the nomination of Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues, the nomination of William A. Eaton, of Virginia, to be Assistant Secretary for Administration, the nomination of Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, and the nomination of Clark Kent Ervin, of Texas, to be Inspector General, all of the Department of State, 11:15 a.m., SD–419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the federal governments role in retaining nurses for the delivery of federally funded health care services, focusing on the effects nursing shortages have on health care and long-term care programs, including Medicare, Medicaid, Veteran's and defense health, 10 a.m., SD–342.

Select Committee on Intelligence: to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: to hold hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases, 10 a.m., SD–226.

Committee on Rules and Administration: to hold hearings to examine a report from the U.S. Commission on Civil Rights regarding the November 2000 election and election reform in general, 10:30 a.m., SR–301.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Rural Development and Research, hearing to review agricultural research, 10 a.m., 1300 Longworth.

Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing to review the food stamp program, 2 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, to mark up appropriations for fiscal year 2002, time to be announced, H–309 Capitol.

Subcommittee on Foreign Operations, Export Financing and Related Programs, to mark up appropriations for fiscal year 2002, 9 a.m., H–140 Capitol.

Subcommittee on Military Construction, on Quality of Life in Korea, 10 a.m., 2362–B Rayburn.

Committee on Armed Services, hearing on military training on the island of Vieques, 10 a.m., 2118 Rayburn.

Subcommittee on Military Procurement, hearing on the budget for atomic energy defense activities of the Department of Energy, 2 p.m., 2118 Rayburn.

Committee on the Budget, hearing on Forthcoming Extension/Modification of the Budget Enforcement Act (Spending Caps and PAYGO), 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, to mark up H.R. 2070, Sales Incentive Compensation Act, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing on Hydroelectric relicensing and nuclear energy, 10 a.m., 2123 Rayburn.

Subcommittee on Health, hearing on Advancing the Health of the American People: Addressing Various Public Health Needs, focusing on the following measurers: H.R. 293, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary of Indian Health; H.R. 632, Men's Health Act of 2001; H.R. 717, Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments of 2001; H.R. 943, Flu Vaccine Availability Act of 2001; H.R. 1340, Biomedical Research Assistance Voluntary Option Act; H. Con. Res. 25, expressing the sense of the Congress regarding tuberous sclerosis; H. Con. Res. 36, urging increased Federal funding for Juvenile (Type I) diabetes research; H. Con. Res. 61, expressing support for a National Reflex Sympathetic Dystrophy (RSA) Awareness Month; and H. Con. Res. 84, supporting the goals of Red Ribbon Week in promoting drug-free communities, 1 p.m., 2322 Rayburn.

Committee on Financial Services, to consider the following: H.R. 1408, Financial Services Antifraud Network Act of 2001; and H.R. 1850, Senior Housing Commission Extension Act of 2001 10 a.m., 2128 Rayburn.

Committee on International Relations, to mark up the following measures: H.R. 2069, Global Access to HIV/AIDs Prevention, Awareness, Education and Treatment Act of 2001; and H. Con. Res. 168, expressing the sense of Congress in support of victims of torture, 10:15 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on Organs For Sale: China's Growing Trade and Ultimate Violations of Prisoners' Rights, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on S. 487, Technology, Education, and Copyright Harmonization Act of 2001, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration and claims, to mark up the following bills: H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States; H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors; H.R. 2276, to amend the illegal Immigration and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien; and H.R. 1840, to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees, 2 p.m., 2237 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 271, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center; H.R. 434, to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California; H.R. 451, Mount Nebo Wilderness Boundary Adjustment Act; H.R. 695, Oil Region National Heritage Area Act; H.R. 1628, El Camino Real de los Tejas National Historic Trail Act of 2001; H.R. 427, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon; H.R. 1937, Pacific Northwest Feasibility Studies Act of 2001; and H.R. 2187, to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves, 9:30 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Environment, Technology, and Standards, to mark up H.R. 2275, Voting Technology Standards Act of 2001, 2 p.m., 2318 Rayburn.

Select Committee on Intelligence, Working Group on Terrorism and Homeland Security and the Subcommittee on Intelligence Policy and National Security, executive, joint briefing on Counterterrorism Issues, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 27

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 1052, Patients' Bill of Rights, with 60 minutes for debate in relation to the Allard Amendment No. 817, prior to a vote in relation to the amendment, and 60 minutes for debate in relation to the Kyl Amendment No. 818, followed by a vote in relation to the amendment.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 27

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H. Res. 172, Honoring the Sacrifice and Heroism of the Late Firefighters John J. Downing, Brian Fahey, and Harry Ford;

(2) H.R. 2133, Brown V. Board of Education 50th Anniversary Commemoration Commission; and

(3) H.R. 691, Child Passenger Protection Education Grants;

Consideration of H.R. 2311, Energy and Water Development Appropriations for FY 2002 (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

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